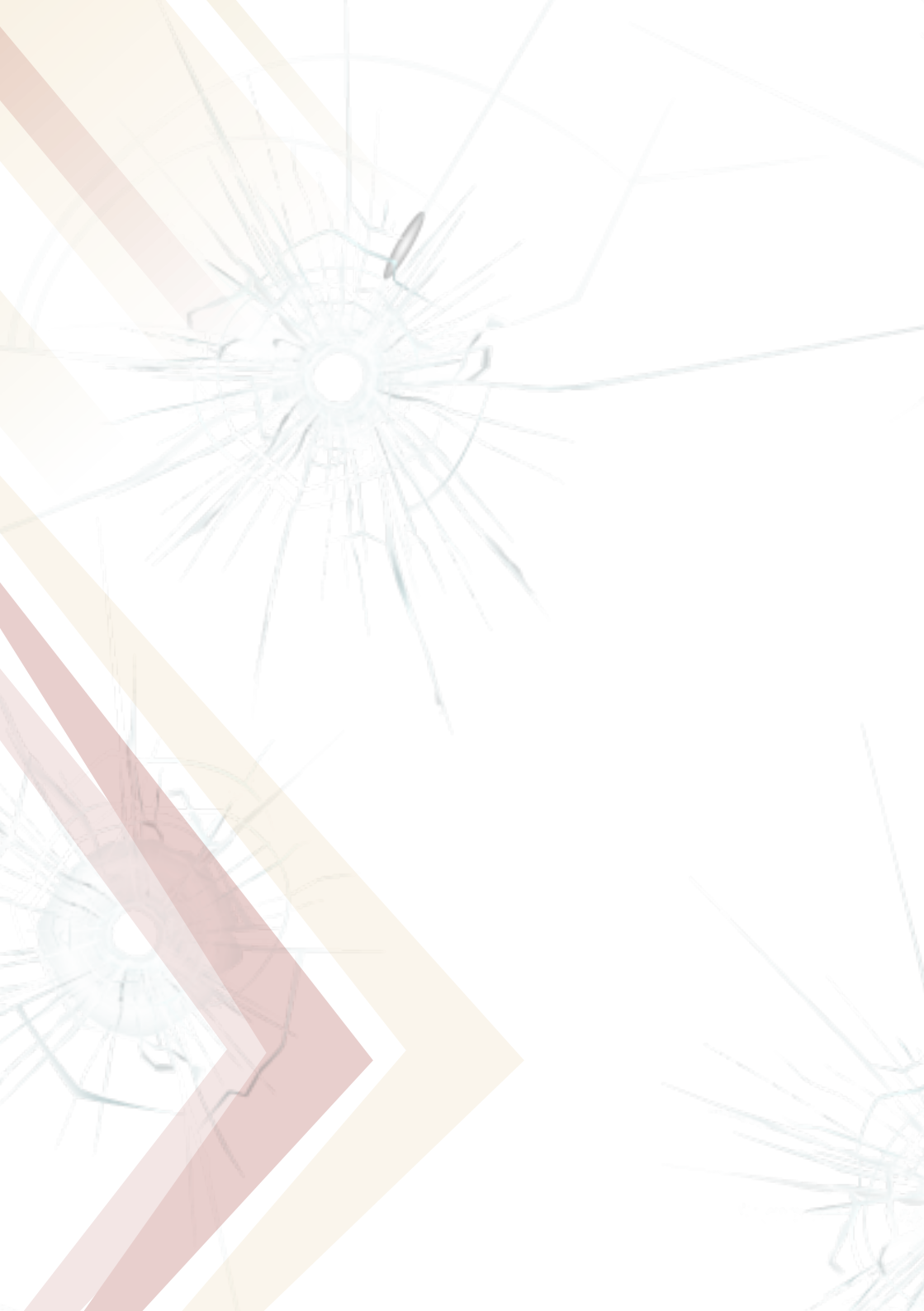




**PSiRA**  
Private Security Industry Regulatory Authority

# **Fighting a Common Enemy: The Role of Private Security in Counterterrorism**

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**PSIRA**

Private Security Industry Regulatory Authority

# **Fighting a Common Enemy: The Role of Private Security in Counterterrorism**

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# ABOUT THE REPORT

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# ABBREVIATIONS AND ACRONYMS

<b>ATS</b>	Aviation and Transportation Security
<b>CAA</b>	Civil Aviation Act
<b>CCTV</b>	Closed Circuit Television
<b>CIA</b>	Central Intelligence Agency
<b>CRTSA</b>	Country Reports on Terrorism South Africa
<b>CT</b>	Counterterrorism
<b>DHS</b>	Department of Homeland Security
<b>DPCI</b>	Directorate for Priority Crime Investigation
<b>EA</b>	Explosives Act
<b>EU</b>	European Union
<b>ICAO</b>	International Civil Aviation Organisation
<b>ICE</b>	Immigration and Customs Enforcement
<b>IMA</b>	Interception and Monitoring Act
<b>ISS</b>	Institute for Security Studies
<b>LADWP</b>	Los Angeles Department of Water and Power
<b>LAPD</b>	Los Angeles Police Department
<b>NPA</b>	National Prosecuting Authority
<b>NSS</b>	National Strategy States
<b>NYPD</b>	New York Police Department
<b>OSCE</b>	Organisation for Security and Co-operation in Europe
<b>PAGAD</b>	People Against Gangsterism
<b>PATRIOT</b>	Providing Appropriate Tools Required to Intercept and Obstruct
<b>PCLU</b>	Priority Crimes Litigation Unit
<b>PMSCs</b>	Private Military Security Companies
<b>PSiRA</b>	Private Security Industry Regulatory Authority
<b>SA</b>	South Africa
<b>SANDF</b>	South African National Defence Force
<b>SAPS</b>	South African Police Service
<b>SSA</b>	State Security Agency
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>US</b>	United State
<b>USA</b>	United States of America

# EXECUTIVE SUMMARY

Terrorism persists as a global problem. Each and every year there are either terror threats or terror attacks happening somewhere in the world, and it is very clear that no country is insulated from terrorism. It therefore remains critical to evaluate and explore current counterterrorism measures and strategies in order to appreciate their impact and shortcoming. Counterterrorism strategies involves various stakeholders that deal with terrorism. Among these stakeholders is the private security industry which continues to play a crucial role in protecting, people, properties and including critical and essential infrastructure against any unlawful activity like terrorism.

This study unpacked the role that private security industry plays in counterterrorism. It evaluated the current terrorism threats of South Africa, its counterterrorism strategy, and on how the private security industry fits in this strategy. It also evaluated the significance of their role in the implementation of the strategy and looked at the counterterrorism training requirements for security personnel in order for them to be able to deal with terrorism.

The study found that the private security industry plays a minimal and supporting role in counterterrorism. Although the private security industry is part of the chain to counter any terrorist threat, it plays only a supporting role. In most countries, including South Africa, private security actors are not trained to counter terrorism. This study also found that there are four pillars of the United Nations counterterrorism strategy, which are aimed at preventing, protecting, pursuing and preparing. These pillars are aimed at stopping terrorist attacks and reducing the impact and occurrences of terrorism.

This study recommends that PSiRA lead the development of counterterrorism training programs tailored for the South African private security industry. These training initiatives should entail comprehensive coverage of terrorism definitions and legal aspects. PSiRA should forge partnerships with relevant government agencies specialising in counterterrorism to ensure alignment and effectiveness of the training provided to private security personnel.

Following the facilitation of training programs, PSiRA must undertake regular inspections of all security service providers to prevent the infiltration of illegitimate companies posing as legitimate security entities with malicious intent. These inspections are vital to maintaining the integrity and efficacy of the private security industry in combating terrorism threats.

