STRENGTHENING REGIONAL AND SUB-REGIONAL TIES-TOWARDS THE DEVELOPMENT OF UNIVERSAL JURISDICTION APPROACH TO TERRORISM

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Abstract

The philosophical underpinnings of universal criminal jurisdiction (UCJ) in the prosecution of crimes are justice and dignity for the victims of international crimes and crimes sharing similar characteristics; as criminal accountability remains a necessary tool for upholding the rule of law, eliminating criminal impunity and defending the core values and interests of the international community. Undoubtedly, UCJ theory serves as a medium for international criminal law to remove the veil of impunity from perpetrators of international crimes. The full implementation of the principle of universal jurisdiction on terrorism remains difficult, especially in view of the non-acceptance of the crime as an international crime notwithstanding the fact that the crime has continued to ravage global peace. Consequently, the involvement of regional and sub-regional intergovernmental institutions becomes crucial in the mission to develop a universal agreement. Thus, this paper examines and provides recommendations as solutions to the full entrenchment of the principle of UCJ as a tool in universal counter terrorism efforts. The paper adopts doctrinal research method by relying on primary data such as statutes, laws and cases, and secondary materials including academic texts and articles. The paper recommends harmonised anti-terrorism laws, strengthened international cooperation, enhanced judicial capacity, and flexible legal frameworks incorporating universal jurisdiction.

Keywords: International Crime, International Criminal Law, Terrorism, Universal Jurisdiction

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1.0. Introduction

Terrorism is one of the most challenging threats of the twenty-first century.[1] However, despite the multifaceted consequential impact of terrorism on states and individuals and the outrage that has been expressed globally, the world at large does not seem to be winning the fight against the menace.

Global counter-terrorism efforts have been hampered by the absence of a universally accepted definition of the term. This ambiguity prevents terrorism from being classified as an international crime subject to universal jurisdiction.[2] The principle of universal jurisdiction allows a state to prosecute certain crimes irrespective of the location of the crime and the nationality of the perpetrator or the victim.[3] It derogates from the ordinary rules of criminal jurisdiction requiring a territorial or personal link with the crime, the perpetrator or the victim.[4] But the rationale behind it is broader; it is based on the notion that certain crimes are so harmful to international interests that states are entitled and even obliged to bring proceedings against the perpetrator regardless of the *locus criminis* and the nationality of the offender or the victim.[5] The concept of a crime against all humankind provides the foundation for modern universal jurisdiction: if a crime transcends the interest of a single state, this supports vesting jurisdiction over the crime on all states.[6]

The adoption of universal jurisdiction by states is considered to be a procuration that they have given themselves to the international community to end violations of international humanitarian law. Therefore, the most important justifications for adopting universal jurisdiction are human solidarity, common interests between countries, and the social danger of the offender in the territory of the host state.[7]

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[1] Hare A., "A New Forum for the Prosecution of Terrorists: Exploring the Possibility of the Addition of Terrorism to the Rome Statute's Jurisdiction" (2010) 8 *Loyola University Chicago International Law Review* 95, 1, available at <http://lawecommons.luc.edu/lucilr/vol8/iss1/7> accessed 6 March 2025.

[2] M. P. Scharf, "Defining Terrorism as the Peacetime Equivalent of War Crimes," (2004) *Case Western Reserve Journal of International Law*, Vol. 36, Issue 2, p. 359.

[3] K.C. Randall, 'Universal jurisdiction under international law', (1988) *Texas Law Review, No. 66*, p. 785: International Law Association Committee on International Human Rights Law and Practice, 'Final Report on the Exercise of universal jurisdiction in respect of gross human rights offences', 2000, p. 2

[4] X Philippe, 'The principles of Universal Jurisdiction and Complementarity: How do the two principles intermesh?' *International review of Red Cross* (2006) 88 .p 377.

[5] Amnesty International, Universal Jurisdiction: The duty of States to enact and implement legislation (London, September 2001), pg 1. Available at: f3d4445c118e/ior530022001en.pdf . See also the Princeton Principles on Universal Jurisdiction (2001), Principle 1(1). Accessed 6 May, 2025.

[6] A Cassese and M Delmas-Marty, "*Juridictions nationales et crimes internationaux* (Presses Universitaires de France, Paris, 2002) p.285.

[7] T Soror, *Universal Criminal Jurisdiction (1st Edition,* Dar El Nahda El Arabia, Cairo, Egypt, 2006) p. 114.

International law lacks a centralized legislative, judicial and executive authority structure like that found in States; thus, when a State exercises universal jurisdiction, it is acting as the organ and agent of the international community in defence of the law of nations.[8]

In the face of its global effects, terrorism can now be more correctly characterized as a global issue rather than a domestic issue with global ramifications. Therefore, as part of the entire response of the world community to the crime, there ought to be international, regional or sub-regional legal responses. When national courts exercise universal jurisdiction appropriately in accordance with internationally recognized standards of due process, they act to vindicate not merely their own interests and values but the basic interests and values common to the international community.[9]

Existing literature on terrorism and international criminal law has examined at length debates surrounding the definitional aspects of terrorism, the extent of state obligations in counter-terrorism efforts, and international cooperation in combating transnational violence. Scholars such as Ben Saul, Antonio Cassese, and M. Cherif Bassiouni have focused on the international legal dimensions of terrorism including debates surrounding the criminalisation of terrorism under international law as well as questions of jurisdictional limitations to prosecution. However, relatively little attention has been given in scholarship to examining universal jurisdiction as a potential and coordinated system for the prosecution of terrorism in the context of increasing transnational insecurity, at least from the perspective of Africa and the global south. This paper seeks to fill that gap by critically appraising the juridical and institutional basis for assuming universal jurisdiction in the enforcement of contemporary counter-terrorism.

Consequently, the paper is increasingly of global importance, as terrorism knows no territorial bounds, avails itself of attempts to destroy international security, peace of mankind, and structures that exist when suppression is enacted within territorial confines. By examining the relevance of universal jurisdiction to the work of such anti-terrorism institutes, the article engages in contemporary debates on accountability, international criminal law and transnational security cooperation. The study further helps appreciate how such international and regional institutes may seek to develop more consistent rules on Terrorism, while balancing sovereignty, rights, and global concerns about security.

[8] Eichmann Case, pg. 300. See also Kobrick, Eric S., "The ex post facto Prohibition and the Exercise of Universal Jurisdiction over International Crimes", (1987) *Col. L. Rev.,* 87, núm. 7. pg. 1530.

[9] Universal jurisdiction appears as a potent weapon: it would cast all the world's courts as a net to catch alleged perpetrators of serious crimes under international law. It holds the promise of a system of global accountability justice without borders administered by the competent courts of all nations on behalf of humankind.

The big question here is, to what extent can universal jurisdiction serve as an effective international legal framework for the prosecution of terrorism in contemporary international law?

