



LEVEL OF IMPLEMENTATION OF COUNTERTERRORISM MEASURES AND THE JOINT REGIONAL ACTIONS AGAINST TERRORISM IN THE WEST AFRICA SUB-REGION

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Abstract

This study examined the level of implementation of counterterrorism measures and the joint regional action fight against terrorisms in the West Africa sub-region. Using the theory of collective security, the study was able to assess the joint action of ECOWAS in collaboration with local and foreign actors like the United States of America, France, African Union, European Union and the United Nations in the fight against terrorism. The qualitative research design and secondary data comprising existing literature on terrorism from 2001-2020 was employed. Findings revealed that ECOWAS declaration against terrorism was an instrument that provided common operational framework of actions to prevent terrorism in the West Africa sub-region. Also, study revealed that ECOWAS member's states had tried to prevent terrorism by eliminating the socio-economic and political conditions, such as poverty, unemployment and inequalities, which engender the rise of terrorists. However, several challenges are faced by ECOWAS member states in the implementation of the counterterrorism measures such as porous border, lack of capacity to process goods and people even in manned borders, terrorists and other armed groups exploit conditions of poverty, political instability, bad governance, corruption, and the absence of the rule of law to recruit, plan and train their members and even raise money for their nefarious activities. The study recommends among others that government must show strong commitment towards operationalizing national counterterrorism measures by providing the needed financial, human and technical resources. In addition, West African nations should deepen collaborations in critical areas of intelligence and information-sharing on terrorism.

Keywords: Joint regional action; Terrorism; Counterterrorism; ECOWAS; West Africa; Collective security;

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Introduction

In the West Africa sub-region, terrorist activities have been of immense security concern to the individual states and the Economic Community of West African States (ECOWAS) as a regional organization. A number of West African states have in recent year's experienced terrorist attacks in which lives were lost and public and private properties were destroyed. According to the African Union (AU, 2022), the relatively weak security structure, worsened by weak economies have made issues of terrorism a great concern in the West Africa sub-region. Fandom (2022) noted that security architecture of most West African countries are characterized by ill-equipped security agencies, inadequate collaboration among various agencies, poor communication network, general lack of logistics support, institutionalized corruption, low budgetary allocations for training of military personnel, poor intelligence gathering and

information-sharing mechanisms and outmoded security gadgets have compounded the situation.

Security challenges in West Africa now appeared to be mostly transnational in nature coupled with the fact that West African countries borders are porous (Institute for Economics and Peace, 2022). The porosity of the frontiers is exacerbated by ECOWAS protocol on free movements of people, goods and services. Terrorists, therefore operate across borders easily, making all West Africa countries susceptible to terrorist attacks. This further facilitates terrorists and criminal gangs to also elude apprehension, as have been demonstrated by Boko-Haram in Nigeria and other terrorist groups in the sub-region (International Crisis Group, 2021). These terrorist groups have carried out attacks like abductions, suicide bombing, hijacking, mass murder, wanton assassinations and acts of sabotage of public and private properties, as well as the touching and

desecration of religious and sacred places in the sub-region (Bala & Tar, 2021).

The challenging problem, however, is that the motivation for terrorism in a resource-rich, socially heterogeneous developing sub-region is confounded by additional dimensions such as economic deprivation, resource competition, and ethnic fractionalization; all of which interact to make the situation more intricate to understand or deal with, especially because of the relatively lower capacity of a typical developing economy to confront the increasing sophistication of terrorist activities (AU, 2021; African Union Peace and Security Council (AUPSC), 2020; Idaewor, 2020).

In recent years, terrorism have become rampant in West Africa; this is in view of the fact that a number of groups in the sub-region increasingly resorted to the use of the markers of terrorism (or terrorist acts), enunciated by international instruments like Organization of African Unity (OAU) convention on prevention and combating of terrorism of 1999 and ECOWAS political declaration and common position against terrorism of 2013 (Kelly, 2019; Adelaja, Labo & Penar, 2019; Blake, 2019). Regardless the collaboration by ECOWAS with other agencies, several terrorists groups in the West Africa sub-region has sprung up to mention but a few include Boko-Harm and Ansaru in northern Nigeria, Al-Qaeda in the Islamic Maghreb (AQIM) and Movement for Oneness and Jihad in West Africa (MOJWA), and ai-Mourabitoun and Front de Liberation du Macina (FLM), AQIM affiliates in Mali.

These groups have, at times without number, perpetrated premeditated violent attacks on people, state officials and state infrastructure, government institutions and national and multi-national organisations, thereby undermining the peace, security and stability of the sub-region (Chergui, 2019). The cross territorial nature of terrorism provokes the need for nations to put up a common front in the fight against terrorism. The rise in terrorist activities in the West African sub-region raises the need to investigate counterterrorism in line with the failure of the joint regional action towards the fight against terrorism in the West African sub-region.

Theoretical Underpinning

The study was hinged on the theory of collective security (TCS) advocated by Cardinal Richelieu in 1629. Other notable scholars who have contributed tremendously in popularising the notion of collective security include Maurice

(1936), Morgenthau (1948), Claude (1962), McLean (1996), Kupchan and Kupchan (1995) and Snyder (1999). Collective security can be understood as a security arrangement, political, regional, or global, in which each state in the system accepts that the security of one is the concern of all, and therefore commits to a collective response to threats to, and breaches of peace. Collective security is more ambitious than systems of alliance security or collective defence in that it seeks to encompass the totality of states within a region or indeed globally, and to address a wide range of possible threats.

According to Organski (1960), cited in Bach (2005), TCS is premised on five (5) basic axioms. First, in an armed conflict, member nation-states can agree on which nation is the aggressor; second, all member nation-states are equally committed to contain and constrain the aggression, irrespective of its source or origin; third, all member nation-states have an identical freedom of action and ability to join in proceeding against aggressor; fourth, cumulative power of cooperating members of the alliance for collective security is adequate and sufficient to overpower the might of the aggressor; and lastly, in the light of the threat posed by the collective might of the nations of a collective security coalition, the aggressor nation will either modify its policies or be defeated.

As posited by Nishida (2008) cited in Weber (2003), that greater powers might choose to form an alliance even when it has the capability of adequately confronting an aggressor alone, but forming an alliance could save its economic and military resources by cost sharing with the members of the alliance; this means that collective security has advantages. According to Kupchan and Kupchan (1995), cited in Ajala (2018), there are two (2) main advantages of collective security, in that it provides for a more effective balancing against aggressors and promotes trust and cooperation. Collective security provides more effective balancing against aggressors by embracing more effective mechanisms for confronting threats when they emerge, making aggression less likely by ameliorating the competitive nature of international relations.

As applied to this study, collective security posits that formation of ECOWAS as a sub-regional organisation is saddled with the responsibility of maintaining regional security structures required to promote peace operations capacity and conduct peace operations within their region. Regional cooperation is essentially a voluntary collaboration, *inter alia*, for

execution of joint projects and development of common resources. This may be for the overarching purpose of creating access to markets and establishment of mechanisms that minimize conflicts and maximize internal and external economic, political, social and cultural benefits (Awojobi, 2014; Awoyemi, 2012). From the foregoing, it is obvious that cross boarder acts of terrorism can destabilize the overarching purpose and negatively affect the process of integration and cooperation by the West African sub-region. According to Azad, Crawford and Kaila (2018), the development of collective security as a result of terrorism is an example of a bitter seed producing a usable fruit.

The theory believes that regional integration and cooperation has led to ECOWAS effectively engaging terrorist groups in most West Africa countries. It may be difficult to explicitly measure the success of the regions offensive due to difficulty in completely eradicating terrorism. However, some successes have been recorded in countries like Nigeria, Chad and Cameroon and have shared information amongst each other to jointly defeat terrorist groups in the region. Nevertheless, TCS has been criticised for being idealistic on issues like defining crisis and intervention, self-help strategy over collective security, state sovereignty, responsibility to protect (R2P) principle and others which were not adequately addressed by collective security.

Method

This study employed qualitative design by relying on prior literature on terrorism in West Africa sub-region, the world over; specifically, prior literatures on terrorisms were reviewed. In this regard, three (3) West Africa sub-region countries were examined: Nigeria, Niger Republic and Cameroon. The study seeks to achieve two outcomes; first, via the use of literature, we assessed the level of implementation of counterterrorism measures in the West African sub-region.

Second, via the use of literature, we assessed the international community role such as ECOWAS in collaboration with other agencies towards the joint regional action against terrorism in the West African sub-region. Furthermore, the major instrument of data collection was secondary data; thus, secondary data were obtained from the published academic journals, conference papers, statistical bulletins and government websites that focussed on terrorism in West Africa and supplemented by

broad-based literature on terrorism outside the West Africa sub-region.