# 1. INTRODUCTION

Terrorism is an incident of violence, or the threat thereof, against a person, a group of persons or property not necessarily related to the aim of the incident, to coerce a government or civil population to act or not to act according to certain principles.<sup>1</sup> Terrorism, both local and foreign, has long been a part of the history of this turbulent African continent.<sup>2</sup> Countries throughout the world have put in place measures aimed at preventing terrorism. These are commonly referred to as counterterrorism measures. Counterterrorism measures involve various stakeholders depending on the specific country. Usually counterterrorism refers to techniques, practices or strategies implemented by an intervening agency to prevent act of terrorism from occurring.<sup>3</sup> Private security personnel make a significant contribution to counterterrorism initiatives of many countries.<sup>4</sup> Security officers cover many operational positions in facilities and provide early warnings and recognition of the risks and threats from possible terrorist's threats.<sup>5</sup>

The private security industry plays a pivotal role in protecting property and the citizens of South Africa in many ways. Moreover, the definition of security service in terms of section 1 of the Private Security Industry Regulation Act 56 of 2001, includes protecting and safeguarding a person or property in any manner, the person and property which are in the main targets of terrorists. The role of private security industry in counterterrorism cannot be wished away if South Africa has to succeed in its counterterrorism efforts. Traditional responses to terrorism were aimed at neutralizing terrorist groups.<sup>6</sup> Holt is of the view that there is considerable scope for improving the overall direction of counterterrorism policy in South Africa,<sup>7</sup> and, terrorism is far too complex for one solution to be effective in dealing with all the possible threats.<sup>8</sup>

- 1 De Villiers D.P., Change in respect of security legislation (1983) Butterworth.
- 2 Solomon H., Terrorism and Counter-terrorism in Africa: Fighting Insurgency from Al Shabab, Ansar Dine and Boko Haram (2015). Basingstoke: Palgrave Macmillan.
- 3 Phelps M., The role of the private sector in counter-terrorism: a scoping review of the literature on emergency responses to terrorism (2021) Security Journal.
- 4 Ilijevski I., & Babanoski, K. Safety Risk Assessment of Terrorist Attacks within planning in private security1.
- 5 As above.
- 6 Solomon( note 2 above).
- 7 Holt A., South Africa on the War on Terror (2004) Terrorism Monitor.
- 8 Lutz M.J and Lutz J.L., Global Terrorism, (2019) Routledge.



Private Security and Military Companies (PMSCs) have arguably become an important instrument of individual government efforts in pursuit of national security, by what has been widely referred to as “filling the gaps” in the state security machinery’s capabilities to deal with security threat to their domestic countries.<sup>9</sup> The key will be to formulate policies that reflect an integrated and holistic approach to state security, both in terms of the nature of specific tools and programs and the wider societal contexts in which they emerge.<sup>10</sup> The integrated and holistic approach to state security without the role of private security in counterterrorism is never complete. The goal should be one of sustained national resilience that is intolerant to, and effective against, terrorist and associated extremist/criminal designs.

PSiRA was established to provide regulation of the private security industry in South Africa by exercising effective control over the practice of the occupation of security service providers in the public and national interest and the interest of the private security industry itself.<sup>11</sup> Therefore, the improvement through regulation of the role played by security service providers in the counterterrorism measures of the country will always be in public and national interest. To deal with terrorism from any angle, one needs to understand it, and such understanding could be developed from, amongst others, studying the concept of private security and counterterrorism in depth. Crelinsten is of the view that how we conceive terrorism determines to a large extent how we go about countering it, and what resources we channel into such counterterrorism effort.<sup>12</sup>

This study is aimed at understanding the role of the private security industry in counterterrorism and to identify different methods which can enhance the role played by private security in identifying and preventing the acts of terrorism before they take place, and how best private security can be regulated when rendering counterterrorism services. A literature review was conducted to deepen the understanding of the phenomenon being studied and further to avoid duplication of research already conducted. Scholarly writings which include books and journal articles was used for this purpose.

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9 Hlouchova I., *Countering terrorism in the shadows: The role of private security and military companies* (2020) Security and Defence.

10 Holt (note 7 above).

11 Section 3 of the Private Security Industry Regulation Act, 56 of 2001.

12 Crelinsten R., *Counterterrorism* (2009) Polity Press.

## 2. BACKGROUND OF THE STUDY

The arrest of two residents of Johannesburg and Pretoria in 2004 suspected of having links to al-Qaeda raised fears that the Republic of South Africa is possibly targeted as a new logistical and operational hub by pan-Islamic extremists<sup>13</sup> for various reasons. In addition, the South African national newspapers continuously speculated that the country has (or will) become a sanctuary and launching pad for international Islamic extremists, although such reports have arguably not shown that South Africa's constitutional, physical and/or geographical integrity have been under direct threat because of terrorist activities.<sup>14</sup>

On 26 October 2022, the Embassy of the United States of America in South Africa issued a terrorist attack alert and indicated that the attack would be targeting large gatherings in Sandton.<sup>15</sup> The above-mentioned arrests, terrorist attack alert and the resurgence of terror attacks in Cabo del Gado province in the neighboring Mozambique, are a clear indication more than ever before that South Africa is not isolated from global security threat of terrorism. It was established that less than 10 percent of all terrorist attacks took place in Central America and the Caribbean, Sub-Saharan Africa, and Southeast Asia.<sup>16</sup>

For this goal to be realized there is a need for PSiRA as the regulator of the private security industry in South Africa to have an appreciation of the subject of counterterrorism, to identify the role which could be played by the private security industry in counterterrorism efforts and to identify the needs for capacitation through training and other means for security officers to identify possible acts of terrorism before they are carried out. In most cases, security officers are at the forefront and the first responders to crime because they are protecting targets of the terrorists which are people and property. At times they also become victims of terror attacks.

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13 Holt (note 7 above).

14 Hendricks M.N., Manufacturing terrorism in Africa: the securitisation of South African Muslims. (2020). Springer Nature.

15 <https://www.news24.com/news24/southafrica/news/us-embassy-issues-warning-of-possible-terror-attacks-in-sandton-20221026> Accessed on 15 February 2022.

16 LaFree G., Dugan L., & Miller E., Putting terrorism in context: Lessons from the Global Terrorism Database. (2014) Routledge.

### 3. RATIONALE

The arrests of South Africans on allegations of being linked with terrorist groups; the recent terrorist attack threats as alerted by the United States of America; and the ongoing insurgency in the Cabo Delgado province of Mozambique are just more than enough evidence that South Africa could be on the receiving end of terrorist attacks. To support the country's counterterrorism efforts, the Authority resolved to conduct this study to identify the role-played private security industry in counterterrorism and identify various mechanisms to enhance the role of private security industry in counterterrorism.



## 4. RESEARCH AIM AND OBJECTIVES

The aim of the study is: to establish and evaluate the role played by private security industry in counterterrorism of South Africa.

The objectives of the study are as follows:

- a) To explore South Africa's terrorism threats.
- b) To identify the role played by private security industry on counterterrorism.
- c) To evaluate the impact of the role played by private security industry on counterterrorism.
- d) To determine the level of training required for security service providers to effectively identify and prevent terrorism.
- e) To establish the role played by private security industry on counterterrorism in other countries.





## 5. RESEARCH HYPOTHESIS AND QUESTIONS

The hypothesis of this study is as follows: *Counterterrorism measures of South Africa could improve through collaborative effort of all stakeholders including private security industry.*

Research questions for this study are as follows:

- a) What are the terrorism threats of South Africa?
- b) What is the role of private security industry in counterterrorism measures of South Africa?
- c) What is the impact of the role played by private security industry on counterterrorism?
- d) What is the level of training required for security service providers to effectively identify and prevent counterterrorism?
- e) What role is private security industry playing on counterterrorism in other countries?





## 6. METHODOLOGY

The study used qualitative research methodology in investigating the role and impact of private security industry in South Africa's counterterrorism measures. Semi-structured interviews were conducted with security businesses and security officers protecting places which are ordinarily targets of terrorists (e.g. Critical Infrastructures). The study engaged the State Security Agency (SSA), South African Police Service (SAPS), Military Intelligence and PSiRA staff members in gaining a deeper understanding into the phenomenon.

To achieve the objectives of this study and in answering research questions, both desktop and field research were utilized as data collection methods. Face-to-face interviews were conducted with targeted participants across the republic of South Africa. Virtual interviews were also used in situations where face-to-face interviews were impractical to achieve the objectives of the study. Purposive and Snow-bowling sampling methods were utilized to reach the above-mentioned sampling population. Purposive sampling was ideal for this exploratory research design. This sampling design was based on the judgement on who was most preferred in providing the best possible information to achieve the objectives of the study, for which such information could not be obtained from other sampling methods.<sup>17</sup>

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17 Taherdoost H., Sampling Methods in Research Methodology; How to choose Sampling Technique for Research, (2016) IJARM.

## 7. RESEARCH LIMITATIONS

There is dearth of literature on the role of private security industry in counterterrorism in South Africa, largely because the industry is not actively involved in such. Thus far, South Africa only experience threats of terrorism and not the actual acts of terrorism. The sensitive nature of the topic was also its greatest limitation as many targeted participants were not willing to participate for, amongst other things, compromising state security and providing sensitive information without authorization by the employer. Research ethics dictate that participation in any research project must be voluntary and as such targeted participants who did not want to participate could not be compelled to do so and such somehow affected findings of the study. The lack of will to participate was in particular on the side of state law enforcement agencies who are the custodians of National Counterterrorism Strategy of South Africa.



## 8. LITERATURE REVIEW

This portion of the report presents literature on terrorism and counterterrorism including the role which is played by private security in terrorism and counterterrorism.