This paper finds that although terrorism has yet to achieve common acceptance as an international crime subject to automatic universal jurisdiction, recent developments tend to favour its classification as a transnational crime of international concern. The panorama of sectoral anti-terrorism conventions, regional security agreements, multilateral forms of cooperation and mutual assistance attest to incipient juridical grounds for wider international accountability. This paper finds that, sensibly institutionalised and harmonised with international legal structures, universal jurisdiction can be effectively applied to enhance international counter-terrorism, as well as remove safe havens.

Furthermore, the paper examine international, regional and sub-regional collaboration against terrorism. The paper examines how nations within established regional groupings can utilize legal frameworks and soft law measures in partnership with other regions to effectively address and manage terrorism. This paper is divided into seven parts. Part 1 introduces the discourse and Part 2 focuses on conceptual clarification and theoretical framework. Part 3 examines the initiatives undertaken by the United Nations (UN). Part 4 examines various regional initiatives, Part 5 considers bilateral relations between some critical states against terrorism and Part 6 focuses on the challenges with the existing counter-terrorism framework and part 7 concludes the discussion and proffers recommendations.

2.0 Conceptual Clarifications and Theoretical Framework

2.1 Conceptual Clarifications

2.1.1Terrorism

The notion of terrorism appears to be one of the most controversial concepts in international law primarily because there is no universally accepted definition of the term.[10] Although various international conventions prohibit certain forms of terrorist activities, States have been resistant to agree on a general legal definition for a number of political, ideological and self-determination motives. It is, however, conceived as the intentional use or threat of civilian or other violence for political, ideological, religious or coercive purposes designed to intimidate and coerce a Government or international organisation into engaging in or

[10] B. Saul, *Defining Terrorism in International Law* (Oxford University Press, 2006) p. 1.

abstaining from some activity.[11] Ben Saul notes that the notion of a definition, or at least a universally accepted definition of terrorism "has not prevented the rise of a sectoral anti-terrorism regime regulating ... categories of terrorist conduct under international law".[12]

2.1.2 Counter-Terrorism

Counter-terrorism refers to legal, military, intelligence, diplomatic, financial, and administration techniques adopted by states and international organisations to prevent, suppress, investigate, and prosecute terrorist acts. Modern counter-terrorism systems may go beyond military deployments to demands for intelligence sharing, financial surveillance, border control, extradition, mutual legal assistance, and international court cooperation. Counter-terrorism will also seek to comply with international human rights standards and rule of law.[13]

2.1.3 Global Terrorism

Global terrorism refers to terrorist actions whose scope, funding, recruitment, inspiration, or impact extend beyond one country and threaten international peace and security. In contrast to domestic terrorism, global terrorism has cross-border aspects that call for global solutions. The actions and messages of Boko Haram, Al-Shabaab, Al-Qaida, and Da'esh indicate the international nature of terrorism and the growing interconnection of regional insecurity and global security.[14]

2.1.4 Regional and Sub-Regional Cooperation

Regional and sub-regional cooperation refers to collaborative institutional and legal arrangements among geographically connected states aimed at addressing common security threats and transnational crimes. In Africa, organisations such as the African Union and the Economic Community of West African States have adopted legal and institutional mechanisms to facilitate intelligence sharing, military coordination, border surveillance, extradition, and joint counter-terrorism operations. Such cooperation has become

[11] A. P. Schmid, "The Definition of Terrorism" in A. P. Schmid (ed.), *The Routledge Handbook of Terrorism Research* (Routledge, 2011) pp. 39–98.

[12] *Ibid*

[13] B. Saul (ed.), *Research Handbook on International Law and Terrorism* (Edward Elgar Publishing, Cheltenham, 2020) 3–12; United Nations Security Council Resolution 1373 (2001), UN Doc S/RES/1373 (2001).

[14] B. Hoffman, *Inside Terrorism,* Revised and Expanded edn (Columbia University Press, New York, 2006) 23–41; M. N. Shaw, *International Law,* 8th edn (Cambridge University Press, Cambridge, 2017) pp. 891

indispensable in combating terrorism within fragile border regions and areas characterised by weak state capacity.

2.1.5 Universal Jurisdiction

Universal jurisdiction refers to the principle under international law whereby states may exercise criminal jurisdiction over certain grave international crimes irrespective of where the crime was committed or the nationality of the perpetrators or victims. Traditionally associated with piracy, slavery, genocide, war crimes, and crimes against humanity, the doctrine is founded on the premise that certain offences constitute crimes against the international community as a whole (*hostis humani generis*). Contemporary scholarly debates increasingly examine whether terrorism should similarly attract universal jurisdiction because of its transnational nature and its threat to international peace and security.[15]

2.2 Theoretical Framework

This paper is primarily based on the Universal Criminal Jurisdiction (UCJ) Theory which proposes that certain crimes are so odious and dangerous to the international community that universal law and the global conscience mandate that every state has the right and duty to punish the offender wherever the offence is committed and by whomsoever, whether or not the person is a national of or the offending act is committed in the territory of the state in question. The justification for the imposition of universal jurisdiction rests on the analogy with the treatment historically accorded by states to piracy as an offence against all mankind, justifying the assertion that all states may exercise jurisdiction because it is in the joint interest of mankind. In justifying its rejection of the argument that international crimes should be further prosecuted only on the basis of universal jurisdiction, contemporary international criminal law has borrowed many of the principles of universal jurisdiction to characterize other crimes, such as genocide, war crimes, crimes against humanity, torture, and slavery. Those who subscribe to this school of thought contend that if the territorial states fail or refuse to vigorously prosecute those internationally serious crimes, the communal international society must do justice to deny the alleged individual immunity from punishment.[16]

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[15] R. Cryer, H. Friman, D. Robinson and E. Wilmshurst, *An Introduction to International Criminal Law and Procedure*, 4th edn (Cambridge University Press, Cambridge, 2019) p. 51.

[16] R. O'Keefe, "Universal Jurisdiction: Clarifying the Basic Concept" (2004) 2 Journal of International Criminal Justice. p. 735.

The paper draws Support from Global Constitutionalism Theory, which seems to support a framework of common international law that builds shared accountability beyond absolute state sovereignty. Global Constitutionalism goes where states operate from the place that the international community has often become a kind of common home where shared values, obligations and responsibilities exist through the lens of human rights which represent a new horizon for legal responsibility beyond the purely domestic. Terrorism is not just a domestic criminal justice problem but a global one that requires some kind of legal response in terms of international cooperation and responsibility and stronger accountability under international law.[17]

In addition, the paper also incorporates elements of State Responsibility Theory, particularly with concerns regarding states' obligations to prevent terrorism, deny terrorist organisations safe havens, and cooperate in the suppression and prosecution of transnational crimes. Under international law states may incur responsibility where they fail to demonstrate due diligence in preventing terrorism and crimes underpinning it within their territories or knowingly support, sponsor, harbour or tolerate terrorism. This growing internationalisation of these obligations under various multilateral treaties and UN Security Council resolutions is a testament to the recognition that terrorism threatens the international peace and security and therefore engages collective state responsibility.[18]

Summarily, the theoretical paradigms furnish the normative and juridical basis for interrogating whether universal jurisdiction can be an apt international regime for containing terrorism in the modern international legal order, and further buttresses the case for terrorism as increasingly, because of its transnational dimension and its threat to international peace and security, being dealt with as a transnational matter of concern rather than a purely domestic crime.

