



**TERMS OF REFERENCE FOR
THE PEACE AND SECURITY COUNCIL SUB-COMMITTEE ON
COUNTER-TERRORISM**

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I. BACKGROUND AND ESTABLISHMENT

1. Pursuant to paragraph 8 of Assembly Decision [Ext/Assembly/AU/Dec.(XVI)], paragraph 10 of the 249th meeting of the Peace and Security Council (PSC), PSC/PR/COMM.(CCXLVIX), and in compliance with Article 3(d) and Article 8 (5) of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (AU), PSC Sub-Committee on Counter Terrorism is established to serve as subsidiary body, assisting the PSC in its work in promoting peace, security and stability in Africa, notably ensuring the Council can effectively and efficiently respond to threats and acts of terrorism and violent extremism in Africa.

2. Recalling the OAU Convention on the Prevention and Combating of Terrorism (1999) and the Plan of Action on the Prevention and Combating of Terrorism (2002), in particular its Article 16 (a);

3. Also recalling the Malabo Decision, following the 16th Extraordinary Summit of the AU Assembly on Terrorism and Unconstitutional Changes of Government held in May 2022, which called on the PSC to immediately operationalize its Sub-Committee on Counter Terrorism in line with Communiqué PSC/PR/COMM.(CCXLVIX), and the recommendations of the AU Champion on the Fight Against Terrorism and Violent Extremism, and underlining the need expressed in paragraph 15 (ii) of the 1182nd meeting of the PSC, PSC/PR/COMM.1182 (2023), calling for the full operationalisation and activation of the PSC Sub-Committee on Counter-Terrorism.

4. Further recalling the 264th PSC Communiqué PSC/PR/COMM(CCLXIV), stressing the importance of the PSC to take the necessary measures to ensure the operationalisation of the Subsidiary Bodies of Council, in particular designation of membership of these structures and the elaboration of their respective mandates as soon as possible. In this regard, taking note of the Abuja Process Declaration of 23 April 2024, which called for the long-anticipated activation of the Sub-Committee on Counter-Terrorism to enable it to fulfil its advisory mandate and provide guidance and recommendations on counter-terrorism strategies and initiatives.

II. CORE OBJECTIVES

5. The core objective for the establishment of the PSC Sub-Committee on Counter-Terrorism shall be to review and make recommendations, to the PSC on the status of implementation of the decisions of the PSC and the AU Assembly and other Policy Organs on the fight against terrorism and violent extremism on the Continent.

III. Frameworks for AU CT

6. The following AU normative and legal instruments provide the basis for AU Counter Terrorism efforts and the Sub-Committee on Counter Terrorism, in particular:

- i. The Constitutive Act of the African Union, particularly Article 3 on the promotion of peace, security, and stability in Africa;
- ii. The Protocol Relating to the Establishment of the Peace and Security Council (PSC) of the African Union;

- iii. The Common African Defense and Security Policy (CADSP);
- iv. The AU Non-Aggression and Common Defense Pact;
- v. AU Agenda 2063 specifically aspirations 3, 4 and 7;
- vi. The Johannesburg Declaration on Silencing the Guns in Africa;
- vii. The AU Master Roadmap of Practical Steps to Silence the Guns in Africa by 2030;
- viii. The OAU Convention on the Prevention and Combating of Terrorism (1999),
- ix. The Protocol to the OAU Convention on the Prevention and Combating of Terrorism;
- x. Assembly Decisions [Assembly/AU/Dec.256(XIII)] on combating the payment of ransom to terrorist groups and [Assembly/AU/Dec.311(XV)] on the prevention and combating of terrorism;
- xi. The 50th Anniversary Solemn Declaration and Decision [Assembly/AU/Dec.501(XXII)] declaring 2014 – 2024 as the “Madiba Nelson Mandela Decade of Reconciliation in Africa”; and
- xii. The Malabo Decision Ext/Assembly/AU/Dec.(XVI)] adopted by the Assembly, following the 16th Extraordinary Summit of the AU Assembly on Terrorism and Unconstitutional Changes of Government held in May 2022.