### 8.1 Definition of Terrorism and Counterterrorism

Different scholars and different countries have formulated various definitions to the terms “terrorism” and “counterterrorism”. The International Convention for the suppression of the financing of terrorism, defines terrorism as “any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict when the purpose of such act by its nature or context is to intimidate a population or to compel a government to do or to abstain from doing any act”<sup>18</sup>. Terrorism acts often contain elements of warfare, politics and propaganda. For security reasons and due to lack of popular support, terrorist’s organisation are usually small, making their detection and infiltration difficult. Although the goals of terrorists are sometimes shared by wider constituencies, their methods are generally abhorred”.<sup>19</sup> In much more detail (as compared to the United Nations), the British government defined terrorism as “the use of serial violence against persons or property or the threat to use such violence to intimidate or coerce a government, the public or any section of the public for political or religious, or ideological ends”.

The South African government in 1998 approved a policy of terrorism wherein terrorism was defined as: “[a]n incident of violence, or the threat thereof, against a person, a group of persons or property not necessarily related to the aim of the incident, to coerce a government or civil population to act or not to act according to certain principles”. This definition is aligned with the one provided by King as cited in Hlouchova who indicated that “terrorism is ultimately a tactic used by individuals and groups who want for force political change by means of violence against non-combatants”.<sup>20</sup> For the purpose of this study, the definition of the South African government will be adopted. Although there is no universally accepted definition of terrorism, it remains a fact

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18 International Convention for The Suppression of the Financing of Terrorism, 1999.

19 Nance, M.W., 2003. *The terrorist recognition handbook*. Lyons Press.

20 King, J., 2016. A Comprehensive Strategy for Combating Terrorism. *Combating Transnational Terrorism, Sofia, Bulgaria: Procon Ltd.*



that terrorism does exist and governments, international organisations and other role players need to collaborate to prevent acts of terrorism. Terrorism groups have the courage and tendency to push and achieve their goals in any possible way because of their ideologies.<sup>21</sup> The need for governments and organisations to collaborate their efforts and resources to prevent terrorism cannot be overemphasized.

Counterterrorism is referred to as any technique, practice or strategies implemented by intervening agency to prevent acts of terrorism from occurring.<sup>22</sup> The US Army Field Manual defines counterterrorism as operations that include the offensive measures taken to prevent, deter, preempt, and respond to terrorism.<sup>23</sup> While this definition is more specific, it has its strengths and weaknesses. Firstly, it correctly states that counterterrorism is an all-encompassing theory, that includes prevention, deterrence, preemption, and responses, which would require bringing to bare all aspects of a nation's power both domestically and internationally.<sup>24</sup> Secondly, there is an issue with this definition as it encompasses everything and essentially makes no distinctions. Counterterrorism has two objectives which is short term and long-term. In the short term, its objective is to stop a certain act of terrorism and in the long term, it aims at reducing the occurrences of terrorist attacks.<sup>25</sup>

## 8.2 Terrorism threats of South Africa

South Africa like in other parts of the African continent is not entirely safe from the scourge of terrorism for various reasons. Africa's involvement in terrorism is two-fold; firstly, as victim of terrorism and secondly Africans as perpetrators of terrorism attacks. It was found that many Moroccan immigrants in Europe, especially youths, commit petty crimes or become involved in drugs and are targeted by Islamic extremist elements that exploit their conditions to their advantage in a recruitment drive for foot soldiers who have nothing to lose.<sup>26</sup>

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21 Ilijevski (note 4 above).

22 Phelps (note 3 above).

23 Rineheart, J., 2010. Counterterrorism and counterinsurgency. *Perspectives on Terrorism*, 4(5), pp.31-47.

24 Rineheart (note 23 above)

25 Kruglanski, A.W., Crenshaw, M., Post, J.M. and Victoroff, J., 2007. What should this fight be called? Metaphors of counterterrorism and their implications. *Psychological Science in the Public Interest*, 8(3), pp.97-133.

26 Botha A., Relationship between Africa and International Terrorism: Causes and Linkages, (2007) Brenthurst Foundation Tswalu.

According to Rohan Guranatna's book *Inside Al-Qa'eda*, al-Qa'eda has established links with several Islamic political parties, terrorist groups and key individuals in central and Southern Africa. The terror attacks in Kenya and Tanzania were not isolated incidents as the Central Intelligence Agency (CIA) managed to thwart the bombing of the US embassy in Kampala, Uganda on 18 September 1998.<sup>27</sup> This is in line with findings made by LaFree, Dugan and Miller who indicated less than 10 percent of global terrorist attacks took place in Central America and the Caribbean, Sub-Saharan Africa and South East Asia between 1970 and 2012.<sup>28</sup> Moreover, it was established that in the period between 1998 and 2007 South Africa experienced a total of 37 attacks which can be categorized as terror attacks and consequently four (4) people were killed.<sup>29</sup> Northern Ireland, Spain, Chile, Thailand and South Africa were found to be amongst countries with most number of attacks but with few fatalities.<sup>30</sup> In addition to Southern and Eastern Africa, Osama Bin Laden also planned to make inroads into central and western Africa. Plans were also made for further attacks against US embassies to politicize and radicalize African Muslims in the hope of provoking anti-Muslim backlashes.<sup>31</sup>

Willingness to participate in terrorism is however not limited to Northern and Eastern Africa. Although figures are not readily available, individuals in countries, including South Africa expressed their willingness to participate in transnational terrorism. South Africa was also implicated in the arrest of a number of perpetrators of prominent transnational terrorism cases.<sup>32</sup> First and foremost was the arrest of Khalfan Khamis Mohamed, a Tanzanian national in Cape Town in the aftermath of the August 1998 bombings in Kenya and Tanzania. In another case Haroon Rashid Aswat stayed in Mayfair, Johannesburg, for a while before his arrest in Zambia. According to investigators Haroon Rashid Aswat, a British citizen, made several calls to suspects responsible for the bombings on London's underground and a bus on 7 July 2005. These examples provided an additional trend of 'harboring' foreigners within the Muslim community without knowledge of their involvement in terrorism. It is increasingly

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27 As above.

28 LaFree ( note 16 above).

29 Davis, J. ed., 2012. *Terrorism in Africa: the evolving front in the war on terror*. Lexington Books.

30 LaFree ( note 16 above).

31 Botha (note 26).

32 Botha (note 26).

feared that outsiders with ulterior motives might misuse South Africa's weak points and infrastructure for their benefit. Amongst others, South Africans are regarded as generally hospitable people, which was pointed out by several authors as a weak point. South Africa also provides the required infrastructure for terrorists such as quality banking systems and transport links to international destinations.<sup>33</sup>

What makes South Africa more vulnerable to terrorism than other countries is the availability of three terrorist groups namely:- Al-Qaeda, Hezbollah and HAMAS and, from the domestic front there is, People Against Gangsterism (PAGAD).<sup>34</sup> In 2007 two members of Dockrat Family were categorized by US government as terrorist for allegedly facilitating financial transactions through the South African banking system to Al-Qaeda.<sup>35</sup> Hezbollah and HAMAS were also identified as being in cooperation with South African individuals in raising and laundering funds.<sup>36</sup> These serves as classical examples of the use of infrastructure in the form of banking system to finance terrorist activities.

In addition to the use of this region as a possible safe haven for terrorists, the involvement of African nationals in transnational terrorism is not limited to Northern and Eastern Africa. The USA State Department identified South Africa as a possible sanctuary for terrorists.<sup>37</sup> South Africans, Dr Firoz and Zubeir Ismail, were arrested after a long shoot-out with Pakistani authorities with Ahmed Khalfan Ghailani, an alleged al-Qa'eda member in a safe-house in Pakistan in 2004.<sup>38</sup> Ghailani, a Tanzanian national in US custody, was allegedly involved in the 1998 Nairobi and Dar es-Salaam US embassy bombings. The two South Africans however explained that they were hiking in Pakistan, although such an explanation was not accepted by analysts considering the conditions and people they were with during the arrest.

South Africa's concern over Islamic radical groups did not begin on 9/11.<sup>39</sup> It began during the first Gulf War in 1990 and escalated in the

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33 LaFree (note 16)

34 Le Sage, A. ed., 2007. *African counterterrorism cooperation: Assessing regional and subregional initiatives*. Potomac Books, Inc

35 As above

36 Le Sage (note 34 above).

37 LaFree ( note 16 above).

38 Botha ( note 26 above).

39 Firsing, S., 2012. South Africa, the United States, and the Fight Against Islamic Extremism. *Democracy and Security*, 8(1).

mid-1990's with the People Against Gangsterism and Drugs (PAGAD), a small terrorist group found in the Western Cape province led by Rashaad Staggie. Both al-Qaeda's 1998 United States embassy bombings in Kenya and Tanzania and the 9/11 terror attacks forced the US to re-examine security on the African continent. This means that terrorism is not a recent problem in Africa, it has always been on a global scale. Since then, there has been a reported incidents of terrorism threats in Africa including in South Africa.