3.0 International Initiatives – United Nations

The United Nations (UN), established in 1945, is an international organization focused on maintaining international peace and security and protecting human rights.[19] The UN has

[17] M. Kumm, "The Cosmopolitan Turn in Constitutionalism: On the Relationship Between Constitutionalism in and Beyond the State" in J. L. Dunoff and J. P. Trachtman (eds), Ruling the World? Constitutionalism, International Law, and Global Governance (Cambridge University Press, Cambridge, 2009) pp. 258–324; A. Peters, "Global Constitutionalism" in M. T. Gibbons (ed.), The Encyclopedia of Political Thought (John Wiley & Sons, Oxford, 2015) p.5.

[18] J. Crawford, Brownlie's Principles of Public International Law, 8th edn (Oxford University Press, Oxford, 2012) p. 448; United Nations Security Council Resolution 1373 (2001), UN Doc S/RES/1373 (2001).

[19] "United Nations Charter". *www.un.org*. 17 June 2015. Archived from the original on 18 March 2022. Accessed 29 September, 2024; other objectives include: delivering humanitarian aid, developing friendly relations among nations, achieving international cooperation, serving as a centre for harmonizing the actions of nations, promoting sustainable development, and upholding international law

played the most prominent role in global counter-terrorism, including adopting conventions and protocols,[20] creating the UN Global Counter-Terrorism Strategy (the Strategy), establishing the UN Office of Counter-Terrorism (UNOCT) and passing a plethora of Security Council resolutions on counter-terrorism.[21] It formed the Counter-Terrorism Committee (CTC) and its Executive Directorate (CTED), Preventing Violent Extremism (PVE) Initiatives, Human Rights and Counter-Terrorism Mandate,[22] international and regional collaboration,[23] public awareness and advocacy campaigns. These efforts aim to foster international solidarity and implement a unified response to terrorism.

3.1 The UN Global Counter-Terrorism Strategy

The Global Counter-Terrorism Strategy, adopted by the General Assembly in 2006,[24] represents a comprehensive framework for enhancing national, regional and international efforts to counter terrorism as Member States agreed to a common strategic and operational approach to fighting terrorism. The Strategy reaffirms that Member States have the primary responsibility regarding implementation of counter-terrorism efforts. The Strategy includes security-related preventative measures and reaffirms respect for human rights and the rule of law, as well as addressing the underlying conditions conducive to the spread of terrorism.

The General Assembly reviews the Strategy every two years which allows Member States to renew international commitment to multilateral efforts to counter terrorism, take stock of the progress in implementing the Strategy and identify further areas requiring attention over the next two years. The latest review took place in June 2023, where the General Assembly adopted Resolution 77/298[25] on the eighth review of the Strategy, reinforcing the consensus around the Strategy. The next and ninth review of the Strategy in 2026 will coincide with the twentieth anniversary of its adoption.

[20] The UN has developed 19 international legal instruments aimed at preventing and countering terrorism, such as the International Convention for the Suppression of the Financing of Terrorism (1999) and the International Convention for the Suppression of Terrorist Bombings (1997).

[21] Resolutions such as 1373 (2001) mandate measures to prevent and suppress the financing of terrorism and improve international cooperation, - Resolution 2178 (2014) addresses the issue of foreign terrorist fighters, - Resolution 2396 (2017) strengthens measures to manage returning foreign terrorist fighters.

[22] The UN emphasizes the importance of upholding human rights while combating terrorism, through mechanisms like the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism.

[23] The UN collaborates with regional organizations such as the African Union (AU), the European Union (EU), and the Organization of Islamic Cooperation (OIC) to harmonize global counter-terrorism efforts.

[24] (A/RES/60/288).

[25] See https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/464/61/PDF/N2246461.pdf?OpenElement

3.2.1 Pillars of the United Nations Global Counter-Terrorism Strategy:

The four pillars of the Strategy guides the UN's counter-terrorism work. They are:

Pillar I: Measures to Address the Conditions Conducive to the Spread of Terrorism[26]

Under this pillar, the UN focuses on tackling extremism, promoting social cohesion, and addressing socioeconomic factors that may create an environment where terrorism can flourish. The Office of Counter-Terrorism of the UN conducts capacity-building projects in strategic communications to foster cohesion and crisis response.

Pillar II: Measures to Prevent and Combat Terrorism[27]

This pillar involves efforts to block terrorist access to weapons, disrupt their travel, and counter the financing of terrorism. UN efforts include launching of technical guidelines for the implementation of Security Council Resolution 2370 (2017) and related international standards and good practices on preventing terrorists from acquiring weapons; enhancing capacities of Central Asian States in countering trafficking of small arms and light weapons to terrorists; and training officials on preventing and responding to chemical, biological, radiological and nuclear terrorism. The UN also supported the ECOWAS to develop a sub-regional approach and strategy to counter the proliferation of improvised explosive devices and their components, trained criminal justice officials on the effective implementation of the international legal framework against terrorism, strengthened capacities in 59 countries to prevent, detect and investigate international travel by terrorists (by deploying the "goTravel" software solution). The UN has also continued to build capacities to counter terrorism financing, with increased engagement in Central Asia and with the Financial Action Task Force-style regional bodies in the Middle East and North Africa, as well as East Africa and Southern Africa and also launched a data protection framework with the Counter-Terrorism Committee Executive Directorate.[28]

[26] Moussa Bourekba, Necessary But Unwanted?, The United Nations' Evolving Approach To Counterterrorism- UN @ 75: Rethinking Multilateralism, CIDOB Report # 06- 2020, p. 29, available at <https://www.cidob.org/sites/default/files/2024-07/27-34_MOUSSA%20BOUREKBA_ANGLES.pdf> accessed 21 May 2026.

[27] *ibid*

[28] The United Nations Global Counter-Terrorism Strategy: Resolution adopted by the General Assembly on 8 September 2006 [without reference to a Main Committee (A/60/L.62)] 60/288. Sixtieth session Agenda items 46 and 120 05-50488. Pg. 5. Available at https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/504/88/PDF/N0550488.pdf?OpenElement Accessed 9th October, 2025.

Pillar III: Measures to Build States' Capacity and Strengthen the Role of the United Nations[29]

The emphasis of the Pillar is on providing training, legal assistance, and institutional support to help states effectively respond to terrorism, while also ensuring better coordination within the UN system. The UN has continued to provide capacity building assistance on prosecution, rehabilitation and reintegration, in cooperation with the Counter-Terrorism Committee Executive Directorate and United Nations Office on Drugs and Crime (UNODC).

Pillar IV: Measures to Ensure Respect for Human Rights and the Rule of Law[30]

This pillar underlines the need for all counter-terrorism measures to comply with international law, protect victims, and safeguard fundamental freedoms. The UN has continued to raise awareness on this pillar. There is a global project to strengthen the capacities of law enforcement officials in Africa and the Middle East to implement human-rights-compliant responses to terrorism. UNODC, Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Team of Experts on the Rule of Law and Sexual Violence in Conflict promotes respect for human rights and the inclusion of gender dimensions across various Member States.