Discussion

Implementation Level of Counterterrorism Measures in West African Sub-Region

The menace of terrorism emerged from complex and deep rooted political, economic, social and developmental deficits. While religion, especially political Islam, is often cited as a primary cause of terrorism, it is not the immediate cause since religious groups in West Africa have coexisted peacefully for centuries. Nonetheless, in recent times, religious extremism, particularly its violent radicalization, has become the fault line used by terrorist groups to garner support and sympathy for their actions, as well as to guarantee recruitment. Groups such as Al-Qaeda in the Islamic Maghreb (AQIM), Movement for Unity and Jihad in West Africa (MUJAO), Boko Haram, Ansar Dine, Ansar Sharia, and Jama'atul Ansarul Musilimina Fi Biladis Sudan (JAMS - Ansaru) have become major sources of insecurity in the region.

These political and social entities constitute an 'unholy alliance' of like-minded movements or 'strange bedfellows' operating in an 'arc of instability' in the region. As a result of the rising menace of terrorism, West African states have enacted domestic anti-terrorism legislation. In the past, there was little attention paid to dealing with terrorism as most states prioritized tackling challenges of poverty, conflict, and underdevelopment. Now, various West African states pursue national, bilateral and regional efforts to counter terrorism, albeit with mixed outcomes. This brief argues that terrorism in West Africa poses a potential regional security predicament. Many factors such as weak states, porous borders, availability of small arms and light weapons (SALW), relatively free movement of persons and goods, the youth bulge, and the growing networks of transnational criminals make terrorism a regional concern that requires holistic regional responses. This especially holds true for West Africa as most countries do not have sufficient human capacity, resources, legal frameworks and technology to fight terrorism. For instance, several factors such as security sector corruption, mismanagement and lack of resources have constrained the Nigerian security force's response to the Boko Haram threat over the years.

A recent military offensive by Nigerian, Cameroonian and Chadian forces in the run-up

to Nigeria's elections in 2015 led to major setbacks for the terrorist group, pushing it out of some strongholds. While sporadic attacks still occur, this development clearly shows that with the appropriate strategies, political will and resources, terrorism can be contained. This brief, therefore, examines prospects and challenges of the Economic Community of West African States (ECOWAS) Counter-Terrorism Strategy and Implementation Plan (hereafter known as the ECOWAS Strategy). Each region in Africa has its own peculiar security and terrorist threats that require specially devised responses. In this regard, ECOWAS has established various legal mechanisms and normative frameworks to deal with West Africa's security challenges. With particular reference to terrorism, Article 3 of the ECOWAS Protocol for conflict prevention, management, resolution, peacekeeping and security (1999) stipulates that combating international terrorism is an objective of the regional body. Another initiative is the Inter-Governmental Action Group against Money Laundering (GIABA), which is mandated to strengthen the capacity of member states to prevent and control money laundering and terrorist financing in the region.

The West African Police Chiefs and Committee of Chiefs of Security Services also play important functions. Nonetheless, these and several other initiatives have not adequately curbed terrorism in the region. ECOWAS therefore took a further step at the 42nd Ordinary Session of the Authority of Heads of State and Government in February 2013 to adopt a Political Declaration and Common Position against Terrorism. This resulted in the ECOWAS Counterterrorism Strategy and Implementation Plan. Again, at the 42nd Extraordinary Session of the Authority of ECOWAS Heads of State and Government held in Accra, Ghana, on 30 May 2014, ECOWAS reaffirmed its determination to combat terrorist threats. The purpose of the Declaration and the Strategy is to provide a common operational framework for action to prevent and eradicate terrorism and related criminal acts in West Africa, while protecting human security and creating the enabling conditions for sound economic development and the overall wellbeing of all citizens of West Africa. This strategy also seeks to give effect to regional, continental and international counter-terrorism instruments, such as the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism and its Protocol; the African Union (AU) Plan of Action on the Prevention and Combating of Terrorism in Africa, and all other decisions and measures taken by the AU,

including the Comprehensive African Anti-Terrorism Model Law.

The ECOWAS strategy adopts a three-pronged approach to counter terrorism: prevent, pursue and reconstruct. This approach is informed by the view that member states should as a matter of priority make every possible effort to prevent terrorism from occurring. If prevention fails, they should pursue and bring to justice at all costs the perpetrators of terrorist acts and repair any damage that such acts may cause to individuals and society as a whole. Positive results of this three-pronged approach require systematic and effective implementation at all levels. In this regard, the first pillar requires member states to undertake a wide range of activities to prevent the occurrence of terrorism. This includes monitoring political, socio-economic and cultural activities to eliminate conditions conducive for terrorism.

The second pillar seeks to enable member states to undertake rapid and effective responses to terrorism when it occurs. This pillar, anchored on criminal justice, provides for both military and non-military responses to terrorism. The third pillar deals with the aftermath of a terrorist act and is aimed at rebuilding society, reasserting state authority and enabling the state to heal social wounds caused by terrorism and counter-terrorism activities. The ECOWAS political declaration and common position against terrorism Adopted in Yamoussoukro, Côte d'Ivoire, on 28 February 2013 that clearly described the 3 pillars for implementing counter-terrorism strategies by the West Africa sub-regional countries are described below (ECOWAS, 2013a; 2013b; 2015; 2016).

Pillar 1: Prevent

The goal of the 'Prevent' pillar is to identify key areas where Member States should take actions with a view to detect and prevent terrorism before it emerges. The 'Prevent' pillar therefore seeks to address and eliminate conditions conducive to terrorism as contained in the UN General Assembly's 2006 Global Counter-Terrorism Strategy. States are encouraged to promote policies aimed at addressing the root causes of terrorism, including poverty and widespread unemployment, economic and political marginalisation of some groups, human rights abuses, corruption, weak security institutions and illicit trans-border activities. Specific policies should also be developed to counter terrorist propaganda, dissuade and deter people from turning to terrorism and deny terrorists

access to funds, materials and space with which to plan and launch their attacks.

The ECOWAS Conflict Prevention Framework identifies a number of cooperation areas, actions, activities, programmes and institutions likely to assist in the effective prevention of conflicts and threats from terrorism. The effective prevention of terrorism involves various national and regional authorities, including legislative, financial, law enforcement, military, judicial, educational and social institutions, all of which enable a state to detect, intercept and disrupt terrorist activities. A successful preventive measure is one that is conducted with the full or strategic involvement of local communities. Terrorists have families, friends, relatives and collaborators, who could provide important clues about their activities, whereabouts and support means. Implementing this Goal, priority areas of intervention adopted by ECOWAS are:

Total rejection of terrorism

- Every Member State should unambiguously and unequivocally reject terrorism in all its forms and manifestations irrespective of wherever it may occur or whoever may have committed it, as a serious criminal offence; and
- Implement a zero-tolerance policy on terrorism.

Eliminate conditions conducive to the spread of terrorism

- Intensify efforts to fully implement all ECOWAS, AU and UN instruments relating to the maintenance and promotion of peace and security in West Africa and for the prevention and combating of terrorism;
- Cooperate with the Counter-Terrorism Implementation Taskforce (CTITF) to effectively implement the UN Global Counter-Terrorism Strategy, which identifies areas where states must take actions to eliminate conditions conducive to the spread of terrorism, including measures to prevent and combat terrorism, measures to build and strengthen states' capacity and for the full respect of human rights;
- Intensify efforts to resolve all armed conflicts and other conditions of instability by promoting national reconciliation, interfaith dialogue, conflict prevention, management and resolution;
- Adopt and, where necessary, review and strengthen legislation and policies to ensure transparency, equality, inclusivity and the broad-based representation of various segments of society, including ethnic,

religious, gender and youth groups, in all government's political and economic platforms;

- Implement a zero-tolerance policy against racism and other forms of discrimination based on ethnicity, gender, religion, nationality or political opinions; and
- Strengthen the role of relevant civil society and media organisations on matters relating to counter-terrorism, particularly in the domains of communication and negotiation.

Enhance early warning and operational intelligence coordination

- Develop and strengthen proactive and operational capabilities to anticipate, detect and disrupt terrorist activities;
- Expand the mandate of the ECOWAS Early Warning and Response Network (ECOWARN) to include terrorism indicators;
- Enhance operational coordination with intelligence services (including the Committee for Coordination of Security Services (CCSS), police and military services) at both the national and regional level. The CCSS shall serve as a central body for the coordination of information and activities of police and law enforcement agencies working on counter-terrorism issues, particularly those involved in the collection of information about, investigation of and first response to criminal acts;
- Enhance the sharing of information among Member States, at both the regional and international level;
- Develop a West African database on terrorist activities, including terrorist groups, networks, their leaders, headquarters, movement, training camps, means and sources of funding, and means of acquisition of arms and explosives, as well as on their recruitment, communication and propaganda methods;
- Strengthen operational collaboration with INTERPOL, the AU Committee of Intelligence and Security Services in Africa (CISSA) and the African Centre for the Study and Research on Terrorism (ACSRT), as well as other regional and international mechanisms, with a view to receive, share and disseminate relevant information;
- Coordinate and share information with other regional mechanisms such as SADC, IGAD, ECCAS/CEMAC and UMA, as well as with other organisations and partners;
- Support and collaborate with relevant civil society organisations on the collection and dissemination of information for the

detection and prevention of terrorist activities;

- Support the creation of programmes in Member States for dealing with vulnerable youths; and
- Strengthen the capacity of States through the provision of adequate equipment to deal with terrorists.