One the recent terrorist threats happened in 2019 when the South African Police Service (SAPS) arrested four members of the National Christian Resistance Movement, a white supremacist group that allegedly planned attacks on shopping malls, informal settlement, and government installation.<sup>40</sup> Two members were found guilty and sentenced in December of that year for an effective eight years' imprisonment for preparing and planning to conduct acts of terrorism. Charges against another individual were dropped. Furthermore, the targeting of squatter camps and malls are consistent with common stereotypes about terrorism as it was established that private citizens and their property form the largest category of targets.<sup>41</sup> Harry Knoesen, the alleged leader of the group, was expected to face trial in 2021. Prosecutors charged a South African farmer with a terrorism-related offense after he allegedly led other rioters in storming and damaging courthouse property during an October 10 in 2020 protest related to a hearing for suspects charged with murdering another farmer.

Country Reports on Terrorism South Africa (CRTSA) shows that in 2020, South Africa's National Prosecuting Authority (NPA) continued to prosecute terrorism crimes.<sup>42</sup> To decentralize terrorism case prosecution and provide provincially based prosecutors with relevant experience, the NPA's Gauteng-based Priority Crimes Litigation Unit (PCLU) returned prosecutors who had been seconded to the central unit to their earlier provincial assignments and reassigned terrorism cases to attorneys in judicial districts where the crimes occurred. While the PCLU retained an oversight role, it gave provincial prosecutors substantial autonomy to direct terrorism cases. These were part of South Africa's efforts to

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40 <https://www.state.gov/reports/country-reports-on-terrorism-2020/south-africa/> accessed 25 July 2023.

41 LaFree, G., Dugan, L. and Miller, E., 2014. *Putting terrorism in context: Lessons from the Global Terrorism Database*. Routledge.

42 Note 40 above.

counter terrorism by rendering more effective administration of justice against suspects accused of terrorism related crimes.<sup>43</sup>

Progress in several high-profile cases slowed as newly assigned NPA provincial prosecutors familiarized themselves with the cases and developed prosecution strategies.<sup>44</sup> Affected cases included the previously reported prosecutions of the terrorist group allegedly responsible for the 2018 deadly attacks on a Shia Mosque and firebomb attacks against commercial Durban interests, and the prosecutions of Sayfudeen Del Vecchio and Fatima Patel, charged in 2018 for murdering British-South African dual nationals Rodney and Rachel Saunders. In August, a magistrate set a trial date for early 2021 for the Saunders' case, but the case was later postponed pending police and prosecutors' evidence processing.

### 8.3 Counterterrorism Legislation

Since 1994, South Africa has made great strides in complying with its international obligations relating to terrorism. The country thus far ratified at least nine (9) United Nations Conventions on terrorism, furthermore it has ratified the African Union Convention on the Prevention and Combating of Terrorism, and it is an active participant in the implementation process of the convention.<sup>45</sup> The Protection of Constitutional Democracy Against Terrorism and related Activities Act 33 of 2004 was promulgated in 2005 to effectively counter terrorism. The enactment of this legislation meant that South Africa gave effect to all international instruments relating to terrorism.<sup>46</sup>

THE United Nations has several conventions which are aimed countering terrorism, and South Africa in the main ratified the following conventions:

- a) Montreal Convention for Suppression of Unlawful Acts Against the Safety of Civil Aviation;
- b) Tokyo Convention on Offences and Setting Other Acts Committed on Board Aircraft;
- c) Convention for the Suppression of the Unlawful Seizure of Aircraft;

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43 <https://www.state.gov/reports/country-reports-on-terrorism-2021/south-africa/> accessed 25 July 2023.

44 See note 40 above.

45 Kalidheen, R., 2008. *Policing mechanisms to counter terrorist attacks in South Africa* (Doctoral dissertation, University of South Africa).

46 As above.

- d) Convention on Marking of Plastic Explosives for the Purposes of Detection;
- e) Protocol for the Suppression of Unlawful acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful acts against the Safety of Civil Aviation;
- f) International Convention for the Suppression of Terrorists Bombings;
- g) International Convention for the Suppression of Terrorist Financing;
- h) International Convention Against the Taking of Hostages; and
- i) Convention on the Prevention and punishment of crimes Against Internationally Protected Persons, including Diplomatic Agents.

According to Hendricks, several security experts unanimously agreed that South Africa will be an unreliable partner in the Global War against Terrorism, and this is, amongst other things, because of its anti-terrorism legislation which was regarded as being not effective enough to act as a deterrent factor against terrorists and their supporters.<sup>47</sup> This is further corroborated by the comments of Hubschle who maintains that South Africa's legislation on counterterrorism is 'by far the most liberal and least restrictive anti-terror law' and further that it is not severe enough to act as deterrent factor'.<sup>48</sup>

## 8.4 The impact of 9/11 on counterterrorism

The terrorists attack on the Pentagon and World Trade Center in the United States of America on the 11<sup>th</sup> of September 2001, traumatized New York City, the USA, and the entire world.<sup>49</sup> The event often known as 9/11 catalyzed a significant shift in perceptions surrounding terrorism and governmental responses to such threats<sup>50</sup>

9/11 had a significant impact on counterterrorism as it introduced new policies and security measures to obstruct and avoid terrorism. Gary LaFree's book *Putting terrorism in context*, showed the impact of 9/11 on counterterrorism measures in the United States of America. The effect of 9/11 attacks in forced the US government to reorganize government, represented most greatly by establishment of the Department of

47 Hendricks ( note 14 above).

48 Hübschle, A., 2005. SOUTH AFRICA'S ANTI-TERROR LAW: Among the least restrictive?. *African Security Studies*.

49 Bram, J., Orr, J. and Rapaport, C., 2002. Measuring the effects of the September 11 attack on New York City. *Economic Policy Review*.

50 Coaffee, J., 2006. From counterterrorism to resilience. *European Legacy*.

Homeland Security (DHS) two years just after the 9/11 attacks.<sup>51</sup> Many of the national security policies authorised by the United States in response of 9/11 were a direct reaction to the organized attacks.<sup>52</sup>

In addition, the establishment of DHS brought together several former border and security agencies under one umbrella now called Immigration and Customs Enforcement (ICE).<sup>53</sup> The aim of DHS was to prevent terrorist attacks within the United States, also to minimize American's vulnerability to terrorism and reduce the damage and recover from attacks that do occur.<sup>54</sup> Furthermore, after the terrorist attacks on 11 September 2001, the Security Council of the United Nations acted quickly to strengthen the legal framework for international cooperation and common approaches to the threat that terrorists might need weapons of mass destruction and improving cross-border information-sharing by law enforcement authorities, as well as establishing monitoring body, the counter-terrorism committee, to supervise the execution of these measures.<sup>55</sup>

A few weeks after 9/11, the American congress passed the PATRIOT Act and ever since then it has been used as a tool in the war on terror and by others as a frontal assault on civil liberties.<sup>56</sup> The PATRIOT Act aims to expand the power of law enforcement agencies to obtain evidence in terrorism cases and for intelligence and criminal justice investigators to share information collected.<sup>57</sup> PATRIOT Act improves counterterrorism measures in many ways, as it allows investigators to use the tools that were already available to investigate organized crime and drug trafficking. Furthermore, it allows victims of computer hacking to request law enforcement assistance in guarding the trespassers on computers.<sup>58</sup>

In the aftermath of the 9/11 attacks, significant legislative measures were enacted to enhance aviation security.<sup>59</sup> The introduction of the Aviation

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51 LaFree ( note 16 above).

52 As above.

53 LaFree ( note 16 above).

54 United States. Office of Homeland Security, 2002. *National strategy for homeland security*. Diane Publishing.

55 United Nations, 2008. Human Rights, Terrorism and Counterterrorism. *Office of the United Nations High Commissioner for Human Rights, New York, Factsheet No. 32*.

56 LaFree ( note 16).

57 As above.

58 Doyle, C., 2002, April. The USA PATRIOT Act: a legal analysis. Congressional Research Service, Library of Congress.

59 LaFree (See note 16 above).



and Transportation Security Act marked a pivotal moment, permitting comprehensive passenger and luggage screening at airports nationwide for the first time. This monumental shift in security protocols extended globally, prompting enhanced measures at airports across most nations to mitigate the risk of terrorist activities.