The UN combats terrorism by a multipronged strategy that includes preventive tactics as well as security measures to solve the intricate problems that terrorism poses while respecting the rule of law and human rights. Initiatives of the UN show dedication to advancing security and peace in the face of challenges from international terrorism.

4.0 African Union Regional Initiatives

The threat of terrorism in Africa has increased dramatically, especially in regions like West Africa, the Sahel and the Gulf of Guinea where terrorist organisations such as Boko Haram, Islamic State affiliates, Al-Shabaab, and al-Qaida are taking advantage of weak government structures and social vulnerabilities, as well as limited state resources. Research on this topic continues to grow, and increasingly points towards non-military reasons for the growth of terrorism- issues like political instability, economic marginalisation, and deficits in governance all play a major role in expanding terrorism in these regions.[31]

Recognising these challenges, the African Union (AU) developed a comprehensive counter-terrorism framework, which includes legislative milestones, such as the 1992 Resolution 213

[29] Implementing the United Nations Global Counter-Terrorism Strategy in Central Asia Concept Paper. Available at <https://unrcca.unmissions.org/sites/default/files/concept_note_eng_0.pdf > accessed 21 May 2026

[30] *Ibid*

[31] A. Thurston, *Jihadists of North Africa and the Sahel* (Cambridge University Press, 2020) p. 41; United Nations Development Programme, *Journey to Extremism in Africa* (2023) p. 15.

on extremism, the 1994 Declaration rejecting extremism,[32] and the 1999 Convention on the Prevention and Combating of Terrorism.[33] Each milestone reflects an evolving understanding of terrorism as a complex, multifaceted issue requiring regional response. The AU's initiatives highlight key areas of focus: addressing structural drivers of terrorism, building Member States' capacity to resist threats, implementing preventive measures, and ensuring adherence to human rights and the rule of law in counter-terrorism efforts. While there are questions about effectiveness, operational coordination and disparities in resources, African have so far shown sufficient indication of its desire to fight terrorism.

4.1 African Union Counter-Terrorism Framework

The OAU vowed to combat the phenomena of extremism and terrorism when it adopted a resolution[34] on strengthening cooperation and coordination among African states at its 28th Ordinary Session in 1992. The OAU further adopted the Declaration on the Code of Conduct for Inter-African Relations[35] at its 30th Ordinary Session, which was held in Tunis, Tunisia, in June 1994. The declaration condemned all forms of extremism and terrorism, regardless of the justifications used, such as sectarianism, tribalism, ethnicity, or religion. Additionally, the proclamation declared that all terrorist activities, strategies, and tactics are illegal and reaffirmed its commitment to stepping up collaboration to combat such acts.

The need for counter-terrorism measures from Member States individually and collectively led to the adoption of the Convention on the Prevention and Combating of Terrorism by the 35th Assembly of Heads of State and Government of the Organization of African Unity in Algiers in July 1999 (the Algiers Convention).[36] The Algiers Convention establishes state jurisdiction over terrorist activities, outlines areas in which states must cooperate, and offers a legal framework for extradition, extraterritorial investigations, and mutual legal assistance.[37] The 3rd Ordinary Session of the Assembly of the Union, held in July 2004, accepted an additional Protocol to the Algiers Convention. The Protocol considers increasing connections between terrorism, drug trafficking, transnational organized crime,

[32] M Ewi and K Aning, 'Assessing the Role of the African Union in Preventing and Combating Terrorism in Africa' *African Security Review* (2006)15(3) p. 35.

[33] It was adopted by the 35th Ordinary Session of the OAU Summit, held in Algiers, Algeria, in July 1999.

[34] AHG/Res.213 (XXVIII)

[35] AHG/Del.2 (XXX)

[36] African Union High-Level Inter-Governmental Meeting On The Prevention And Combating Of Terrorism In Africa Algiers, Algeria 11-14 September 2002. Mtg/HLIG/Conv.Terror/Plan.(I) Original: English available at https://www.peaceau.org/uploads/au-anti-terrorism-plan-of-action.pdf last accessed 1 February, 2025

[37] Organization of African Unity (OAU), *OAU Convention on the Prevention and Combating of Terrorism* (adopted in Algiers on 14 July 1999, entered into force 6 December 2002), Arts. 4, 6, 8–18.

money laundering, and the illegal spread of tiny and light weapons. The Protocol aimed to implement article 3(d) of the Protocol Concerning the Creation of the African Union Peace and Security Council, which states, among other things, that the Council's goal is to "co-ordinate and harmonize continental efforts in the prevention and combating of international terrorism in all its aspects."[38]

The AU High-Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism in Africa of September 2002 adopted the AU Plan of Action on the Prevention and Combating of Terrorism to give specific expression to the obligations and commitments of Member States under the Algiers Convention and the other international counter-terrorism instruments. The plan of action adopts counter-terrorism measures that significantly address Africa's security concerns, including information sharing, legislation and judicial actions, border and police control, and funding of terrorism.[39]

The African Centre for the Study and Research on Terrorism (ACSRT) was founded in 2004 in Algiers as part of the Action 2002 implementation.[40] Its purpose is to develop counter-terrorism capacity building programmes and act as a structure for centralizing information, studies, and analyses on terrorism and terrorist groups. It also offers a venue for communication and collaboration between Regional Mechanisms and Member States.

The Commission created the African Model Law on Counter Terrorism as part of implementing the pertinent provisions of the 2002 AU Plan of Action on the Prevention and Combating of Terrorism, which tasked the Commission with advising on matters pertaining to counterterrorism action, including the creation of model legislation and guidelines to support Member States. This law was approved by the decision[41] made by the Assembly of the Union during its 17th Ordinary Session in July 2011 in Malabo. The Session applauded the Model Law's development and urged Member States to make the most of it to modernize and/or strengthen their own national laws. The purpose of the Model Law is to help Member States execute the provisions found in the 1999 OAU Convention on the Prevention and Combating of Terrorism and its accompanying Protocol.

[38] *Ibid*

[39] African Union, *Plan of Action of the AU High-Level Inter-Governmental Meeting on the Prevention and Combating of Terrorism in Africa* (Algiers, 11–14 September 2002), paras. 1-3.

[40] *African Centre for the Study and Research on Terrorism (ACSRT)*, established in Algiers in 2004 pursuant to the AU counter-terrorism framework and the 2002 Plan of Action on the Prevention and Combating of Terrorism in Africa.