Deny terrorists the means, space and technical capacity to carry out operations

- Suppress the financing of terrorism by freezing all terrorist funds and assets, and enforce strict regulations on financial and non-financial institutions, including money transfer networks and businesses, to ensure that such transactions and funds do not support terrorism whether directly or indirectly. To this end, states should ratify and/or accede to and fully implement the UN Convention for the Suppression of the Financing of Terrorism and all relevant UN resolutions, including the Security Council's resolutions 1267 (1999) and 1373 (2001), Scrupulously implement all relevant instruments and decisions adopted by ECOWAS policy organs, including the existing AU, UN and international legal instruments on preventing and combating the illicit manufacture and development, acquisition or possession, proliferation, circulation, transfer, accumulation or stockpiling and use of small arms and light weapons, and weapons of mass destruction, including biological, chemical, nuclear and radiological weapons
- Intensify efforts to refuse terrorists access to explosive materials, including commercial explosives such as TNT and dynamites, by enforcing international standards, including stringent requirements for the marking of explosives and end-user reporting, in order to prevent illicit transfers and misuses of explosive materials;
- Adopt and enforce stringent regulations on the control of the transfer and circulation of small arms and light weapons. Such measures should include compulsory inventory, identification and declaration at various levels of transfer and end user. Of particular importance is the need to regulate and monitor the production, stockpile, possession, acquisition of and access to weapons and explosives, particularly their transfer to non-state end users. States should enforce stringent control measures such as inventory, licensing of dealers, record-keeping of sales and purchases and ban on all transfer of man-portable air defence system (MANPADS);

- Cooperate with relevant regional and international institutions that provide expertise and technical assistance on such matters, such as the ECOWAS Programme on Small Arms, International Atomic Energy Agency (IAEA), UN Office on Drugs and Crime (UNODC), UN Programme of Action on Small Arms (UNPoA), Security Council Counter-Terrorism Committee (CTC) and Executive Directorate (CTED), Security Council Resolution 1540 Committee, the Organization for the Prohibition of Chemical Weapons (OPCW), Biological Weapons Convention (BWC) Panel, and the Comprehensive Nuclear Test-Ban Treaty Organization (CTBTO), as well as relevant civil society and media organisations;
- Ensure maximum security and comply with international safety standards for nuclear energy installations, including the transfer of sensitive facilities, technology and material (such as uranium) usable for nuclear weapons or other explosive devices. Any enrichment facility or enrichment technology should be designed or operated in accordance with internationally approved standards. To this end, states shall enforce a strict ban on the unlawful possession, transfer of and trade in uranium and other materials that may be diverted towards the production of explosives or their precursors;
- Develop and strengthen national legislations and capacity to enforce cybersecurity regulations, including the ability to detect, monitor and intercept terrorist activities through the use of the internet and other forms of wireless and electronic communication; and
- Prohibit and criminalise the use of their territories, including air, land, and maritime spaces, for planning, recruiting, financing and supporting the commission of terrorist acts against their people or against other states.

Prevent extremism and radicalisation

- Develop measures to identify and counter the propaganda methods used by extremist sects to lure and recruit youths and other vulnerable groups into violent and radical ideologies;
- Work with religious and community leaders, scholars and relevant civil society groups to develop de-radicalisation and reintegration programmes and to promote mainstream religious teachings, interfaith and inter-ethnic dialogues, and reconciliation. Such programmes should seek to address the conditions conducive to youth radicalisation,

including unemployment, lack of participation and representation in political and economic processes, injustices, lack of education, social delinquencies, frustration and deprivation;

- Faith-based institutions, including churches and mosques, should be encouraged to participate in government programmes and to take initiatives to prevent radical ideas and extremist elements that seem to have empathy with terrorism;
- Develop and, where necessary, enhance counter-terrorism curricula for schools and universities to promote awareness of terrorism and counter-terrorism measures;
- Develop and, where necessary, strengthen national laws to criminalise recruitment, propaganda, incitement, support for or the attempt or conspiracy to participate in violent radical ideologies, including hate crimes and the use of religion to commit violent acts leading to death, injury or damage to property;
- Eliminate racism and other forms of discrimination; and
- Prevent occupation, colonialism and other forms of domination.

Promote democratic practices and the protection of human rights

- Intensify democratic practices as enshrined in the ECOWAS Protocol on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, the African Charter on Democracy, Elections and Governance, as well as other relevant international legal instruments to which Community Members have acceded;
- Promote broad-based participation and equitable representation, as well as accountability and transparency in all government economic, socio-political and cultural programmes and institutions;
- Ensure that human rights as enshrined in the 1981 OAU Charter on Human and People's Rights, various UN conventions and the 1948 Universal Declaration on Human Rights and the International Covenant of Civil and Political Rights are protected and enjoyed by every ECOWAS citizen. To this end, Member States shall take every measure to ensure that actions taken to prevent and combat terrorism, including the legislative and operational activities of police and law enforcement officers, do not infringe on these rights;
- Prohibit torture in all its forms and manifestations and other degrading and

inhumane forms of treatment, as well as discrimination on racial, ethnic or gender basis against minorities and terrorist suspects;

- Ensure that the arrest, detention, imprisonment or forced expulsion/deportation and other sanctions against terrorist suspects are conducted strictly within the framework of the law. To this end, all Member States shall ensure that the arrest, detention, forced expulsion/deportation and/or imprisonment of terrorist suspects are conducted in strict compliance with the due process of the law;
- Ensure that police and law enforcement officers are properly trained on counterterrorism and human rights issues. To this end, ECOWAS shall develop its own appropriate Counter-Terrorism Training Manual that shall include modules on specific regional challenges, with a view to build and augment Member States' capacities and skills in core counter-terrorism areas, including the protection of human rights, implementation of international, continental and regional counterterrorism instruments, intelligence gathering and sharing, investigation of terrorism-related offences and strengthening counter-terrorism cooperation in West Africa; and
- Take all necessary measures to discourage and stamp out corruption in both private and government sectors, particularly among police and other security and judicial officers, and set out severe penalties for violators.

Pillar 2: Pursue

While priority is being given to every endeavour to prevent terrorism from occurring, in the event where terrorism does occur, Member States shall take all necessary measures to minimise its impacts on communities and on national security in general. The 'Pursue' pillar is aimed at enabling Member States to undertake rapid, timely and effective responses to terrorism when it occurs. The main objectives are to disrupt terrorists' planning, networks and activities; investigate and bring terrorist leaders and their followers, supporters and sympathisers to justice to the full extent provided by the law; cut off terrorists funding and access to equipment, finances, training and meeting grounds; and create a hostile environment for terrorists in the region with a view to eliminate future threats. Implementing this Goal, priority areas of intervention adopted by ECOWAS are:

Sign, ratify and/or accede to and effectively implement regional, continental and international counter-terrorism legal instruments

- Become party to all ECOWAS, AU, UN and other universal conventions and protocols against terrorism, as a matter of urgent priority (see annex for list of instruments);
- Take all necessary legislative, executive and judicial measures to fully domesticate and enforce the provisions of the abovementioned instruments;
- Establish at the level of the Commission a Counter-Terrorism Technical Assistance Directory to enable states in need to find and receive technical assistance; and
- Monitor effective implementation by maintaining an updated list of States' compliance with all regional, continental and international legal instruments.