A study conducted by Seanego & Xulu, titled “Exploring the Regulation of Security Service Providers in South African Airports,” shed light on the security landscape within South African airports. It revealed the delineation of two distinct areas safeguarded by security personnel: the landside, constituting public access areas, and the airside, designated as restricted zones requiring specific access permits.<sup>60</sup>

Critical security operations, including luggage screening and personnel searches, are conducted by aviation security personnel within the airside zone to preempt potential acts of terrorism onboard flights. These vital security functions are entrusted to private security service providers regulated by the Private Security Industry Regulatory Authority (PSiRA).

The enactment of legislation such as the Aviation and Transportation Security Act in the United States and the Civil Aviation Act in South Africa reflects a concerted effort to align domestic regulations with international standards set forth by the International Civil Aviation Organization (ICAO). These legislative endeavors are aimed at fortifying aviation security infrastructure and ensuring compliance with global aviation security protocols.

The 9/11 terror attacks also impacted badly on security industry as many of the security officers lost their lives after they failed to detect and identify attackers at airports during the screening process.

*“It is estimated that 42 security guards were killed in terrorist attacks on 9/11, compared to 23 NYPD officers, and witness accounts relate stories of guards assisting public services during the subsequent evacuation”.<sup>61</sup>*

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60 Seanego,T. and Xulu,H. 2020. *Exploring the Regulation of Security Service Providers in South Africa*.

61 Rigakos, G., 2022. Commissioned Paper: The Developing Role of Private Security in.



## 8.5 Role of Private security industry in counterterrorism

The Private security industry includes security personnel and security businesses. It plays an important role in counter-terrorism initiative of many countries. It covers a large number of operational positions in facilities because, in many respects, they outnumber police and can thus issue warnings of any possible threats as they man and patrol the premises where they are deployed.<sup>62</sup> The modern fight against terrorism and national security concerns cannot be solved by diplomatic and military interventions alone. Peterson is of the view that active involvement of civil society, including private security companies is required in the war against terrorism.<sup>63</sup>

Phelps is of view that greater security presence of private security professionals in major sporting events demonstrate their will to participate in efforts to combat terrorism.<sup>64</sup> The private security sector by its nature only focuses on short to medium-term counter-terrorist measures.<sup>65</sup> Furthermore, security personnel have the potential to deter potential offenders or prevent criminal offences from taking place, as they are primarily the first responders to any offence on private property.<sup>66</sup>

The terrorist attacks of 9/11 brought about a profound transformation in the role of private sector businesses in safeguarding national security.<sup>67</sup> Previously, private security was often characterized by underpaid and inadequately trained personnel merely tasked with monitoring surveillance cameras. However, in the wake of 9/11, it transitioned from being a mere consideration to an indispensable investment aimed at mitigating liability and ensuring the continuity of organizational operations.<sup>68</sup>

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62 Ilijevski ( note 4 above).

63 Petersen, K.L., 2008. Risk, responsibility and roles redefined: is counterterrorism a corporate responsibility? *Cambridge Review of International Affairs*, 21(3)

64 Phelps ( note 3 above).

65 Holmqvist, C., 2005. Private security companies. *The case for regulation. SIPRI Policy Paper*, 9.

66 Phelps ( note 3 above).

67 Gillespie, E., The Impact of 9/11 on Private Security.

68 Moler, P.P. 2023. Enhancing Countering through the Integration Private Security Guards: A Study on the Effectiveness and Feasibility of Public Private Partnership in Combating Terrorism. *Journal of the African Interdisciplinary Studies*, 7(4) pp. 94-106.

Gone are the days when security relied solely on low-paid, poorly trained guards surveilling cameras.<sup>69</sup> The aftermath of 9/11 spurred the evolution of private sector protection into a robust industry encompassing a wide array of specialized disciplines.<sup>70</sup> By forging collaborative partnerships with local, state, and federal public safety agencies, the private security sector has emerged as a bastion of resilience and innovation, spearheading the collective effort to combat terrorism.<sup>71</sup>

The proliferation of private security guards has become increasingly evident, as they assume a critical role in safeguarding public spaces and vital infrastructure. Whether in private or public domains, the presence of private security personnel is ubiquitous, with their swift response often being the first line of defense in the event of an incident. Globally, private security firms also play a substantial role in counterterrorism efforts.

In Ethiopia, the scope of counterterrorism<sup>69</sup> extends to border security, intelligence collaboration with neighboring nations, and interdiction strategies. While the National Intelligence and Security Services bear the primary responsibility for criminal investigations and overall counterterrorism management, the Ethiopian Parliament has enacted terrorism legislation. This legislative framework empowers federal law enforcement agencies, national intelligence services, and the Ministry of Justice to coordinate their efforts in combating terrorism.

The authorization of terrorism legislation underscores the significant contribution of the private security industry in Ethiopia's counterterrorism endeavors. Leveraging this legislation, police and security forces have intensified anti-terrorism measures, demonstrating the pivotal role played by private security entities in preventing terrorist incidents and enhancing national security.

According to Moler, private security guards are an essential element in supplying safety and security of individuals and properties.<sup>72</sup> The availability guards alone serves as a deterrent to potential terror and criminal activity that may occur. In counterterrorism they play a huge role in detecting unusual behavior, such as loitering, trespassing, attempted break-ins, bombing and even cyberbullying.<sup>73</sup> Private security

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69 Davis ( see note 29 above).

70 As above.

71 As above.

72 Moler (note 68 above).

73 As above

guards are a critical element in the fight against terrorism as they can be deployed in key locations, such as airports, public transportation hubs, or government buildings, to supply an additional layer of security and improve response times in the event of a terrorist incidents.<sup>74</sup>

After the emphasis of 9/11 on increased security of all kinds, the hardening of customs check-up and searches on travellers as well as within the context of the “fight terrorism” it has become the responsibility of security to implement these new measures, technologies, and strategies.<sup>75</sup> According to Fishment as cited in Moller one of the most important things about the availability of private security is that they can supply expert analysis and advice on security-related issues. The private security companies often have access to advanced technology such as surveillance equipment (CCTV cameras, thermal imaging cameras, and motion detectors as well as advanced access control systems and intrusion detection devices) that can enhance security measures.<sup>76</sup>

In addition, even during the 9/11 attacks, private security service providers played a crucial role as they protected commercial and retail spaces and were consequently deputized into the broader war on terror. Furthermore, since the 9/11 attacks, resources seem to have been devoted to improving airport security, immigration and customs controls and the security of nuclear facilities, while ‘softer’ sites, typically secured by private security, were seen as a source of continued concern.<sup>77</sup>

## 8.6 Training of Security Officers on Counterterrorism

There is a need for private security personnel to upgrade their knowledge, skills and ability to protect property because they are the first to provide assistance after the terror incident. Moreover, they must be able to identify, issue warnings and point out any suspicious activities occurring within their working precinct, and take the necessary steps to prevent emergencies.<sup>78</sup>

The use of education and further training has been highlighted as a broader instrument for responding to extremist events which include

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74 Moler ( note 68 above)

75 Ghobadian, A.O.N.G.D.V.H., O'Regan, N., Gallear, D. and Viney, H., 2004. Private-public partnerships: policy and experience. *Hampshire, England: Palgrave Macmillan*.

76 Moler ( note 68 above).

77 Rigakos ( note 61 above).

78 Ilijevski ( note 4 above).

terrorism.<sup>79</sup> However, there are very few security officers, if any, that are trained in the field of extreme violence like terrorism than those who responds to shoplifting, workplace violence or identify theft.<sup>80</sup> In Southern Africa, counterterrorism training was developed by the South African Police Service in collaboration with Southern African Regional Police Chiefs Cooperation Organisation with the aim of equipping police officials for the challenges terrorism poses, and this is over and above the exchanging of information related to crime including terrorism.<sup>81</sup>

There are various challenges which hinder the development of curriculum for training security officers on counterterrorism, and, amongst others, are the elements that need to be identified compared and analyzed for the use in counterterrorism curriculum.<sup>82</sup> There is meagre literature with regard to information to be included in counterterrorism training. This is because there are dynamics between countries, professional groups and between national, regional and local levels, also because training is not always openly accessible.<sup>83</sup> Phelps suggests a semi-structured training program that covers essential knowledge about terrorism and how professionals can help prevent it. Moreover, the semi-structured format would allow professionals to blend the training with their individual experiences in order to tailor the curriculum to the needs of the trainee and country specific conditions.

Education and training measures were described as key, firstly, to improve security officers' knowledge of terrorism and, secondly, to provide training through exercises and drills on how to respond aptly to terrorism. It is of vital importance for security professional to have the ability to create patterns of suspicious behavior (observation and loitering, nervous behavior, sketches, video recordings, strange questions) and identify possible areas from which terrorists could carry out surveillance activities (Red zones).<sup>84</sup>

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79 Phelps ( note 3 above).