[41] Assembly/AU/Dec.369 (XVII)

4.1.1 Sub-Regional Initiatives – ECOWAS

The Economic Community of West African States (ECOWAS or the Community) has faced recurrent terrorist violence, from early mercenary attacks in the 1970s to contemporary jihadist groups like Boko Haram, Ansar Dine, al-Qaeda in the Islamic Maghreb (AQIM), the Movement for Oneness and Jihad in West Africa (MOJWA), al-Mourabitoun and *Front de Libération du Macina* (FLM).[42]

In response to these issues, ECOWAS adopts counter terrorism initiatives at the sub-regional level. State and non-state actors within the sub-region, have collaborated with local and international partners to devise and implement various strategies aimed at countering and combating the threat. These efforts encompass a range of mechanisms developed by states and multilateral institutions, within and beyond the sub-region, to address the escalating challenges posed by terrorism. ECOWAS integrated security into its mandate, adopting instruments such as the 1978 Protocol on Non-Aggression, the 1981 Protocol on Mutual Assistance in Defence, and later frameworks addressing terrorism financing and money laundering.[43] In 2006, Member States committed to adopting anti-money laundering and counter-terrorism financing laws, and more recently, ECOWAS leaders pledged joint funding for regional counter-terrorism operations. The bloc has also established specialized bodies, including the Counter-Terrorism Coordination Bureau, ECOWAS Arrest Warrant, and the Inter-Governmental Action Group Against Money Laundering (GIABA).[44]

4.1.2 Current Efforts of ECOWAS on Counter Terrorism

At the global scene, ECOWAS has relationships on fight against terrorism and related issues with development partners like UN, EU, AU, World Bank and many countries within and outside of Africa. For example, ECOWAS entered a multi-year (2015-2019) security and development agreement with the US government in 2015. The agreement focused on strengthening democratic institutions, enhancing trade and investment as well as peace and security, including trans-saharan counter terrorism partnership.[45]

[42] Akanji O.O., "Sub-regional Security Challenge: ECOWAS and the War on Terrorism in West Africa. Insight on Africa," (SAGE Publications: 2019), Vol. 11, Issue 1, p 94.

[43] United Nations Economic Commission for Africa "ECOWAS - Peace, Security, Stability and Governance" https://archive.uneca.org/oria/pages/ecowas-peace-security-stability-and-governance

[44] GIABA, Inter-Governmental Action Group Against Money Laundering in West Africa (2013) https://www.giaba.org/about-giaba/index.html

[45] ECOWAS, US renew partnership for security and development in west Africa https://old22.ecowas.int/?p=20170

In its further efforts at combatting terrorism, ECOWAS has partnered with the UN Counter Terrorism Committee (CTC), a committee created by the Security Council Resolutions 1373 and 1624 to enhance the ability of states to prevent terrorist acts within and outside their boundaries, and the UN's Counter Terrorism Committee Executive Directorate (CTED), established to implement CTC's policy decisions and conduct expert assessment of UN member state on counter terrorism.[46] In line with this, ECOWAS has developed a number of measures, including the establishment of counter terrorism institutions and instruments such as the International Governmental Action Group Against Money Laundering and Terrorism Financing in West Africa (GIABA). ECOWAS established GIABA on December 10, 1999, as an institution to combat money laundering but expanded its mandate to include combating terrorism financing in 2006 in view of the growing terrorism in the region and the role that illicit money played in fostering it, GIABA was mandated to ensure that ECOWAS member states recognize, adopt and implemented International AML/ CFT measures for the purpose of ensuring the security, integrity and stability of the region's financial system.[47]

In 2023, an agreement for preventing and countering terrorism and violent extremism was reached between the UNOCT and ECOWAS. The framework provides for five years agreement that will usher in partnership between both entities on range of security and counter-terrorism initiatives, including preventative efforts to counter terrorist travel, financing, access to weapons and misuse of information and communications technologies; border security and management; prosecution, rehabilitation and reintegration (PRR), and the delivery of counter-terrorism training programmes in Africa.[48]

4.1.3 Positive Outcomes on ECOWAS's Efforts on Collaboration in The Fight Against Terrorism

ECOWAS has been at the forefront of addressing terrorism in West Africa through different counter-terrorism initiatives which have made significant strides in countering terrorism, bringing about positive outcomes that contribute to regional stability and development.

a. Enhanced Regional Security

One of the most tangible outcomes of ECOWAS's collaboration is the enhancement of regional security. This is done by fostering joint military operations and intelligence sharing

[46]CTED and ECOWAS, reaffirm counter- terrorism committee. http://www.UN.org/sc/ctc/blog/2015/10/20/cted-and-ecowas-reaffirm-counter-terrorism-cooperation.

[47] supra

[48] United Nations Office of Counter-Terrorism, UNOCT And ECOWAS Sign Agreement To Strengthen Cooperation On Preventing And Countering Terrorism https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/230922_press_release_mou_signing_unoct_ecowas.pdf

among member states which has significantly disrupted terrorist activities. Operations like the Multinational Joint Task Force (MNJTF), which includes troops from Nigeria, Niger, Chad, Cameroon, and Benin, have been pivotal in combating Boko Haram and other terrorist groups in the Lake Chad Basin. These efforts have led to the recapture of territories previously controlled by terrorists, restoring safety and governance in affected areas.[49]

b. Strengthened Counter-Terrorism Framework

The adoption of the ECOWAS Counter-Terrorism Strategy and the implementation plan has provided member states with a comprehensive guide to addressing terrorism. This strategy emphasizes a multifaceted approach, including preventive measures, capacity building, and regional cooperation. Through harmonization of laws and policies, ECOWAS ensures that member states have the necessary tools to effectively combat terrorism within their borders and across the region.[50]

c. Improved Intelligence and Information Sharing

ECOWAS has established mechanisms such as the West African Police Chiefs Committee (WAPCCO) and the West African Network for Peace building (WANEP) to facilitate real-time information exchange. This collaboration has improved the ability of member states to anticipate and respond to terrorist threats promptly. For example, the ECOWAS Early Warning and Response Network (ECOWARN) provides critical alerts and analysis, helping to prevent potential attacks and coordinate responses.[51]

d. Capacity Building and Training

Recognizing the need for specialized skills in counter-terrorism, ECOWAS has prioritized capacity building and training for security forces and relevant stakeholders. Training programs and workshops, often conducted in partnership with international organizations, have enhanced the capabilities of law enforcement and military personnel. These programs cover areas such as intelligence analysis, counter-IED (Improvised Explosive Device) operations, and border security management. Improved training has not only increased the effectiveness of counter-terrorism operations but also fostered a sense of professionalism and cooperation among security agencies.[52]

e. Promoting Regional and International Partnerships

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[49] Clayton Hazvinei Vhumbunu, Assessing the Economic Community of West Africa (ECOWAS) Counterterrorism Strategy https://books.google.com.ng/books?hl=en&lr=&id=YhGtEAAAQBAJ&oi=fnd&pg=PA163&dq=success+of+ecowas+counter+terrorism+strategy&ots=uY9kOS9fAH&sig=7inEgNFcfw4feXil3MCj1rOtHEE&redir_esc=y#v=onepage&q=success%20of%20ecowas%20counter%20terrorism%20strategy&f=false

[50] ibid

[51] ibid

[52] ibid

ECOWAS's collaboration extends beyond its member states to include partnerships with international organizations, such as the AU, INTERPOL, the UN, and the EU. These partnerships have provided critical support in terms of funding, technical assistance, and capacity building. Moreover, they have facilitated a coordinated global response to terrorism in West Africa, ensuring that efforts are aligned and resources are optimized.