Enhance the rule of law and cooperation on criminal justice matters

- Strengthen the legal framework and codification regimes against terrorism;
- Make terrorist offences punishable with severe penalties under national law;
- Encourage Member States, particularly those that have not done so yet, to, as a matter of urgency, enact and where necessary strengthen national legislation to domesticate and enforce relevant AU norms and regulations, and to incorporate all criminal justice aspects of counter-terrorism as provided in the AU Comprehensive African Antiterrorism Model Law, 1999 OAU Convention on the Prevention and Combating of Terrorism and its Protocol thereto, as well as the fourteen universal conventions and four additional protocols against terrorism. Legislation need to:
- Criminalise wilful attempts to commit acts of terrorism, including inciting, supporting, abetting, and soliciting support, and/or providing, receiving or participating in training or instructing, recruiting and/or possessing materials intended for the commission of a terrorist act;
- Ensure that any emergency powers of the police and law enforcement agencies to search, arrest and detain terrorist suspects are asserted in accordance with national and human rights law;
- Provide clear guidelines on the seizure and forfeiture of terrorist assets, including materials, weapons and finances, with a view to prevent, disrupt and suppress plans to commit acts of terrorism;

- Provide for a central authority for receiving and coordinating requests for extradition and mutual legal assistance;
- Provide support to victims of terrorism;
- Protect human rights in counter-terrorism actions;
- Guarantee physical and social protection to witnesses and their family members and collaborators;
- Prohibit terrorist blackmail and demands for ransom;
- Prohibit the payment of ransom to terrorists and other criminal groups; and
- Combat other transnational organised crimes with proven links to terrorism.
- Extend to one another all measures of cooperation in and assistance on criminal matters, including the investigation and prosecution of terrorist acts. Such cooperation, whether at the international or regional level, may be formal and informal, to enable the flexibility and efficiency of national judicial systems to pursue terrorists everywhere in a timely manner within the region, and to handle complex counter-terrorism cases, including issues related to the forensic, technological and financial aspects of investigation and prosecution of terrorist crimes;
- Regularly train and sensitise criminal justice officials, including judges, investigators, prosecutors and defence lawyers, on new developments in the field of international cooperation on criminal matters and counter-terrorism;
- Cooperate on matters relating to extradition as provided in the ECOWAS Conventions on Extradition and Mutual Legal Assistance in order to enhance cooperation on criminal matters and to be able to bring terrorists to justice. To this end establish and recognise the legality of an ECOWAS Arrest Warrant (ECOWARRANT), an ECOWAS Counter-Terrorism Coordination Bureau (ECOCTB) and an ECOWAS Black List of Terrorists and Criminal Networks (ECOLIST). The ECOWAS Warrant shall also enable Member States to cooperate in giving and obtaining evidence in other Member States; and
- Regularly update national legislations and regulations on international cooperation in criminal matters and encourage states to conclude regional agreements on cooperation on extradition and mutual legal assistance with neighbouring and nonECOWAS countries. To this end, Member States should be strongly encouraged to ratify and/or accede to the Rabat Convention on Extradition and

Mutual Legal Assistance and other relevant regional and international agreements.

Improve cooperation on border control and surveillance, including aviation and maritime security

- Strengthen cooperation on border control and surveillance at both formal and informal ports of entry/exit, without prejudice to the ECOWAS protocols and regulations on the free movement of persons, goods and services;
- Establish and/or strengthen and equip common border patrol mechanisms, including joint border commissions, to regularly conduct assessments of threats and vulnerabilities of borders;
- Strengthen measures to detect forgery and falsified documents and to report and share such information with relevant Member States;
- Report all suspicious passports and identification documents, including goods and services not in compliance with the ECOWAS protocols and regulations on interstate road transit of goods and interstate road transportation between ECOWAS Members;
- Scrupulously enforce provisions of relevant international conventions and protocols on the safety of civil aviation, law of the sea, maritime navigation and fixed platforms on the continental shelf;
- Enact and, where necessary, strengthen national legislations and the criminal justice regimes against piracy and other criminal activities on the high seas to ensure that perpetrators of such acts are effectively investigated, prosecuted and deterred;
- Ensure that all vessels sailing on or using states' maritime spaces are registered with long-range identification and tracking systems, and that commercial users are properly registered and licensed;
- Strengthen cooperation and coordination with the International Civil Aviation Organization (ICAO), World Customs Organization (WCO), International Maritime Organization (IMO) and the UNODC to put in place specific regulations for the inspection of cargo originating in, exiting, transiting or being trans-shipped through a state, for the promotion of customs-to-customs cooperation on the in-bound and out-bound security inspection and the use of standardised targeting and screening criteria to detect and prevent drug, arms and human trafficking within the framework of relevant regional, continental and international instruments; and

- Stamp out corruption at border control points, particularly air, sea and land borders, to render them more effective in detecting criminals and terrorist elements, including drugs, illicit arms and other unlawful activities.

Suppress and criminalise the financing of terrorism and associated money laundering

- Criminalise terrorist financing, including the attempt to finance terrorism and ancillary offences consistent with the requirements of the UN 1999 Convention for the Suppression of the Financing of Terrorism, and UN Security Council resolutions 1267 (1999) and 1373 (2001);
- Make the offence of terrorist financing a predicate offence to the money laundering offence. To this end, the criminalisation regimes should be carried out on the basis of the 1988 UN Convention of Vienna and 2000 UN Convention of Palermo;
- Ensure that both financial and non-financial sectors are subjected to stringent antimoney laundering/anti-terrorism financing obligations consistent with the FATF Recommendations, in particular customer due diligence, reporting suspicious activities and monitoring transactions and business relationships;
- Criminalise the demand for payment of ransom by terrorist groups and make the payment of ransom to such groups a predicate offence under national law with appropriate and proportionate punishment;
- Establish a fully operational Financial Intelligence Unit (FIU) in each state and improve its capacity to receive, analyse and disseminate suspicious money laundering/terrorist financing-related transactions/activities;
- Ensure that money/value transfer services are registered or licensed and subject to all national, regional and international regulations, including the FATF Recommendations that apply to financial institutions. To this end, states should adopt and harmonise regulations, including those relating to wire transfers and remittances, and non-profit or charity groups/organisations, as well as those of cash couriers, in accordance with GIABA regulations, to ensure that they are not exploited by terrorist and other criminal groups;
- Develop and strengthen capacities (human, material and financial resources) and regularly train personnel in charge of combating terrorist financing and money laundering (including police, law

enforcement agents and FIUs) and, where necessary, seek technical assistance to build such capacity, including from GIABA and other specialised institutions;

- Put in place effective mechanisms to provide the widest possible range of mutual legal assistance and information exchange on cross-border illicit financial activities and movements of terrorist assets, as well as measures aimed at strengthening states' ability to monitor, detect and disrupt suspicious or terrorist activities. Offences related to terrorist financing should apply to natural and legal persons who knowingly engage in terrorist financing activities. They should be subject to effective, proportionate and dissuasive sanctions; and
- States are to carry out these measures in full respect of human rights and in a manner that does not disrupt or impede in any way the smooth flow of economic activities.

Protect critical infrastructure and diplomatic premises and other foreign interests

- Identify and increase security at critical infrastructures and soft targets, including airports, seaports, major roads, historical and cultural infrastructure, government offices, markets and shopping malls, stadiums, stock exchanges, social theatres, and foreign diplomatic premises and installations (including companies, organisations, vessels, cars and couriers);
- Criminalise acts that target critical infrastructure and diplomatic premises and other foreign interests in the territories of Member States, and provide for severe penalties for offenders;
- WAPCCO together with Interpol shall issue periodic alert notices, based on wellinformed intelligence, to public bodies, international organisations, diplomatic representations and other agencies, about any possible threats from terrorism, particularly in relation to hidden weapons, parcel bombs and other dangerous materials; and
- Regularly train personnel on the protection of critical infrastructures; to build a readiness capacity to respond rapidly to a terrorist attack; and to perform technical operations such as disarming or deactivating explosives, cordoning off the crime area, dealing with victims and collecting materials for forensic evidence.

Enhance the ability of Member States to develop a criminal justice response to terrorism

- Develop dedicated units of prosecutors in Member States who can be called upon to prosecute terrorism-related cases; and

- Assist Member States to establish specialised units within law enforcement agencies and the Gendarmerie (assisted by the military where necessary) to investigate terrorism-related offences, hostage negotiations and bomb disposal.

Strengthen cooperation with civil society and media organisations on the prevention and combating of terrorism

- Put in place a framework with which to engage civil society and the media in order to enhance their contribution to the prevention and combating of terrorism;
- Encourage media reporting on terrorist incidents to focus on the plight of victims and the criminal nature of the attacks, with a view to eliminate sympathy for, empathy with or the glorification of the perpetrators of terrorist acts;
- Provide regular information to the media on the government's counter-terrorism strategy;
- Sensitise communities about the consequences of terrorism on economic development and the government strategy;
- Develop national strategies for better communication on matters relating to the prevention and combating of terrorism, utilising all possible channels and networks of communication to ensure an effective and coherent strategy; and
- Involve civil society and media organisations in all major national, regional and international counter-terrorism forums and other platforms.

Training and capacity-building on the prevention and combating of terrorism

- Allocate substantial resources, including personnel, materials and equipment, for the prevention and combating of terrorism;
- Put in place within the Commission, an ECOWAS capacity-building programme against terrorism in order to effectively coordinate, harmonise and implement counter-terrorism training programmes for both civilian and military personnel;
- Develop specialised training courses on counter-terrorism matters, including intelligence gathering and sharing, investigation, prosecution and extradition, and international cooperation. To this end, an ECOWAS Counter-Terrorism Training Manual shall incorporate special modules for criminal justice officials; and
- Regularly train relevant states officials with a view to develop and strengthen operational skills to undertake technical counter-terrorism operations, including capabilities to perform forensic analysis,

preparation of statutory reports, and drafting and processing mutual legal assistance (MLA) and extradition requests.