80 As above.

81 [https://www.saps.gov.za/resource\\_centre/publications/country\\_report/part\\_three.pdf](https://www.saps.gov.za/resource_centre/publications/country_report/part_three.pdf) Accessed on 25 July 2023

82 Phelps (note 3 above)

83 As above.

84 Phelps (note 3 above)

## 8.7 Proactive and reactive approach to counterterrorism

Terrorism has become a global threat with global effects as its methods are homicidal and not controllable, but its consequences affect everyone. Many developed countries like the United States include proactive and reactive approaches to combat terrorism. The proactive response to terrorism seeks to identify newly emerging political conflicts, which might later lead to terrorism, and it also considers possible future terrorist tactics, seeking to anticipate them.<sup>85</sup> According to Crelinsten, the proactive counterterrorism is sometimes called preventive counterterrorism or anti-terrorism and it includes both coercive and non-coercive.<sup>86</sup>

The United State's proactive approach to countering terrorism includes, increasing security, intelligence gathering-detection and prevention, and blocking finances. Increasing securities to crucial targeted places like infrastructures and government facilities is one of the best solutions to combat the threat of terrorism as it decreases the appeal of vulnerable targets.<sup>87</sup> But this strategy is not that effective because terrorists' routines vary although increasing security can limit the damage that the attacks will cause.<sup>88</sup> Because of the limitations of enhancing security, there is also intelligence gathering-detection and prevention that is used to counter terrorism.

Prevention through intelligence gathering and permeation of terrorist groups is another approach used in the fight against terrorism.<sup>89</sup> This strategy involves the use of direct state action by the police, military forces, and intelligence agencies to apprehend terrorist gangs and their supporters, while also deterring possible recruits due to long prison sentences and increased possibility of being arrested.<sup>90</sup> There is evidence that the severe punishment for specific terrorist acts results in fewer acts of terrorism.<sup>91</sup> Intelligence, that recognizes terrorists' targets, the connections of these targets, preventing of the terrorist

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85 Frey, B.S., 2018. Countering terrorism: Deterrence vs more effective alternatives. *Open Economics*,

86 Crelinsten, R., 2013. *Counterterrorism*. John Wiley & Sons.

87 Kalidheen ( note 45 above).

88 As above.

89 Kalidheen ( note 45 above).

90 Schneider, F., Brück, T. and Meierrieiks, D., 2015. The economics of counterterrorism: A survey. *Journal of Economic Surveys*,

91 Landes, W.M., 1978. An economic study of US aircraft hijacking, 1961-1976. *the Journal of Law and Economics*.

attack is very important in the fight against terrorism.<sup>92</sup> There is also a security intelligence which is used in determining whether individuals or the groups to which they belong are attached to any activities that may pose terror threats.<sup>93</sup> The identification of terrorist groups may lead to a quick resolution before a single shot is fired.<sup>94</sup>

In addition, intelligence can work hand in hand with other initiatives to limit or eliminate the flow of financial support to terrorist groups.<sup>95</sup> Blocking terrorist financing is one of the best things to do to avoid terrorism as terrorist groups depend on money to obtain the weapons and other logistical material needed for planning, preparing for, and implementing an attack.<sup>96</sup> Terrorists heavily rely on money to buy weapons and recruit new members. When their financial sources are cut off, they become less capable of carrying out attacks and pose less of a threat.<sup>97</sup> International efforts aim to disrupt terrorist funding to prevent large-scale attacks and ongoing campaigns.<sup>98</sup>

Through anti-money-laundering programs, counterterrorism measures may seek to expose state sponsorship of terrorism, stop the flow of foreign funds from terrorist supporters to terrorist organisations, and make it more difficult for terrorist organisations to launder funds obtained from criminal activity.<sup>99</sup>

The reactive response entails incident-related terrorism and seeks to deal with those terrorist incidents that has already taken place.<sup>100</sup>

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92 Kalidheen ( note 45 above).

93 Crelinsten ( note 85 above).

94 Schneider ( note 89 above).

95 Kalidheen ( note 45 above).

96 Crelinsten ( note 85 above)

97 Kalidheen ( note 45 above)

98 Schneider ( note 89 above)

99 As above.

100 Frey (note 84 above)

## 8.8 Counterterrorism measures now and in future

Counterterrorism (CT) are measures taken at national and international level aimed at preventing and addressing the terrorists' threats. The European Union execute CT measures adopted at United Nations level and has adopted CT measures of its own to support the fight against terrorism.<sup>101</sup> Sometimes Counter-terrorism measures and sanctions are falsely considered the same thing, because certain sanctions rules target terrorist groups and organisations and consequently contribute to the general fight against terrorism financing. These existing CT sanctions consist of a travel ban on natural persons an assets freeze, and prohibition from making funds and economic resources available to natural persons and entities. As such, CT sanctions are a powerful preventative instrument to reject terrorists' resources and mobility.

The participating States in the Organisation for Security and Co-operation in Europe (OSCE) unanimously concur that terrorism is one of the most remarkable threats to peace, security, and stability, the enjoyment of human rights and social and economic development, in the OSCE area and beyond.<sup>102</sup> The values that unites the OSCE are usually undermined by terrorism. At the same time, participating States clearly reject the association of terrorism with any particular race, nationality, or religion. The organisation therefore resolved to apply effective measures to prevent and fight terrorism, in all its forms and manifestations, as a serious crime that has no justification, whatever its motivation or origin may be.<sup>103</sup> The OSCE promoted working together at all levels to counter terrorism. This includes coordination among national authorities, cooperation between states, working with international and regional organisations, and forming partnerships between government agencies, businesses, civil society, and the media.<sup>104</sup>

These efforts are guided by and supportive of the United Nations Global Counter-Terrorism Strategy and relevant resolutions of the UN Security Council, in accordance with the OSCE Consolidated Framework for the Fight against Terrorism.

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101 <https://www.dgecho-partners-helpdesk.eu/sanctions/eu-restrictive-measures/counter-terrorism-measures> accessed in 2021.

102 <https://www.osce.org/countering-terrorism> accessed 24 July 2023

103 As above.

104 See note 101 above.

Strategic focus areas for OSCE counter-terrorism activities are as following:

<ul style="list-style-type: none"> <li>• Promoting the implementation of the international legal framework against terrorism and enhancing international legal co-operation in criminal matters related to terrorism.</li> </ul>	<ul style="list-style-type: none"> <li>• Countering violent extremism and radicalization that lead to terrorism, following a multidimensional approach.</li> </ul>	<ul style="list-style-type: none"> <li>• Preventing and suppressing the financing of terrorism.</li> </ul>	<ul style="list-style-type: none"> <li>• Countering the use of the Internet for terrorist purposes.</li> </ul>
<ul style="list-style-type: none"> <li>• Promoting dialogue and co-operation on counter-terrorism issues, in particular, through public-private partnerships between State authorities and the private sector (business community, industry), as well as civil society and the media.</li> </ul>	<ul style="list-style-type: none"> <li>• Strengthening national efforts to implement United Nations Security Council resolution 1540 (2004) on non-proliferation of weapons of mass destruction.</li> </ul>	<ul style="list-style-type: none"> <li>• Strengthening travel document security.</li> </ul>	<ul style="list-style-type: none"> <li>• Promoting and protecting human rights and fundamental freedoms in the context of counter-terrorism measures.</li> </ul>

In South Africa, creative and constitutionally compliant legislative and policy approaches to terror-related crimes were realised, and existing mechanisms strengthened. Section 37 of the Constitution of the Republic of South Africa, 1996 mandates the declaration of a state of emergency.<sup>105</sup> According to this Section South African President is given a mandate to declare a state of emergency where the life of the nation is threatened by war, invasion, general insurrection, disorder, natural disaster or other public emergency'.<sup>106</sup> The power is employed in terms of the State of Emergency Act 64 of 1997<sup>107</sup>, which allows the President by proclamation to declare a state of emergency. Power is considered as a last resort after all other legal means have been consumed and it should only be used where a threat to state security is of such amount as to be catastrophic to normal life.<sup>108</sup>

105 <https://paralegaladvice.org.za/wp-content/uploads/2016/05/01-PLM2015-Constitution.pdf> accessed May 2016

106 Section 37 Constitution of South Africa 1996

107 State of Emergency Act 1997

108 Masuku, T., 2002. Reflections on South Africa's approach to terrorism. *CHRI News*, pp.1-3.



The government committed itself to take legal action to stop terrorist acts, prosecute those responsible for them, protect foreign citizens from terrorist attacks, collaborate with the international community to investigate and deter terrorist acts, and defend its citizens from terrorism both internally and externally. However, the policy stays within the boundaries set forth in the Constitution, ensuring the rule of law and the protection of human rights while combating terrorism, unless a situation of emergency is present.<sup>109</sup>

After the State of Emergency Act was promulgated, The South African Law Reform Commission undertook to align security legislations such as The Interception and Monitoring Act 77 of 1995 (IMA) and the Explosives Act 15 of 2003 (EA) with international obligations of South Africa to combat terrorism<sup>110</sup>. The IMA was reviewed with the aim to grant additional powers to the state to intercept and monitor communications relating to suspected terrorist activities and economic espionage considered a threat to state security. The amended IMA permits a judge to direct those postal articles, communications, and conversations by, to or from a person or organisation be intercepted or monitored wherever there is evidence of a crime being committed<sup>111</sup>. The amended Explosive Act aimed to not allow anyone to manufacture, import, possess, sell, supply, or export any plastic explosive, which is not marked with a detection agent<sup>112</sup>. Taken together, these legislations provide the South African government with the legal framework necessary to counter threats of terrorism.