5.0 Bilateral Relations

Bilateral cooperation is critical to advancing regional and global counter-terrorism goals. Unlike multilateral frameworks, bilateral agreements can be more flexible, quickly negotiated, and tailored to specific security needs. They provide practical tools for intelligence sharing, joint operations, and legal cooperation, especially in Africa where terrorism thrives across porous borders.

5.1 Importance of Bilateral Relations

Bilateral relations are fundamental to international cooperation[53] and play a crucial role in advancing regional and sub-regional efforts towards adopting a universal jurisdiction approach to terrorism. These relationships provide the essential framework for developing comprehensive strategies against terrorism, especially in Africa, where groups exploit political instability, economic difficulties, and porous borders to perpetrate violence.[54]

Since these threats are transnational, effective counter-terrorism requires international collaboration. Bilateral agreements facilitate this by enabling intelligence sharing, joint military operations, and legal cooperation. These agreements often establish stringent commitments even when there is no corresponding multilateral obligation.

Money and Lockhart state that countries decide to cooperate on counter-terrorism based on their strategic interests, carefully considering the costs and benefits of doing so.[55] They analyse these decisions from various perspectives, considering factors such as the costs of negotiations and the complexities of multilateral agreements versus bilateral or regional ones.

Some experts also advocate for the promotion of bilateral treaties or equivalent functional agreements as a strategy to prevent unilateral actions or other problematic alternatives to

[53] A. Pannier, 'Bilateral Relations' in T. Balzacq, F. Charillon and F. Ramel (eds), *Global Diplomacy: An Introduction to Theory and Practice* (Palgrave Macmillan 2019) 19.

[54] D.U. Williams,"The African Union (AU) Counterterrorism Framework and the Rhetoric of Regional Cooperation," (2017) 4(2) *International Journal of Peace and Conflict Studies*, p.12.

[55] J. Money, S.P. Lockhart, *Migration Crisis and the Structure of International Cooperation*, (Athens: University of Georgia Press, 2018). p.56.

conventional forms of cooperation.[56] This section explores how bilateral relations contribute to the overarching goal of establishing universal jurisdiction for terrorism-related crimes.

5.2 Bilateral Extradition Treaties

Combating international terrorism presents major challenges, particularly in prosecuting suspects in countries that refuse to extradite them due to political, historical, or bilateral ties. Many nations have declined to extradite terror suspects, citing issues of legal sovereignty, political alliances, or concerns about the fairness of trials in the requesting country. Such refusals often weaken global anti-terrorism efforts and enables suspects to evade justice.

In Africa, where borders are often porous and political landscapes intricate, the effective prosecution of terrorism is further complicated by such refusals.[57] Countries with strong bilateral relations sometimes shield suspects using these relationships as justification for non-cooperation in extradition processes. This obstructs the enforcement of international anti-terrorism laws and undermines regional security and judicial systems.

An illustrative case of this issue arose in the early 2000s involving Libya and Chad. Following the 1989 bombing of UTA Flight 772 over Niger, which resulted in the deaths of 170 individuals, French courts convicted six Libyans for their roles in the attack. Despite France's extradition request, Libya declined to surrender the suspects, citing political considerations and its bilateral relationships with neighboring African nations and its stance against Western demands, complicating France's efforts to prosecute those responsible for the terrorist act.[58] This instance underscores the critical importance of enhancing bilateral relations to foster cooperation in extradition process.

To tackle this issue, strengthening bilateral relations between states to facilitate extradition emerges as a crucial solution. By focusing on enhancing bilateral ties specifically for extradition, countries can create a more cohesive and effective framework for prosecuting terrorism, ensuring that suspects are brought to justice regardless of their location. An

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[56] D.A. Sadoff, *Bringing International Fugitives to Justice: Extradition and its Alternatives*, (New York: Cambridge University Press, 2018). p.597.

[57] Global Counterterrorism Forum, "Strengthening National and Regional Cooperation in the Security and Justice Sectors to Counter Terrorism in West Africa," *gctf.org*. Available at: https://www.thegctf.org/What-we-do/Working-Group-Activities/Detail/ArtMID/840/ArticleID/230/Strengthening-National-and-Regional-Cooperation-in-the-Security-and-Justice-Sectors-to-Counter-Terrorism-in-West-Africa (accessed 22 June 2025).

[58] Crowell, "Court Awards US Victims More Than $6 Billion For 1989 Libyan Terrorist Bombing Of French Airliner That Killed 170 People Over African Desert," crowell.com, 15 January 2008. Available at: Court Awards US Victims More Than $6 Billion For 1989 Libyan Terrorist Bombing Of French Airliner That Killed 170 People Over African Desert | Crowell & Moring LLP (accessed 22 June 2024); M. Finlay, "How UTA Flight 772 Became Niger's Deadliest Air Disaster," *Simple Flying*, 19 September 2022. Available at: (simpleflying.com) (accessed 22 June 2025).

example of this is demonstrated by the extradition treaty between Nigeria and South Africa, which provides a structured legal basis for cooperation in extraditing individuals accused of committing serious offenses across borders.[59] The Treaty establishes the obligation of the contracting states to extradite individuals who are either charged with or convicted of an extraditable offense in the requesting state, defines what constitutes an extraditable offense, and further stipulates that extradition can be granted for offenses committed outside the territory of the requesting state if the requested state's laws allow for such a provision. In cases where these laws do not apply, extradition may still be granted at the discretion of the requested state's executive authority. The treaty also specifies that extradition requests related to revenue matters like taxation or customs duties cannot be refused based on differences in the legal frameworks of the two states. Furthermore, once extradition is granted for a primary offense, it can extend to lesser offenses associated with the same case, even if those carry penalties of less than one year.[60] Article 3 details optional grounds for refusing extradition, particularly concerning the death penalty. If the offense is punishable by death in the requesting state but not in the requested state, the latter may refuse extradition unless assurances are given that the death penalty will not be imposed or executed. Additionally, extradition can be refused unless the requesting state guarantees that the individual will not face detention without trial, torture, or any cruel, inhuman, or degrading treatment.

The challenges of prosecuting international terrorism underscore the pivotal role of bilateral relations in facilitating extradition processes. The extradition treaty between Nigeria and South Africa exemplifies how structured bilateral agreements can enhance international criminal jurisdiction, promoting collaboration while safeguarding human rights in the pursuit of justice for serious offenses like terrorism.