Pillar 3: Reconstruct

The aftermath of terrorism and even counter-terrorism could destroy the social fabric of society. People lose confidence in the state and its ability to protect them, and at times terrorism pits social groups against each other in accusations and counter-accusations. The 'Reconstruct' pillar is aimed at rebuilding society and enabling the state to heal social wounds caused by terrorism and counterterrorism. Implementing this Goal, priority areas of intervention adopted by ECOWAS are:

Protect the rights of victims

- Establish an institutional and legal mechanism with the mandate to protect the rights of victims of terrorism, and endow such mechanism with all the means and resources, including powers to utilise funds and proceeds seized from terrorists for the benefit of victims;
- Funds seized or recovered from terrorists may be distributed to terrorist victims or their families, with a view to facilitate their social rehabilitation and reintegration, as well as their security;
- Provide other forms of assistance to victims, including medical care and reintegration into normal social life; and
- Ensure that the international dimension of counter-terrorism, such as extradition, takes into account the victims' rights and best interest. In this context ensure that victims are kept well informed of proceedings and outcomes.

Support and reconcile communities

- Support in every manner the communities of victims of terrorist acts, including moral, political, economic and social support;
- Take measures aimed at reconciling communities, particularly in the aftermath of a terrorist incident, by promoting dialogue and emphasising the individuality of terrorists and not their social, economic, racial, ethnic, cultural, religious or political background. In this context, the goal is to isolate the terrorists, their ideology, slogans and propaganda from the communities that they claim to represent; and
- Rebuild and strengthen state and social cohesion by implementing programmes that unite communities, promote national pride, and demonstrate state control of the

situation, as well as its determination to bring perpetrators to justice.

Repair social contract

- Take immediate actions in the aftermath of a terrorist attack to reassure the people that the state is in control of the situation, keeping people well informed about measures being taken, including the investigation and prosecution of suspects;
- Enhance operational synergies in the activities of law enforcement agencies and local communities in order to bring security closer to local communities and to ensure trust and transparency;
- Promote education and other social benefits, including community development projects for victims of terrorist acts;
- Promote counter-terrorism curricula in schools and universities and training on what to do in the event of a terrorist attack; and
- Establish direct hotlines and emergency numbers and persons or places to contact in the event of a terrorist act or suspicious terrorist activity.

Develop national counter-terrorism strategies

- Develop a national counter-terrorism strategy that addresses the various dimensions of the threat of terrorism, including an approach to counter terrorists' propaganda, recruitment, sources of funding and radicalisation. Such strategies should draw from and aim at giving practical effect to full implementation of ECOWAS strategy and other applicable instruments;
- Ensure that all relevant national stakeholders are involved in the development and implementation of the strategy; and
- Promote national awareness to strengthen support for and implementation of this strategy

These 3 pillars of counter-terrorism strategy recognizes that mutual legal assistance in the area of intelligence, investigation, prosecution and counter-terrorism operation is an absolute necessity to meet the shortfall and disparities in capabilities of member states. Member states are entrusted with the primary responsibility for the full and effective implementation of this strategy. The implementation plan recommends specific actions to be undertaken at various levels to realize the goals of the strategy. It outlines the establishment of structures such as the ECOWAS Counter-Terrorism Coordination Unit and features like the ECOWAS Arrest Warrant

and Black List of Terrorist and Criminal Networks. It also calls for the adoption of an ECOWAS Counter-Terrorism Training Manual and establishment of a training centre for counterterrorism capacity building. In order to ensure continued focus on implementation of the strategy, and to regularly reassess progress and challenges, member states are expected to agree on a time frame for periodic evaluation and reporting on the measures taken and challenges encountered in the implementation of the strategy.

As active, pragmatic and proactive as ECOWAS has been in the fight against terrorism in the West African sub-region, its efforts have been constrained and limited by two factors. The first is the lack of willingness and commitment or better put the lacklustre approach of the organisation and its member states to implement counterterrorism decisions and legally binding instruments. This is in the sense that though ECOWAS as an institution is a platform for states in the region to deliberate, articulate and develop ways of combating regional challenges, member states of the organisation have often failed to fully cooperate with one another and with the institution to achieve the goal. For example, a number of the member states of ECOWAS, namely Nigeria, Guinea, Cape Verde and Sierra Leone, defaulted in the submission of their 2015 annual country reports to GIABA (2015), thus hindering the assessment of the state of terrorism financing and money laundering in them as well as the possible areas of technical assistance they could have received from GIABA. Similarly, financial constraints, arising from the failure of member states to honour their financial commitments to ECOWAS, have limited the capacity of its institutions, including those on counterterrorism, to perform optimally.

The implementation of some of the activities of GIABA between 2011 and 2014, for example, fell below the optimal (66.36%) level, due to shortage of funds that all ECOWAS institutions experienced at the time. The level of achievement that GIABA even had at the time, though below the optimal level, was largely due to financial assistance it received from development partners, particularly the African Development Bank. Also, not all ECOWAS member countries have ratified, signed or acceded to relevant binding international legal instruments on counterterrorism. For example, though a majority (13 out of 15) of the member states have ratified the 1999 OAU Convention on the Prevention and Combating of Terrorism as of 2017 (AU, 2017), only 7 of the 18 UN and

universal instruments on counterterrorism have been ratified by all the states in the region (ECOWAS, 2013a; ECOWAS Info, 2015; Ehovai, 2018).

In the same vein, ECOWAS member states have provided irregular reports to the CTC and even fewer reports per UNSC Resolution 1624, a resolution designed to improve border security and encourage member countries to submit updates to the CTC. The implications of this are two. The first is that the defaulting states have failed to develop national mechanisms to implement the instruments and the second is that the situation has undermined ECOWAS's efforts to develop region-wide mechanisms to implement the instruments. In addition, ECOWAS itself has been slow and lethargic in implementing its own counterterrorism decisions. This reflects in the fact that the mechanisms (and the entire strategy) approved for creation and implementation by the Political Declaration and Common Position against Terrorism of 2013 have not been fully functional, contrary to the stipulation that they should be operational within 6 months from the date, 28 February 2013, of the adoption of the document.

The second challenge ECOWAS has confronted in its bid to combat terrorism in the sub-region has been the character of the international political environment, particularly as it relates to the high-stake politics and struggles involving the AU and UN, contributing to the undermining of its initiatives. The general character of the international system, as defined by the UN Charter, is that regional and sub-regional organisations must seek the approval of the UNSC before undertaking the use of force. Chapter VIII, Article 53, of the Charter stipulates that no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council (UNSC, 2014). This is further reinforced by Article 54 of the same Chapter VIII of the Charter, which states that the Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

These provisions have often created legitimacy problems for enforcement actions unilaterally or collectively undertaken by regional and sub-regional organisations, most of whom only secured the approval of the UN retroactively. Also, although sub-regional organisations are part of the security architecture of the AU, their activities in the realm of

security are coordinated by the Peace and Security Council and chairperson of the Commission of the Union. Specifically, Article 16(3) of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union stipulates that regional mechanisms (inclusive of sub-regional bodies) should 'keep the Peace and Security Council fully and continuously informed of their activities and ensure that these activities are closely harmonised and coordinated with the activities of the Peace and Security Council' (AU, 2015a, 2015b). By this, unilateral military interventions by subregional organisations are foreclosed, as the organisations have to subject their activities in the field of security to the Peace and Security Council—an organ responsible for recommending military interventions and the modalities of such interventions to the Assembly of Heads of State and Government of the Union, which has the power to authorise such actions.

Challenges of ECOWAS Counter-Terrorism and Counter-Insurgency Move Despite the gains made by ECOWAS in restoring peace in war-torn areas and its effort to stamp out terrorism in the region, it is apparent that the organisation still has a lot to do to counter terrorism and other unlawful activities in the region. Some factors had and are still playing an active role in inhibiting the performances of ECOWAS. In a workshop organised by the government of Nigeria and the United Nations Counter-Terrorism Implementation Task Force (CTITF) on 31st October to 1st November 2013 in Abuja, participants repeatedly cited porous border as a serious challenge in the region. Even at manned border posts, the capacity to reliably process people and goods is often missing. Terrorism in one Member State can reverberate to other States. Terrorists and other armed groups exploit conditions of poverty, political instability, bad governance, corruption, and the absence of the rule of law to recruit, plan and train their members and even raise money for their nefarious activities.

The point being made here is that since the borders of the countries of West Africa remain porous and poorly manned, ECOWAS efforts at countering terrorism and insurgency would always be challenged. Again terrorism cannot be tackled by military means alone. It requires a broad range of policy responses, including the promotion of human rights and good governance. As long as the harbingers of terrorism, which include among others, poverty, corruption, unemployment, illiteracy, and other incubators of terrorism are not perfectly

managed, ECOWAS aim of eradicating terrorism and insurgency in the subregion will remain a noble dream. Although ECOWAS is making remarkable efforts to promote democracy in West Africa, available evidence would tend to suggest the intertwined relationship between good governance and anti-terrorism has not been perfectly understood by the governments of the West African States. ECOWAS counter-terrorism portfolio within the ECOWAS commission is assigned to the office of the Political Affairs, Peace, and Security, but it has not created a dedicated office within the unit to deal with counter-terrorism.

