

AFRICAN UNION

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**PEACE AND SECURITY COUNCIL
249th MEETING
22 NOVEMBER 2010
ADDIS ABABA, ETHIOPIA**

PSC/PR/COMM.(CCXLVIX)

COMMUNIQUE

COMMUNIQUE OF THE 249th MEETING OF THE PEACE AND SECURITY COUNCIL

The Peace and Security Council of the African Union (AU), at its 249th meeting, held on 22 November 2010, adopted the following decision on the prevention and combating of terrorism:

Council,

1. **Takes note** of the report of the Chairperson of the Commission on Measures to Strengthen Cooperation in the Prevention and Combating of Terrorism in Africa [PSC/PR/2(CCXLIX)], which was introduced by the Commissioner for Peace and Security, as well as of the statements made by the newly-appointed Special Representative of the Chairperson of the Commission for Counter-Terrorism Cooperation, the Head of the United Nations Office to the African Union and the representative of the European Union (EU);
2. **Expresses** serious concern over the worsening of the scourge of terrorism and the threat that this situation poses to peace, security and stability in Africa and the increased linkages between terrorism and organized crimes, including drug trafficking, money laundering, illicit trafficking in firearms and mercenarism. Council **reiterates** AU's conviction that terrorism cannot be justified under any circumstances and its determination to combat this scourge in all its forms and manifestations, on the basis of African and international instruments and decisions, including the 1999 Convention on the Prevention and Combating of Terrorism, its 2004 Supplementary Protocol, the 2002 AU Plan of Action on the Prevention and Combating of Terrorism, other international legal instruments and relevant UN Security Council resolutions;
3. **Recalls** decision Assembly/AU/Dec.311(XV) on the Prevention and Combating of Terrorism, adopted by the 15th Ordinary Session of the Assembly of the Union, held in Kampala, Uganda, from 25 to 27 July 2010, which, *inter alia*, requested the Commission to submit to Council concrete recommendations aimed at strengthening the effectiveness of Africa's action in the prevention and combating of terrorism;
4. **Welcomes** the recent measures taken by the Commission to enhance the effectiveness of Africa's response to the scourge of terrorism, in particular the elaboration of an African anti-terrorism draft Model Law, which will be examined at a meeting of Member States experts, in Algiers, Algeria, from 15 to 16 December 2010, as well as the appointment of Mr. Francisco Madeira, as the Special Representative of the Chairperson of the Commission for Counter-Terrorism Cooperation and, concurrently, as Director of the African Centre on the Study and Research on Terrorism (ACSRT). Council **also welcomes** the efforts made by the ACSRT to build and enhance the capacity of Member States, including their security institutions, promote the exchange of

information among Member States through their Focal Points and facilitate the provision of technical assistance, as well as the participation of the Centre in the missions of the United Nations Counter-Terrorism Executive Directorate (CTED) to monitor the implementation of Security Council resolution 1373(2001);

5. **Encourages** the Commission to pursue and intensify its efforts, with particular attention to capacity building for Member States, the strengthening of the ACSRT, in particular its human resources, and the elaboration of an African arrest warrant for persons charged with or convicted of any terrorist act. Council **welcomes** the planned consultations of the Special Representative of the Chairperson of the Commission with Member States currently facing the threat of terrorism and with other stakeholders, to identify practical measures through which the AU can better support their efforts. In this respect, Council **requests** the Commission to convene, in the course of 2011, regional conferences aimed at better assessing the threat of terrorism in the different regions of the continent, further sensitizing Member States on the AU and international instruments on terrorism, and articulating comprehensive regional action plans that take into account all relevant aspects, including the nexus between development and security;

6. **Requests** the newly appointed Special Representative of the Chairperson of the Commission for Counter-Terrorism Cooperation and the Executive Secretariat of the Committee of Intelligence and Security Services of Africa (CISSA) to actively work together, in the framework of AU efforts towards addressing the threat of Terrorism in the continent;

7. **Calls** on Member States that have not yet done so to urgently take the steps required to become parties to the 1999 Convention and its 2004 Supplementary Protocol, as well as to relevant international instruments, and to fully implement the provisions contained therein. In this respect, Council **stresses** the importance of timely exchange and sharing of information, the submission of annual reports to Council on measures taken to combat and prevent terrorism, the notification to Council of all terrorist activities in their territories as soon as they occur. Council **also calls** on the Regional Mechanisms for Conflict Prevention, Management and Resolution to fully play the complementary role expected of them, in particular through timely exchange of information with the ACSRT through their Focal Points;

8. **Reiterates** AU's strong rejection and condemnation of the payment of ransom to terrorist groups and, in this respect, **recalls** the above-mentioned decision Assembly/AU/Dec.256(XIII) adopted by the 13th Ordinary Session of the Assembly of the Union, held in Sirte, Libya, from 1 to 3 July 2010, as well as the relevant provisions of decision Assembly/AU/Dec.311(XV). Council **urges** Member States to incorporate the prohibition of the payment of ransom to terrorist groups into their national legislations;

9. **Calls on** AU bilateral and multilateral partners, including the EU in the context of the Africa-EU partnership, to extend their full support to the AU decisions on this matter and joint the efforts for the UN Security Council to adopt a binding resolution against the payment of ransom to terrorist groups and for the UN General Assembly to initiate negotiations with the view to elaborating a Supplementary Protocol to the 1979 International Convention Against the Taking of Hostages or the 1999 International Convention for the Suppression of the Financing of Terrorism. More generally, Council **stresses** the need for strengthened collaboration between the AU and its partners in the fight against terrorism and, in this regard, **expresses appreciation** to partners who have provided support to the AU, in particular the EU, and to relevant United Nations organs for their cooperation with the AU;

10. **Decides**, within the framework of Article 3(d) of the Protocol Relating to the Establishment of the Peace and Security Council (PSC), to present, as part of the Report on its activities and the State of Peace and Security in Africa, regular updates on terrorist activities in Africa and AU's efforts and, in line with Article 8(5) of the PSC Protocol, to establish, as a subsidiary organ of Council, a Sub-Committee on Counter-terrorism, comprising 5 members of Council representing the different regions of the continent, to ensure the implementation of relevant AU and international instruments, prepare, publicize and regularly review a list of persons, groups and entities involved in terrorist acts, in line with the 2002 Plan of Action on the Prevention and Combating of Terrorism, and other related tasks ;

11. **Emphasizes** the imperative need, in the fight against terrorism, to uphold the highest standards in terms of human rights and international humanitarian law, bearing in mind the provision of Article 3(1k) of the Protocol to the AU Convention on the Prevention and Combating of Terrorism. In this respect, Council **requests** the Commission to work closely with the African Commission on Human and People's Rights and other stakeholders to promote and ensure the respect for human rights and international humanitarian law, while preventing and combating terrorism;

12. **Further emphasizes** the need to address all factors that provide a breeding ground for terrorism, alienation and extremism, notably through comprehensive counter-terrorism strategies, covering not only security and law enforcement, but also poverty reduction, job creation, development and the promotion of a culture of peace and tolerance;

13. **Decides** to remain seized of the matter and, in this respect, **requests** the Commission to submit to it reports and briefings, as appropriate, on the state of terrorism in Africa and the efforts made at continental and international level to address this scourge.

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