5.3 Mutual Legal Assistance

Mutual legal aid mechanisms facilitate the exchange of information and evidence between countries. In cases where terrorist activities span multiple jurisdictions, effective cooperation is essential for gathering evidence, identifying suspects, and prosecuting perpetrators. This collaboration not only improves the chances of successful prosecutions but also strengthens

[59] Extradition Treaty between the Government of the Federal Republic of Nigeria and the Government of the Republic of South Africa (Ratification and Enforcement) Act, 2004.
[60] *Ibid.*

trust and solidarity among states facing common security challenges. An example of this is seen in the mutual legal aid agreement between South Africa and Hong Kong.[61]

The MLA agreement delineates the comprehensive scope of assistance that the parties agree to provide.[62] This includes identifying and locating individuals, serving documents, obtaining and delivering statements, evidence, and documents, executing requests for search and seizure, and facilitating the appearance of witnesses. It also covers the temporary transfer of persons in custody for testimony, obtaining judicial or official records, and tracing, restraining, forfeiting, and confiscating the proceeds and instrumentalities of criminal activities. Additionally, the provision of relevant information, documents, and records is integral to the support offered under this agreement.[63]

Article 3 outlines limitations on compliance with assistance requests to protect the sovereignty, security, and public order of involved states. Requests related to political offenses or military law offenses that do not constitute ordinary criminal offenses in the requested party's jurisdiction are excluded.[64] Furthermore, if aiding could result in prejudice,[65] the requested party can refuse compliance.[66] Article 3 also protects against double jeopardy, allowing refusal if the person has already been convicted, acquitted, or pardoned for the offense in question.[67] Public order and essential interests are safeguarded and requests that could jeopardize witness or victim safety or cannot adhere to confidentiality conditions may be declined.[68] Article 8 addresses the procedures for obtaining evidence across jurisdictions. This includes the production of documents, records, and other material.[69] Requests must be supported by a certification from the central authority of the requesting party, confirming that proceedings have been instituted or that there are reasonable grounds for believing an offense has been committed.[70] Article 16 governs the execution of search and seizure requests. The requested party will execute such requests as permitted by its laws and

[61] Agreement Between the Government of the Republic of South Africa and the Government of the Hong Kong Special Administrative Region of the People's Republic of China Concerning Mutual Legal Assistance in Criminal Matters, International Co-Operation in Criminal Matters Act, no. 75, 1996.

[62] Article 1.

[63] *Ibid*.

[64] Article 3(1)(b)-(c).

[65] Based on race, gender, religion, nationality, or political opinions

[66] Article 3(1)(d).

[67] Article 3(1)(e).

[68] Article 3(1)(f)-(h).

[69] Article 8(3).

[70] Article 8(2).

provide detailed information about the search and seizure results.[71] The requesting party must observe any conditions imposed by the requested party regarding the seized property.[72]

Article 17 focuses on the handling of the proceeds of crime. This provision is particularly relevant in cases of terrorism financing and organized crime. The requested party is required to assist in determining whether criminal proceeds are within its jurisdiction and to prevent their dealing or disposal pending a final determination.[73]

Express agreements such as this between states help provide states with essential tools for combating cross-border criminal activities by facilitating cooperation in investigations and prosecutions. Additionally, MLA agreements protect national sovereignty by allowing states to refuse requests that compromise security or relate to political offenses. These agreements streamline legal procedures, bolster international relations, and support the development of universal jurisdiction, contributing to global efforts to uphold justice and security. This is beneficial for developing countries to allow for the use and exchange of expertise with developed nations.

5.4 Joint Security Operations

Joint security operations are crucial for combating cross-border threats like insurgency and crime. For example, Nigeria and Cameroon have implemented a bilateral agreement to establish a joint trans-border security committee.[74] This initiative aims to enhance border security measures, preventing insurgents and criminal elements from exploiting the porous borders between the two nations. Such collaborative efforts are essential in safeguarding national security and regional stability by monitoring cross-border movements.[75]

Joint military operations are also pivotal in the African context in the sense that they facilitate the exchange of advanced security expertise, equipment, and personnel to combat terrorism. For instance, the military cooperation between the US and Nigeria has historically focused on various areas such as training, equipment provision, military reforms, health support, humanitarian assistance, and counter-terrorism initiatives. The US Department of Defense (DoD) notably trained and equipped Nigerian troops during civil conflicts in Liberia, Sierra Leone, and Ivory Coast, underscoring the importance of international collaboration in

[71] Article 16(1)-(2).
[72] Article 16(3).
[73] Article 17(1)-(2).
[74] V. Ojeme, "Nigeria, Cameroon Sign Agreement on Border Security," *vanguard*, 29 February 2012. Available at: https://www.vanguardngr.com/2012/02/nigeria-cameroon-sign-agreement-on-border-security/ accessed 22 June 2025.
[75] Channels Television, "Nigeria, Cameroon Sign Bilateral Agreement on Security," *channelstv*, 28 February 2012. Available at: https://www.channelstv.com/2012/02/28/nigeriacameroun-sign-bilateral-agreement-on-security/ (accessed 22 June 2025).

enhancing regional security and stability.[76] In addition, the United States bolstered Nigerian Navy capabilities by supplying four naval warships in 2003 and two vessels in 2014. These contributions aimed to strengthen Nigeria's capacity for conducting search and rescue operations and coastal protection, further supporting regional maritime security efforts. Conversely, the Nigerian government has extended substantial diplomatic support to the United States counter-terrorism efforts since the terrorist attacks of September 11, 2001.[77]

These relationships are essential for intelligence sharing, joint security operations, information gathering, and extradition processes, laying a strong foundation for achieving universal jurisdiction goals. Nevertheless, there are challenges associated with engaging in successive bilateral agreements, including expense and effort required in negotiating each agreement individually.[78] African nations must also navigate the balance between seeking international assistance and safeguarding sovereignty from external interference. However, establishing clear and formal agreements that outline the scope, objectives, and responsibilities of each partner in counter-terrorism efforts, along with mechanisms for dispute resolution and regular review, can enhance bilateral relations and foster more effective counter-terrorism measures.

6.0 Challenges within the Existing Counter-Terrorism and Jurisdictional Framework

Although bilateral and regional cooperation has increased significantly for fighting terrorism, multiple issues exist which affect the success of current counter-terrorism efforts on a legal, political and operational level. For example, many states are hesitant to extradite terrorist suspects because they have political alliances with other countries, will not extradite people who may have been wrongfully accused, and/or want to maintain their sovereignty as independent nation-states. When terrorist suspects are not extradited, it limits the ability of other countries to prosecute them internationally, creating additional opportunities for these suspects to escape prosecution entirely.[79]

An additional challenge is the restrictions of various mutual legal assistance (MLA) agreement provisions. While MLA agreements make sharing and doing transnational investigations possible, some of these provisions allow countries to refuse cooperation if there is a public interest reason (e.g., political offences) or if there are implications for public

[76] Fact Sheet: U.S-Nigerian Cooperation on Peacekeeping and Military Reform. Available at: https://clintonwhitehouse4.archives.gov/textonly/library/hot_releases/August_26_2000_3.html (accessed 22 June 2025).

[77] *Ibid.*

[78] UNODC, *Manual on Legal Assistance and Extradition*, p. 19. Available at: https://www.unodc.org/documents/organized-crime/Publications/Mutual_Legal_Assistance_Ebook_E.pdf (accessed 22 June 2025).