WAPCCO and other networks of security officials are too narrow in their substantive focus and composition and do not adequately address the needs of a sub-regional counter-terrorism network (Ipe, Cokanye & Millar, 2010). Although it would appear as if ECOWAS has now overcome the hitherto distrust between the Anglophone and Francophone countries, in the past, the mistrust between these groups hindered the performances of ECOWAS in its effort to stamp out terrorism and other civil unrest in the region. This mutual distrust was further exacerbated by Nigerians role as a regional hegemon. Some of the neighbouring countries, especially the Francophone states, did not believe that Nigeria was not making plans to dominate them. All these and many more acted in concert to reduce the efficacy of the ECOWAS security architecture. In line with the Organisation of African Unity (OAU) thought, which saw the intervention of member states as anathema, the ECOWAS, when it was formed, maintained the policy of non-intervention. This policy of non-intervention was also pursued at different degrees by different regional organisations due to the fact that the Cold War restrained them to a very large extent from resolving regional conflicts.

Meanwhile, the collapse of the Cold War in 1989 and the change in the nature of warfare from inter-state to intra-states coerced most of these regional bodies to have a re-think, develop other strategies to deal with the situation on the ground. The dominance of political and security issues makes it inevitable for the sub-regional organisation to review its mandate because without securing the sub-region politically, even the economic relations, which is the core mandate of ECOWAS, will be unachievable. This period also coincided with the period of "democratic inauguration in Africa" as most African states left one-party politics for multi-party politics and which

marked the turn from military rule to democracy. In pursuance of democratic rule or instead, because of it, many African states amended their constitution to accommodate good governance and the rule of law. At this point, the body language of the UN changed. For instance, in the “U.N. Agenda for Peace,” the then Secretary-General of the Organisation Boutros-Ghali argued in favour of regional organisations that they have a greater role in preventing and resolving conflicts in their subregions, which would, in turn, reduce the burden of the U.N.

Meanwhile, the massive return to democracy by West African states created its own brand of problem as contested electoral results, and manipulation of the constitution became one of the major causes of insecurity in the sub-region. As a result of this, coupled with the experiences of the past, ECOWAS member states decided to strengthen their intervention in a more justified manner. On December 10, 1999, in a summit in the Togolese capital, Lomé, the organisation adopted a “constitution” on collective security when they adopted a protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (Essuman 2009 cited in Bribena, 2019).

International Community Role towards the Joint Regional Action Against Terrorism

The roles of International community towards the joint regional action against terrorism in the West Africa Sub Region are numerous. These could be seen in the different instruments and strategies formulated and adopted by the international community. A perusal of International documents on terrorism reveals a series of fragmented provisions that will need to be harnessed and applied to consider the rules of interpretation for them to be much meaningful (Ayandele, 2021). Their usage, therefore, depends in the context of the terrorism they seek to address. These instruments include the following:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft 1963, requiring air commander to take reasonable measure to prevent offences in aircraft and also detain persons suspected to cause harm.
- Convention for the Suppression of Unlawful Seizure of Aircraft 1970, checking again illegal seizure of aircraft or intimidation.
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation 1971 prevention of acts affecting the safety of persons boarded in an aircraft.

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons 1973
- International Convention against the Taking of Hostages 1979, checking against taking persons into hostage
- Convention on the Physical Protection of Nuclear Material 1980, criminalizing the use of nuclear as a weapon of threat, theft or endangering of people
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, protection against attacks on ship.
- International Convention for the Suppression of Terrorist Bombings 1997, making universal jurisdiction for prosecution of offences relating to bombing by terrorists.
- International Convention for the Suppression of the Financing of Terrorism 1999 check against terrorism financing and creation of liability for financiers.
- International Convention for the Suppression of Acts of Nuclear Terrorism 2005, check against the use of nuclear or attack on nuclear technologies by terrorists.

United Nation Security Council on Terrorism

Asides the above listed instruments and strategies formulated and adopted by the international community to address terrorism, the resolution of the Security Council on terrorism has far-reaching consequences. The Security Council was created by the UN Charter VII provision and vested with the responsibility of maintaining international peace and security. Considering the height of insecurity after the Second World War, the framers of the UN Charter thought of the necessity to create a framework that would eradicate threats of any sort to the international community (AUPSC, 2020). In an explicit term, the Charter empowers the Council to take coercive measures against any state that seem to threaten international peace and security. However, the charter’s Article 41 and 42 gave the Council non-forcible measures such as diplomatic and economic sanctions, and forcible measures to be carried out by armed forces under the UN command. Before 1990, the forcible measures were never enforced.

After that effect, resolution 678 was adopted at the end of 1990 where the latter resolution allocates power to states to use coercive power against Iraq’s occupation of Kuwaiti territory. This move seems to be the first dawn of the Security Council’s approval of forcible measures. Article 39 of the Charter

gives the Security Council power to adopt two classes of resolutions such as recommendations and measures although, the Security Council resolutions usually hinged on the two classes. One of the usual recommendations is creating international obligations that are not compulsory to be followed, mainly because they are not legal sanctions. Unlike the recommendations that are not mandatory to be followed, measures bind upon each member state and adhere to it.

The issue of conformity of measures by member states generated debates, especially since the adoption of resolution 678 over the council's broad scope (AUPSC, 2020). The creation of the two International Criminal Tribunals before adopting resolution 687 in November 1990 was viewed differently by observers and scholars who tagged it as “novel interpretation of non-forcible measures under article 41”. Additionally, after the horrible event of 9/11, the council deliberated and unanimously agreed to widen its excessive powers by adopting a new resolution 1373 (ICG, 2021). The uniqueness of the latter resolution is its distinct features that mandate states to create a comprehensive legal framework of fighting terrorism and terror-related crimes and international cooperation amongst members.

Counter-Terrorism and the UN-Security Council Resolution 1373

The acts of international terrorism savagely and notoriously perpetrated by Al-Qaeda and its allied necessitated the adoption and creation of resolution 1373 in fall 2001, specifically after the September 11 event. As indicated in the text, the features of resolution 1373 are distinct from all the UNSC resolutions mainly because of the frequent acts of terrorism and the need to combat terrorist acts avowedly. Apart from the international obligation shouldered on member states to enact a legal framework, it should equally have created an institutional context to ensure its strict compliance. The resolution has in total nine articles and preambles. The preambles explicitly indicate that resolution 1373 is a continuation and confirmation of the preceding Resolution of the council such as resolution 1269 (1999) 591 and 1368 (2001). The Council unequivocally condemned the event of September 11 and vowed to prevent such dastardly acts in any part of the globe.

In the light of the foregoing, the charter's preamble outlined a new measure such as self-defence and concomitant use of force against terrorists and their collaborators (Lake Chad Basin Commission, 2022). However, the Charter directs states to cooperate and strengthen

their domestic laws to vigorously fight terrorist acts. The charter also encourages States to complement international cooperation by considering relevant procedures to combat any act of terrorism such as funding of terrorism, providing logistical support through the laid down laws of their states. The resolution further affirms the dual approach, which seeks to authorize both forcible and nonforcible measures concurrently, that is, the use of force and international criminal law

Over time, the UNSC has placed a growing emphasis on the African continent due to the increased terror threat in the Sahel, the Lake Chad Basin, and the Horn of Africa. However, UNSC engagement in this regard has primarily examined actions related to ISIL. In the African context, insurgent groups that operate under ISIL influence are fragmented and localized, often drawing on socio-economic grievances and operating under a marriage of convenience. Addressing this, therefore, requires a human security approach, defined as an approach to assist Member States in identifying and addressing widespread and crosscutting challenges to the survival, livelihood and dignity of their people. This requires “people-centered, comprehensive, context-specific and prevention-oriented responses that strengthen the protection and empowerment of all people.” (Lake Chad Basin Commission, 2022). Africa also struggles with other regional groups, such as Boko Haram in West Africa, Jama'at Nasr al-Islam wal Muslimin (JNIM) in the Sahel region, and Al Shabaab in the Horn of Africa, that have not been the subject of UNSC resolutions or action.

As such, it could be argued that the UNSC has not adequately taken African perspectives into account and are more reflective of the interests of the Global North, predominantly some members of the Permanent Five (P5). In this regard, efforts to address home-grown terror groups have largely been left to the actions of the AU, sub-regional organizations, and the actions of African Member States. While CTED monitors the relevant UNSC implementation efforts of African Member States at a technical level, there have also been efforts to strengthen linkages between the UNSC and the AUPSC. This has primarily occurred at a political and thematic level. In 2005, for example, UNSCR 1631 (2005) outlined the contribution that regional organizations can play in addressing peace and security and urged regional and sub-regional organizations to enhance their CT efforts and to develop the capacity of Member States (UNSC CTED, 2021).