One of the promising measures that have been implemented globally not just to prevent terrorism but also any unusual criminal activity that might occur in any private or public space is camera surveillance or closed-circuit television (CCTV). Closed-circuit television (CCTV) surveillance cameras serve many functions and are utilized in both public and private settings<sup>113</sup>. Camera surveillance has gained prominence in policy proposal on combating terrorism.<sup>114</sup> CCTV is sometimes referred to

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109 As above.

110 Masuku ( note 107 above).

111 The Interception and Monitoring Amendment Act, 1995

112 <https://pmg.org.za/committee-meeting/1772/> Accessed 4 Sept 2023

113 Welsh, B.C. and Farrington, D.P., 2006. Closed-circuit television surveillance. In *Preventing crime: What works for children, offenders, victims, and places* (pp. 193-208). Dordrecht: Springer Netherlands.

114 Stutzer, A. and Zehnder, M., 2010. *Camera surveillance as a measure of counterterrorism?* (No. 2010/05). WWZ Discussion Paper.



as a time of situational crime prevention<sup>115</sup> and this makes many people to expect camera surveillance to deter terrorism and any other forms of crime. Terrorist attacks are a serious threat for public security and are a challenge for both the private actors and public agencies involved in its provision. That is why camera surveillance has gained prominence as a measure for counterterrorism resulting in public security agencies in most countries investing large amounts of money in this technology.

The surveillance measures introduced after 9/11,<sup>116</sup> but the Camera surveillance or CCTV were introduced in the debate on terrorism policy after the London bombing on 7 July 200 when CCTV cameras caught the attention of terrorists in London's subway. One bomb exploded on a bus, killing 52 commuters and four alleged bombers. Identifying the bombers heavily depended on CCTV footage.<sup>117</sup> There was another attempted bomb attack after the one on the 7<sup>th</sup> of July 2005 but on this one only the detonators of the bombs exploded and immediately after terrorist attempts, CCTV images of four suspects were released and where used to arrest the perpetrators.<sup>118</sup> CCTV can be a drawback in fighting terrorism because terrorists often target public places to gain media attention. Sometimes, CCTV cameras attract terrorists rather than deter them.

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115 Welsh ( note 112 above).

116 Lyon, D., 2003. Technology vs 'terrorism': circuits of city surveillance since September 11th. *International Journal of Urban and Regional Research*, 27(3), pp.666-678.

117 Sutzer ( note 113 above).

118 As above.

## 9. RESEARCH FINDINGS

### 9.1 Counterterrorism Strategy

The counterterrorism strategy of the United Nations as applied by member states is based on four pillars, namely:



In the United Kingdom (UK) this strategy is called CONTEST but the application remains the same. It can be assumed that South Africa's counterterrorism strategy is also based on these pillars and that it is working since SA has not experienced serious terror attacks thus far.

#### 9.1.1 Prevention

The prevention pillar is aimed at ensuring that states prevent the recruitment of citizens to join the terrorist groups and profile members of terrorism groups in order to identify those who are likely to be recruited to terrorist groups according to their profile.

#### 9.1.2 Protect

To protect citizens and infrastructure and reduce the vulnerability to attack, including through improved security of borders, transport and critical infrastructure.

#### 9.1.3 Prepare

Prepare means to be able to respond quickly and efficiently as possible and to mitigate the impact of a terrorist attack. This is done by creating partnership with emergency services, local and national government department and the military so that when terror incidents happen these organisations can fight it together as one.

### 9.1.4 Pursue and Respond

Terrorists need to be disrupted before they can carry out their activities and pursue terrorist acts across borders. This pillar aims to completely disrupt terrorists' planning, their network and their recruiters and block their funding and access to attacks. If terrorists' funds are blocked, terrorist will not be able to buy weapons and other materials that they use to attack. But the attacks cannot be reduced to zero, and that is why there is a last pillar which is respond. To respond is to be able to deal with attacks when they occur.

## 9.2 Types of property and persons to be protected

The significance of analysing the type of property or person to be protected is that the strategy is aligned according to what is being protected at a particular point in time. Terrorists usually target critical infrastructure, essential infrastructure and the most important person in the country, and also target most places with a large number of people. All the abovementioned need to be protected to reduce the vulnerability to terror attacks. Security should be enhanced at all borders, transport and critical infrastructure to protect citizens and properties against terrorist attacks. The study found amongst others that the categories of infrastructure and persons are targeted with the intention to send a message to the government of the day or to solicit funds to fund operational costs of terrorists organisations. The counterterrorism measures put in place vary from one country to another and from one property to another.

In Europe and the Western world, measures are more stringent due to financial capacity and access to more advanced technology compared to Africa and other parts of Asia where economic instability of many countries in those regions hamper stricter security controls. With regard to properties, it was established that is easier to put measures in place in public properties than in private properties particularly because businesses trade for profit. Companies or property owners such as malls or stores that are depending on clients coming into their premises to do business find it difficult if not impossible to put implement measures of searching clients with equipment such as metal detectors amongst others and such measures may affect business.

## 9.3 Stakeholders

Although the counterterrorism strategy of South Africa could not be accessed, several stakeholders are involved in countering terrorism. These include the South African Police Service (SAPS), the State Security Agency (SSA), and the South African National Defense Force (SANDF). Each has different roles as defined by various laws. Additionally, the private security industry may also have some involvement in countering terrorism.

The above mentioned government agencies and the private security industry work hand in hand to make sure that South African citizens are protected against terrorist, but they are guided by Protection of constitutional Democracy Against Terrorism and Related Activities Act,33 of 2004(POCDATARA).

### 9.3.1 South African Police Service (SAPS)

The South African Police Service (SAPS) derives its power and functions from Section 205 of the Constitution of the Republic of South Africa of 1996. The SAPS is tasked with preventing and fighting any threat to the safety of citizens and ensuring wrongdoers are brought to justice. SAPS has various departments, including the Directorate for Priority Crime Investigation (DPCI), which focuses on combating and investigating serious crimes like terrorism. DPCI collaborates with Crime Intelligence to address such issues

### 9.3.2 State Security Agency (SSA)

The State Security Agency (SSA) is the South African government security agency who is mandated to provide government with intelligence on domestic and foreign threats or potential threats to national stability, the constitutional order and the safety and wellbeing of South African Citizens. Among the areas that SSA focuses on is terrorism as it threatens the safety and wellbeing of South African citizens and property.

### **9.3.3 South African National Defence Force (SANDF)**

South African National Defence Force (SANDF) comprises armed forces of South Africa which SA NAVY, SA Airforce and SA Army, SA Military Health Service and Joint Operations Division. The primary function of the SANDF is to defend South against external military aggression. The constitution provides that SANDF may be employed for service in the defense of the Republic, for the protection of its sovereignty and territorial integrity. When terror attacks happen in South Africa it is SANDF duty to protect South African citizens and property.

### **9.3.4 Private Security Industry**

Private Security Industry's role is to ensure the security and safety of persons and property, including critical infrastructure against criminal acts. This includes protection against terror attacks. In South Africa the private security industry is regulated under The Private Security Industry Regulation Act 56 of 2001. The Act 56 of 2001 aims to provide for the regulation of the private security industry by establishing a regulatory authority, and to provide for matters connected with the adequate protection of human rights to life and security of the person as well as the right not to be deprived of property, as a fundamental right to the well-being and to the social and economic development of every person.