IV. MANDATE AND FUNCTIONS

- 7. The mandate and functions of the Sub-Committee on Counter-Terrorism shall be to:
 - i. recommend to the Peace and Security Council, in consultation with relevant AU Member States RECs/RMs, AU CTC, AFRIPOL, CISSA and other relevant stakeholders, at technical level, effective African-led and African-owned strategies for consideration;
 - ii. Seek from all relevant AU Member States, RECs/RMs, and partners, at technical level, relevant information regarding the action taken by them to implement CT measures adopted by the PSC and provide further recommendations on enhancing implementation;
 - iii. Ensure close collaboration with Regional Economic Communities (RECs)/Regional Mechanisms (RMs) and AU organs involved in the combating terrorism in the continent with a view to develop a comprehensive action plan on counter terrorism in Africa, based on existing national and continental instruments and strategies;
 - iv. collate, assess the various reports, and recommend to PSC based on reports from the AU Counter-Terrorism Centre (AU CTC), including from national, regional and continental counter-terrorism centers;
 - v. follow up and monitor the implementation of PSC decisions in its response to developing and urgent counter-terrorism issues and situations across the continent;

- vi. prepare and submit to PSC, in collaboration with the AU CTC and Department of Political Affairs, Peace and Security (PAPS), an annual continental assessment, to assist the PSC to identify key gaps and continental terrorism trends;
- vii. ensure the implementation of relevant AU and international instruments;
- viii. consider the report of the AU CTC on the list of persons, groups, and entities involved in terrorist acts, to recommend to the PSC the necessary measures to be take for inclusion in the data AU continental terrorism database and regularly review the list based on the AU CTC report;
- ix. upon request by the PSC, the Sub-Committee shall propose to PSC punitive measures for persons, groups, and entities involved in terrorist acts; and
- x. promote a multidimensional approach to addressing the structural causes of terrorism and harmonization of counter-terrorism actions across the continent.

V. COMPOSITION

8. The Sub-Committee on Counter Terrorism is a subsidiary standing body of the PSC established pursuant to Articles 8 (5) of the PSC Protocol and within the broad framework of relevant AU instruments.

9. The Sub-Committee shall consist of the fifteen (15) Members of the PSC at the level of Experts. Each member state represented on the Council and therefore in the sub-committee, shall designate two experts, one being the substitute of the main expert, but both can attend to the workings of the sub-committee.

10. Due to the nature of its work, the Sub-committee may invite to its meetings the following participants:

- i. Director/Representative of the AU CTC;
- ii. Executive Director/Representative of the African Union Mechanism for Police Cooperation (AFRIPOL);
- iii. Executive Secretary/Representative of the Committee of Intelligence and Security Services of Africa (CISSA);
- iv. Representatives of the RECs/RMs; and
- v. Representative of the AU champion's on the fight against terrorism and violent extremism.

11. In order to enable the Sub-Committee to fulfil its mandate, the AUC through the PAPS Department, provide technical, administrative, logistical and necessary substantive support in collaboration with AU relevant entities in the field on Terrorism and Violent Extremism..

VI. TENURE AND MODALITIES OF CHAIRING AND SECRETARIAT

12. The Chairperson of the Sub-Committee shall mirror the monthly rotational chairship of the PSC and the PSC Troika for continuity.

13. The Chairperson of the Sub-Committee or, in his or her absence, the incoming Chairperson shall convene and moderate meetings and report to the PSC on the activities of the Sub-Committee.

14. The Sub-Committee shall undertake a fact-finding mission in a relevant Member State, it maybe accompanied by the Chairperson of the PSC at the Ambassadorial level, who shall lead the delegation.

15. The Secretariat of the PSC shall serve as the Secretariat for the Sub-Committee.

VII. WORKING MODALITIES

16. The Sub-Committee shall carry out its general monitoring of Counter terrorism through regular engagements with relevant departments/units of the AU Commission, AU CTC , CISSA, Afripol and other appropriate AU and RECs/RMs organs and structures, and undertake its own research and fact-finding/field missions.

17. The Sub-Committee shall reach its conclusions by consensus. However, should this prove difficult to reach, the majority views should be expressed along with dissenting views to allow the PSC to draw conclusions based on its decision-making procedures.

18. The Sub-Committee may propose its annual budget to the PSC that approves it and includes it in its own budget as a separate line.

19. The Secretariat of the PSC, in the AU Commission, assists the Sub-Committee in terms of accounting and financial management of its budget, as well as administrative and logistical support for its operations, including official travels of its members.

VIII. MEETINGS

20. The Sub-Committee shall meet as often as possible and whenever required or at the request of any Member State and on approval by a two-thirds majority of the Sub-Committee Members.

IX. AGENDA

21. The provisional agenda of the Sub-Committee shall be determined by the Chairperson of the Sub-Committee, in consultation with all the Members of the Sub-Committee. The inclusion of any item in the provisional agenda may not be opposed by a Member State of the Sub-Committee.

X. QUORUM

22. The number of Members required to constitute a quorum shall be two-thirds of the total membership of the Sub-Committee.

XI. ENTRY INTO FORCE

23. These Terms of Reference shall enter into force upon the adoption by the Peace and Security Council of the African Union.