The UN and the AU have subsequently put in place several coordination mechanisms, including the 2017 Joint UN-AU Framework for an Enhanced Partnership in Peace and Security, with annual meetings “encouraged and facilitated” between the UNSC and the AUPSC (UNSC CTED, 2021). Through these meetings, the fifteenth of which was held on December 17, 2021, these entities have also broadly reinforced their commitments to addressing some of the normative elements raised in UNSC resolutions, including condemning all acts of terrorism, addressing the threat posed by FTFs, addressing the conditions conducive to the spread of terrorism, and complying with commitments and obligations under international law. In March 2020, the UNSC released a statement on “Peace and Security in Africa” in which it emphasized the importance of promptly and effectively implementing its resolutions related to the fight against terrorism in Africa. It also lauded efforts made by African countries, the AU, and other regional/subregional organizations in countering terrorism and VE, within the framework of the African Peace and Security Architecture (APSA) (UNSC CTED, 2021).

Critically, it stressed the need to continue to provide and strengthen support to African Member States facing ongoing capacity challenges to counter terrorism and VE at national, sub-regional, and regional levels. This was followed by a further statement in December 2020 that again affirmed the role of regional and sub-regional African organizations in CT and P/CVE. Interestingly, the document does not refer to the African Centre for the Study and Research on Terrorism (ACSRT), which was established in 2004 by the AU with a specific focus on research and information-sharing on CT and with whom CTED has a long-standing relationship, which should theoretically be the first point of contact for African CT and P/CVE matters.

Rather, it stressed the role of the APSA and its African Governance Architecture (AGA) in CT and P/CVE (UNSC, 2022). It reiterated the responsibility that regional organizations have in securing human, financial, logistical, and other resources, thereby placing most of the responsibility for taking action on Africa. It also alluded to more human security, African-oriented approaches, such as the AU’s Post Conflict Reconstruction and Development Policy, its Transitional Justice Policy, and the AU’s Silencing the Guns Roadmap, but did not specify ways in which it would be willing to provide support in this regard. At the same time, it commended African CT missions, such as

African Union Mission in Somalia (AMISOM), the Multinational Joint Task Force (MNJTF) in the Lake Chad Basin, and the G5 Sahel Joint Force. As such, Africa has largely been left to implement its own agenda, which has not been a primary focus on the UNSC (UNSC, 2022).

To date, national African CT and P/CVE approaches have been overly securitized, but over time there have been some shifts involving the adoption of legislation, the use of P/CVE strategies, and community engagement. However, community engagement has been limited and P/CVE programs are often funded by external donors, with implications for their sustainability. Similarly, the AU has also previously taken a military-focused approach, as illustrated by the fact that the ACSRT’s work is not integrated into the APSA. In addition, its primary frameworks on CT include the Convention on the Prevention and Combating of Terrorism (1999), the Algiers Plan of Action on the Prevention and Combating of Terrorism (2002), and the African Model Anti-Terrorism Law (2011), none of which refer to P/CVE. Currently, the APSA is undergoing a process of reform, having merged the Department of Political Affairs with the Department for Peace and Security to create the Department of Political Affairs, Peace and Security (PAPS). One of the ambitions underlying these reforms is to promote greater synergy in addressing inter-related issues of security and governance on the continent, including on CT and P/CVE (UNSC, 2022).

Until now, the work of the AU has been fragmented to a degree and has failed to adequately consider the root causes of conflict on the continent, including governance and human rights violations by Member States. In the past, the AU addressed governance through the African Peer Review Mechanism, a voluntary (and therefore unenforceable) system of reporting by Member States that is separate from the APSA. It then established the AGA, but this continued to have weak synergies with the APSA and, as a high-level dialogue platform, its track record is difficult to establish. More importantly, AUPSC decisions on governance have been inconsistent, as crises in Mali, Sudan, and Zimbabwe have shown, with the AU alluding to principles of sovereignty and non-interference as a reason for failing to hold Member States accountable (United Nations, 2020). However, these reforms offer the AU an opportunity to be a norm shaper on the link between governance and CT and/or P/CVE.

At a normative level, the AU has supported the uptake of UNSC resolutions through several communiqués issued by the AUPSC, including on the impact of FTFs on peace and security in Africa and on countering extremist ideology, radicalization, and financing of terrorism in Africa. While such communiqués are important, time could be better spent on supporting implementation of CT frameworks relating directly to the African context. Rhetorically, the AU appears to be moving away from narrow security responses towards human development approaches that consider the African context. For example, in January 2018, it issued a statement on the theme “Towards a Comprehensive Approach to Combatting the Transnational Threat of Terrorism in Africa,” where it welcomed the development of national CT strategies focusing on prevention, the adoption of holistic approaches to address the root causes of terrorism, and the importance of engaging a wide range of actors in the fight against terrorism, such as religious groups, community leaders, civil society, and women (UN, 2020).

In 2021, AUPSC conducted a review of continental efforts, in which it again urged Member States to address the root causes, drivers, and enablers of terrorism and VE. In practice, such efforts have been limited. AU interventions tend to be through peacekeeping missions or specialized CT missions, which represent a conflict management, rather than a conflict prevention approach and there is no comprehensive continental strategy at the AU on CT or P/CVE. CTED sees comprehensive approaches as including a wider range of government stakeholders beyond law enforcement agencies, such as engaging ministries of education, information, and youth, or municipalities, with best practices of engaging non-governmental actors, and a greater focus on preventative measures (UN, 2020).

The absence of a comprehensive continental strategy has arguably led to significant differences in the way that CT/PVE strategies have developed across Africa’s different geographic regions. In West Africa, the Economic Community of West African States (ECOWAS) has adopted an action plan on the Prevention and Combatting of Terrorism in Africa (2020-2024) but the plan has been criticized for failing to adequately address the root causes of extremism and allocating most of the plan’s budget to CT measures. According to CTED, six States in West Africa have taken measures to develop a national CT strategy and one has developed a national PVE strategy, but

this has faced challenges in operationalization (UN, 2020).

UNSC Engagement on African CT Operations

Practically, the UNSC has supported the notion of African-led military operations (including both CT and peacekeeping missions), although sticking points remain on their financing and on the nature of their mandates. The AU would like to access UN-assessed contributions, but there is a lack of a clear agreement on how a 25:75 split would work in practice, especially considering the AU’s difficulties in meeting financial obligations. In discussions regarding the mandate extension of AMISOM, the AU called for a hybrid AU-UN mission that would merge the UN’s political mission with the existing mission, which some labelled as an attempt to get concessions on UN funding (IPI, 2021). There is also the challenge of how these AU missions would comply with international human rights law and UN accountability standards. As a result, the UNSC has stressed the responsibility that regional organizations have in securing their own resources, but these limitations have had an impact on the success of its missions.

Due to the challenges of financing, Africa has opted for ad hoc blended missions, operating under various mandates. The UN, for example, has several large missions in Africa, such as in the DRC, Central African Republic (CAR), Mali, and South Sudan, to which African countries contribute troops. AMISOM was the AU’s flagship mission, which changed to the AU Transition Mission in Somalia in April 2022. Then, there are regional initiatives such as the G5 Sahel Joint Force and the Lake Chad Basin MNTJF, composed mainly of military units from neighboring countries and supported by interested donors (either financially or through their own bilateral means, such as French Operation Barkhane) (IPI, 2021). The AU’s proposed African Standby Force (ASF) is not yet operational, although a roster has been developed. There are ongoing debates as to whether the ad hoc model or the ASF would be more effective, but what these operations lack is a clear overarching and comprehensive normative framework from the AU. Without a shared set of objectives among all the parties involved in an ad hoc mission, these operations remain vulnerable to being focused on countering terrorism through military means alone.

There are also discussions on the establishment of a CT unit in the ASF, which could streamline activities and assist with a

greater preventative approach, but no resolution on this has been reached. Furthermore, African CT operations have neglected the issue of governance and human rights, the failure of which can serve as a tipping point for extremists. The fact that the UNSC CT framework is largely silent on governance issues means that a key element of addressing terrorism in Africa is often overlooked by all actors. In the Sahel region, approaches to address CT have involved multiple external actors focused on security, which has detracted national efforts to look inwardly and to understand the context. The G5 Sahel is an intergovernmental organization including Burkina Faso, Chad, Mali, Mauritania, and Niger, but is heavily reliant on external funding. It also works alongside the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the MNJTF, French Operation Barkhane, as well as soldiers from the United States, Germany, Belgium, the United Kingdom, and Italy. With these operations ongoing for more than a decade, there are increasing calls for “softer” approaches in this region, such as engaging in dialogue with communities and militants, adopting structural reforms, and improving social services.