[79] A. Cassese, International Criminal Law, 3rd edn (Oxford University Press, Oxford, 2013) p. 289

order or national security. Consequently, this limits the ability of countries to effectively work together on terrorism cases.[80]

Poor formal institutions, porous borders and infrastructure challenges continue to hinder how effective African states can effectively enforce counter-terrorism enforcement actions. By exploiting the governance challenges, terrorist organisations have been able to create cross-border operational networks.[81]

In addition, bilateral security agreements can be a source of anxiety and potential for friction with respect to having too much foreign influence and too much of the limited right of a country to govern its own territory. International cooperation can enhance both military and intelligence cooperation, but placing too much reliance on foreign support can weaken national strategic autonomy. Further, negotiating, executing and maintaining multiple bilateral agreements will require significant resources for both the diplomatic and administrative functions of a country.[82]

Finally, the lack of a universally defined definition of terrorism under international law complicates extradition, prosecution and harmonization of counter-terrorism legislation by denying an effective means of applying universal jurisdiction in terrorism prosecutions across borders.[83]

7.0 Conclusion

The conclusion of this paper highlights the need for a global legal framework to prosecute terrorism through universal jurisdiction. Given the continuing evolution of terrorism, prosecuting it through the traditional territorial criminal justice system has proven ineffective. This paper indicates that while universal jurisdiction is not yet fully established as customary international law for prosecutions of terrorism, it is emerging as a persuasive and functional basis for addressing terrorism. Terrorism's changing global nature demonstrates that an individual state's territorial jurisdiction will not suffice to prosecute it. Therefore, it is necessary to impose a coordinated, cooperative global response transcending traditional jurisdictional limitations to address terrorism's negative impact on world peace and security. Currently, universal jurisdiction's effectiveness with respect to terrorism is conditional and indirect, through regional legal instruments, treaty regimes, mutual legal assistance treaties, extradition agreements, and the UN Security Council's counter-terrorism mandates. Thus,

[80] R. Cryer et al., An Introduction to International Criminal Law and Procedure, 4th edn Cambridge University Press, Cambridge, 2019) pp. 117–120

[81] United Nations Development Programme, Journey to Extremism in Africa (UNDP, New York, 2023) p. 15.

[82] M. N. Shaw, International Law, 8th edn (Cambridge University Press, Cambridge, 2017) p. 678.

[83] B. Saul, Defining Terrorism in International Law (Oxford University Press, Oxford, 2006) p. 11.

universal jurisdiction is developing as a mechanism to fill jurisdictional gaps at the international and regional levels. These findings indicate that stakeholders can utilise universal jurisdiction as a bridge between domestic, regional, and international legal jurisdictions. Specific benefits to stakeholders include reducing jurisdictional safe havens, enhancing accountability for serious terrorism-related criminal offenses, and reinforcing existing extradition and mutual legal assistance regimes. The findings carry additional implications for stakeholders in the international legal system. To assist with coordinating domestic legislation with international laws enforcing accountability of terrorists, states need to develop stronger prosecutorial capacity for transnational cases and eliminate politically motivated barriers to extradition. While the findings are significant in themselves, they must be contextualised as to how they will influence the enforcement of universal jurisdiction to hold terrorists accountable. The limitations of the study include the following; it focuses on the law; therefore, many aspects of practical enforcement may not be adequately reflected in the study. Additionally, there is not a comparative analysis of universal jurisdiction cases across the world and an empirical assessment of the outcomes of those prosecutions. Emerging developments in counter-terrorism law and the UN Security Council's continued renewed focus on terrorist networks and the evolving transformations of those networks by state practice may impact universal jurisdiction. Future research could focus on empirical assessments of the enforcement of universal jurisdiction with respect to terrorist prosecutions throughout various jurisdictions, comparative studies of the various types of prosecution, and the potential for codifying terrorist offenses in an international treaty that incorporates universal jurisdiction as the principal enforcement mechanism. Furthermore, comparative studies of regional counter-terrorism legal regimes, particularly in Africa and other politically volatile regions, will provide valuable insights into gaps in the implementation of counter-terrorism laws and successful methods for overcoming those deficiencies. Additionally, emerging areas such as cyberterrorism, the digital financing of terrorism, and the role of technology platforms in facilitating or disrupting transnational terrorist activity, provide important areas of opportunity for future research engagement. Although there are some legal, political, and operational challenges associated with the implementation of universal jurisdiction including differing legal systems, limited resources, and questions relating to sovereignty, there is, nevertheless, an inherent significance of universal jurisdiction evolving within the context of the global response to terrorism. The future of international law within this context will be dependent on a willingness to embrace flexibility, develop institutions that have an operationally collaborative approach, and explore innovative normative mechanisms so that existing legal frameworks adjust to the evolving patterns of global terrorism.

7.1 Recommendations

In view of the findings of this study, the following recommendations are proposed:

First, there is a need to harmonise national counter-terrorism laws with regional/international laws. As the research demonstrates that fragmented jurisdictions/inconsistent domestic laws reduce collective accountability, national governments need to incorporate express provisions that recognise forms of extraterritorial/universal jurisdiction over terrorism-related crimes, primarily where the territorial state cannot prosecute or refuses to do so.

Second, regional/sub-regional organisations such as the African Union (AU) and the Economic Community of West African States (ECOWAS) should enhance existing mechanisms for the legal coordination, extradition and mutual assistance. This research has shown that these regional institutions generally are the best operationally situated are to advance an idea of universal jurisdiction regarding terrorism-related crimes gradually. Consequently, current regional frameworks should be expanded to enhance cooperative intelligence sharing, joint investigations, standardised procedures on evidence gathering and simplify extradition between member states.

Third, the United Nations and related organisations must increase collective efforts toward achieving an international consensus regarding the definition of terrorism as a crime under international law. The absence of an internationally recognised definition hinders the development of a coherent and unambiguous universal jurisdiction framework concerning terrorism, creating additional obstacles relating to the prosecution/extradition and international cooperative efforts. A clearer universal jurisdiction framework would support the establishment of international criminal accountability for terrorism.

Fourth, governments should enhance their judicial/institutional capacity to provide practical enforcement of global counter-terrorism mechanisms. This paper identifies weak institutions, limited prosecutorial expertise, porous borders, and inadequate enforcement infrastructure as key barriers to successful implementation. Therefore, capacity-building efforts should include specialised judicial education in international criminal law, procedures for gathering cross-border evidence, digital investigation, and mutual assistance.

Fifth, bilateral and multilateral cooperative counter-terrorism efforts should include stronger safeguards for human rights and due process. Concerns over sovereignty, political misuse, lack of a fair trial, and violating a person's rights often discourages extradition and/or providing assistance among States; therefore, there ought to be transparent accountability measures that build confidence among jurisdictions that collaborate and that also conform to international human rights norms.

Finally, the international and regional legal frameworks should adopt a more dynamic and adaptable approach to emerging trends of terrorism such as cyberterrorism, digital terrorist financing, and technologically assisted global extremism. Terrorists continue to evolve methodologies that defy traditional notions of political borders; likewise legal institutions must evolve in response to these changes to ensure that universal jurisdiction will be of practical use under the current framework of international criminal law.