Recently, the AUPSC has reiterated the need to address the root causes and drivers of terrorism, such as marginalization and exclusion, and to take economic and social actions that support long-term stabilization and development. But it could do more to ensure these approaches are implemented. One positive example (as noted by CTED) may exist in the Lake Chad Basin, where a Regional Stabilization Strategy has been developed that aims to address the drivers of extremism and the lack of development in the region (IPI, 2021). The Strategy calls for new ways of working and places a larger emphasis on community engagement and civil-military cooperation, but suffers from funding gaps and an over-reliance on military and other security institutions. Nevertheless, it poses a new model of sustainability from which the African continent can learn. There have also been promising developments in Kenya, where there have been efforts to support the implementation of County Action Plans through multi-sectoral and human rightsbased frameworks and calls for robust collaboration between national and county governments and civil society organizations. As a result of these efforts, these action plans focus on sharing local knowledge and bringing together grassroots organizations to prevent radicalization.

In this regard, the AU should lead the way through not only advocating for, but also implementing, a truly inclusive approach to CT and P/CVE. At present, the AU has launched the Interfaith Dialogue on VE (iDove), which demonstrates a move towards a more inclusive P/CVE approach that involves youth and religious leaders, but much more can be done to set norms, advocate for their implementation, and to provide technical and other support to its Member States. Human rights concerns are also a serious problem across African CT responses, which have manifested in various ways, such as through legislation, disregard for the protection of due process and rights, and extrajudicial killings (ICG, 2021). The UN has raised the issue of human rights violations as a challenge in ad hoc peacekeeping missions, but national African CT responses are also concerning. In Nigeria, for example, Human Rights Watch denounced the conditions and outcomes of the country's terrorism trials of Boko Haram suspects in 2017. Bilateral engagements, where some African countries have brought in private military contractors to support government efforts to root out armed groups, have also posed challenges in terms of human rights standards and accountability (ICG, 2021).

Africa Union (AU) Counterterrorism Frameworks

Another counterterrorism frameworks, resolutions and declarations, treaties, principles and guidelines initiated to contain extremism and terrorism on the African continent was the African Union Counterterrorism Frameworks (Joshua & Olanrewaju, 2017). The AU Counterterrorism Frameworks was initiated in the 1999 Algiers Convention on the Prevention and Combating of Terrorism that acknowledged the scope and seriousness of terrorism, as well as affirmed that terrorism ‘constitutes a serious violation of human rights and a threat to peace, security, development, and democracy’ in Africa. In combating terrorism, member states were provided with the following obligations:

- Take all necessary measures to protect the fundamental human rights of their populations against all acts of terrorism
- Prevent the entry into and the training of terrorist groups on their territories
- Identify, detect, confiscate and freeze or seize any funds and any other assets used or allocated for the purpose of committing a terrorist act, and to establish a mechanism to use such funds to compensate victims of terrorist acts or their families
- Establish national contact points in order to facilitate the timely exchange and sharing of information on terrorist groups and

activities at the regional, continental and international levels, including the cooperation of states for suppressing the financing of terrorism

The Plan of Action on the Prevention and Combating of Terrorism (14 September 2002) was initiated to further the implementations of the 1999 Algiers Convention. The Plan of Action aims at improving cross-border policing and surveillance on the continent. Its specific provisions, regarding border control that member states should undertake were to:

- Enhance border control and surveillance, as well as the necessary means to prevent the forgery and falsification of travel and identity documents
- Ensure that identity documents contain advanced security features that protect them against forgery
- Issue machine-readable travel documents that contain security features that protect them against forgery
- Keep a passport stop-list containing information of individuals whose applications would require special attention or who may not be issued with travel documents
- Check applications against the passport stop list and the population register before the document is issued
- Develop and upgrade the regulations governing border control and security procedures including land, sea and air exit and entry points so as to curb infiltration and promote cooperation among policy agencies having due regard for relevant provisions of relevant regional and continental agreements on the free movement of persons and goods
- Computerise all points of entry in order to monitor the arrival and departure of all individuals.

Another Counter Terrorism initiated by the Africa Union was the 2011 African Model Anti-Terrorism Law that outlines concrete steps that state parties could take to protect themselves against terrorism. The African Model Anti-Terrorism Law provided Offences of terrorism and Penalties for contravening. The International Law defined the duties of the member states with respect to apprehending terrorists within their country. Provisions of the Law states:

- The offences relating to harbouring or concealment of persons committing specified offences
- The duty to report presence of person suspected of intending to commit or having

committed an offence and failure to so report

- The threat, attempt, conspiracy and inducing another person to commit offence. In addition

The Law also enumerates duties of the Member states to detect money laundering and financing of terrorism, which requests member state to establish a financial intelligence unit (FIU) to serve as a central, national agency responsible for receiving, requesting, analysing and disseminating information concerning suspected proceeds of crime and potential financing of terrorism. The provisions of the law also established the obligation to report suspicious activities of money laundering by setting up accountable institutions to stop transactions that they suspect to be related to money laundering or financing terrorism. On the extradition of offenders, the Law provided for extradition and uses of anti-terrorism conventions as the basis for extradition in order to facilitate judicial processes of counterterrorism.

The Algiers Convention of 1999 makes no provision for enforcement of compliance by state parties, but the Plan of Action specifically sets out a monitoring and enforcement role for the newly established Peace and Security Council (PSC) and the Commission of the AU. Article 7 of the Protocol, relating to the Establishment of the PSC, adopted at the AU Summit in Durban, July 2002, provides for ensuring the implementation of the Algiers Convention and other relevant international, regional and sub-regional instruments to combat terrorism. In addition to addressing the challenges of porous borders and reducing the laundering of illicit money that play into the hands of terrorist organisations, the central objective of AU is to reduce to the barest minimum the activities of terrorism organisations in Africa.

Conclusion and Recommendations

There is no doubt that the menace of bad governance has partly been responsible for triggering terrorism in the West Africa sub-region. The nations of the region are still characterized by varying levels of stability and socioeconomic concerns among which is the ravaging terrorism in the region. Also, we could see that the conflict situation in the West Africa sub-region provoked by terrorism and insurgency has resulted in widespread displacement, violations of international humanitarian and human rights law, protection

risks and a deepening humanitarian crisis and the prolonged humanitarian crisis has had a devastating impact on food security and nutrition in the region with millions of people in need of emergency food assistance.

Religion plays a serious role in fostering terrorist tendencies because of its penchant for labelling one group as superior and others as inferior based on their monopoly of access and ownership of a supposed supreme universal being. In order to address these challenges of terrorism, ECOWAS initiated an ECOWAS Political Declaration and Common Position against terrorism which was aimed at combating terrorism via a three-pronged approach which was to prevent, pursue and reconstruct. The 3-pillars of counterterrorism recognize that mutual legal assistance in area of intelligence, investigation, prosecution and counter-terrorism operation is an absolute necessity to meet the shortfall and disparities in the capabilities of member states. Member states are entrusted with the primary responsibility for the full and effective implementation of this strategy.

The fight against the growing menace of terrorism thus requires a broad range of policy responses to address the underlying conditions conducive to its spread. ECOWAS strategy may not provide a complete answer to the problem of terrorism in West Africa, but it nonetheless establishes a proactive framework for dealing with the threat of terrorism and thus requires effective implementation. With the enormous challenges towards combating terrorism, ECOWAS effort at countering terrorism would always be challenged. Terrorism cannot be tackled ordinarily; it requires a broad range of policy responses, including the promotion of human rights and good governance. As long as the harbingers of terrorism, which include among others, poverty, corruption, unemployment, illiteracy, and other incubators of terrorism is not perfectly managed, ECOWAS aim of eradicating terrorism in the sub-region will remain a noble dream.

Although ECOWAS is making remarkable efforts to promote democracy in West Africa, available evidence tend to suggest the intertwined relationship between good governance and anti-terrorism has not been perfectly understood by the governments of West African States. On the basis of the above, some policy recommendations were proffered. First, it was recommended that governments in the West Africa sub-region should deepen their collaborations in essential areas of intelligence

and information-sharing on terrorisms. Second, capacity of law enforcement and criminal justice officials in the region should be enhanced through targeted training to enforce counterterrorism measures in accordance with the rule of law and human right laws.

Third, West African states should improve their capacities in anti-terrorism legislation drafting and training of law enforcement and criminal justice officials in the investigation and prosecution of terrorists. Fourth, the states should engage relevant non-governmental actors such as civil society organizations, local communities, and faith-based groups in developing conflict-prevention strategies to deal with violent extremist narratives that often lead to terrorist acts. This study contributes to knowledge by unravelling the role of joint regional action in the fight against terrorism in the West Africa sub-region as well as reaffirming existing state of prior literature on international terrorism and fills the gaps thereof.

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