## **9.4 Role of Private Security Industry in counterterrorism**

The private security industry plays a primary role in counterterrorism as it covers all critical and essential infrastructure of any country. It is their duty to protect critical and essential infrastructure from terrorism and any other form of criminal activity. When it comes to counterterrorism, the industry's role is confined to only supporting state institutions as opposed to fighting terrorism. In the case of South Africa, it is only state security agencies that are responsible in preventing terror attacks. At airports, the private security industry plays a supportive role on counterterrorism as it is part of the chain that counters any threats by responding to threats and implementing security measures according to the Airport security plan. In order for airport security to react to counterterrorism they need to be informed by South African government law agencies that could have identified the threat.

One of the key contributions of the private security industry to counterterrorism efforts is their integral role as initial responders and

providers of crucial evidence during terrorist incidents. Investigators often depend on private security firms to conduct investigations in the wake of terror threats and attacks, as they are typically the first on the scene and responsible for gathering evidence. Additionally, law enforcement agencies, including the South African Police Service (SAPS), rely on private security for intelligence gathering, leveraging their insights to understand terrorism patterns and anticipate threats. While private security agents may not always be formally trained in counterterrorism, their involvement significantly enhances counterterrorism initiatives.

## **9.5 Training of security service providers**

The National Strategy States (NSS) emphasizes the importance of continuous training for security personnel to keep their skills sharp and stay informed about new terrorist tactics and weapons. The study found that even South African Civil Aviation Airport security requires counterterrorism training. This training should cover the theories behind terrorism and help security personnel identify not just obvious threats like guns and knives, but also recognize suspicious patterns and behaviours that could indicate terrorist activity.

In the private security industry, training is imperative due to the inability to consistently rely on government security agencies for countering terrorism threats. It's essential for private security personnel to be well-prepared, particularly considering that airports are prime targets for terrorist activities. The events of the 9/11 terror attacks underscore the critical importance of adequately trained private security service providers at airports. The lack of training in identifying terrorists resulted in significant casualties among security officers. Therefore, ensuring that security officers responsible for safeguarding critical infrastructure undergo comprehensive training is vital to mitigate the risks associated with them being targeted by terrorists.

The private security industry requires comprehensive training courses and workshops to effectively address terrorism threats. A study highlighted the benefits of antiterrorism seminars conducted by the Los Angeles Police Department (LAPD) for security guards at the Los Angeles Department of Water and Power (LADWP). These seminars covered essential topics such as terrorism awareness, surveillance detection, and vehicle-borne explosive detection, enhancing the guards' capabilities in performing their duties.



It is crucial for private security officers to distinguish between terrorism and extremism, as confusion often arises between the two. Proper training is necessary for security personnel to understand the nature of terrorism and its distinctions from extremism. Moreover, they need to be trained to identify suspicious behavior associated with terrorism and to respond appropriately in such situations.

Security officers must undergo training and workshops to develop cautionary instincts, as their actions during terror attacks or threats can significantly impact the safety of themselves and citizens. Effective training equips security officers to handle various dangerous scenarios, such as dealing with armed suspects or bombs, without jeopardising lives. In locations like shopping centers, where the use of metal detectors may not be practical, proper training becomes even more critical. Security personnel need to be trained to identify non-metallic bombs and other unconventional threats that cannot be detected by metal detectors alone.

While some participants may not specify the exact content of security training on counterterrorism, it's clear that such training should not replicate the rigorous training received by national law enforcement agencies like SAPS, SSA, and SANDF. Instead, private security personnel should receive softer skills training to enable them to be proactive and effectively supportive in addressing terrorism threats.

## **9.6 Role of academia and think-tanks**

This study highlights the pivotal role of academia and think tanks in addressing terrorism. Firstly, through research on terrorism and counterterrorism, they bridge gaps in understanding and keep pace with evolving trends. Such research sheds light on the nuances of the terrorism phenomenon, uncovering new tactics and behaviors employed by terrorists. Importantly, academia and researchers maintain impartiality and rigor in their processes, ensuring transparency and accuracy in findings.

Studies conducted by these entities provide valuable insights for those tasked with countering terrorism. In South Africa, organisations like the Institute for Security Studies contribute to enriching the counterterrorism strategy, guided by legislation such as the POCDATARA Act. By exploring emerging tactics and behaviors, researchers help inform state law enforcement agencies, enabling them to anticipate and effectively respond to evolving threats.



## 9.7 Risk Assessment

Risk Assessment forms a crucial part of counterterrorism strategy of any country. Although terrorists' nature prefer surprise attacks, thorough risk assessment could pick up some threats before the actual attack. Moreover, the investment in counterterrorism should be informed by the level of threat as one should not use a cannon to kill a mosquito. The level of threat differs from one country to another and it is informed by a number of things including but not limited to the country's involvement in international matters, political and philosophical stance, minerals in a particular country, political instability and weak law enforcement. It is therefore crucial for countries to conduct risk assessments from time to time to defuse any visible threat related to terrorism before an attack can be launched. It was established that as part of SAPS and SSA pro-active counterterrorism activities, intelligence is gathered to assess risks. As part of operations, use security officers when they investigate persons of interest. Although the role of security officer in this regard is subtle it is never the less important as they have numbers on the ground and observe the activities in their areas of operation or what is commonly referred to as sites.

## 9.8 The role of PSiRA

As already stated above, the main objective of PSiRA is to regulate the private security industry and to exercise effective control over the practice of the occupation of security service provider in the public and national interest and in the interest of the private security industry itself. In order for private security personnel to gain experience in and knowledge of all the aspects of terrorism and how to counteract it, PSiRA should consider the need to introduce specialized training on terrorism and counterterrorism. The current training of security grades does not deal specifically with terrorism or counterterrorism as a standalone subject.

# 10. RECOMMENDATIONS

## 10.1 Training

It is recommended that PSiRA consult with SSA on the possible training content in their specialized counterterrorism training. The rolling out of training should not compromise state security. The training should include the definitions and legal aspect of terrorism and the different behaviors and tactics of terrorist so that securities can learn to identify terrorists. PSiRA should also work in collaboration with government agencies that deal with terrorism to equip private security with their counterterrorism training. The duration of the training will be determined by the training course material.

## 10.2 Regular inspection of security service providers

Following the implementation of training programs, it is imperative to conduct regular inspections by PSiRA (Private Security Industry Regulatory Authority) on security service providers. These inspections should be thorough, encompassing verification of the sites they are tasked with securing and an assessment of their firearm inventory in relation to the number of employees on duty at any given time. This rigorous inspection process ensures compliance with regulations and maintains the highest standards of security service provision.

## 10.3 Collaboration with Stakeholders

The Authority should establish robust collaboration with state law enforcement agencies, as they are key stakeholders responsible for the country's counterterrorism strategy. This collaboration aims to facilitate the sharing of information regarding any suspicions of terrorism-related activities. A dedicated communication channel should be established to enable PSiRA to promptly report any suspicions of security businesses potentially engaging in terrorism-related activities.

Moreover, the collaboration should enable joint operations and investigations by PSiRA, the Directorate for Priority Crime Investigation (DPCI), Crime Intelligence, and the State Security Agency (SSA) concerning any businesses or individuals of interest suspected of involvement in terrorism activities. This coordinated approach enhances the effectiveness of counterterrorism efforts and ensures swift and decisive action against potential threats.

# 11. CONCLUSION

South Africa is not immune to world threats of terrorism and, in light of global terrorism, it is imperative to conduct ongoing studies on terrorism and counterterrorism phenomena to assess the level of threat and develop practical solutions. This study was conducted with a specific focus on identifying the role played by the private security industry in South Africa's counterterrorism strategy and seeking ways to enhance its effectiveness.

The success or failure of any country's strategy to counter terrorism hinges on the collaboration of stakeholders. Therefore, fostering more collaborations among stakeholders is crucial for the success and sustainability of South Africa's counterterrorism efforts.

The private security industry possesses valuable resources—including financial, technological, and human resources—that can be leveraged to strengthen South Africa's counterterrorism strategy and address resource challenges identified in this study. Collaboration across various fronts is essential in the battle against terrorism, and PSiRA should lead efforts to integrate the private security industry into South Africa's counterterrorism measures, recognising limitations that may exist.

The private security industry possesses valuable resources—financial, technological, and human—that can significantly bolster South Africa's counterterrorism strategy and alleviate resource challenges identified in this study. Collaboration across various fronts is essential in the battle against terrorism, and PSiRA should spearhead efforts to integrate the private security industry into South Africa's counterterrorism measures, albeit with certain limitations.

While the private security industry's role in countering terrorism in South Africa is crucial, it is often underappreciated. It is therefore recommended that private security officers receive training on terrorism awareness and their role in combating it, thereby enhancing their contribution to South Africa's counterterrorism efforts. The study identifies the four pillars of the United Nations' counterterrorism strategy—(1) protect, (2) prevent, (3) prepare, and (4) pursue—as foundational principles for many member states' strategies. However, slight variations exist due to factors such as resource availability, threat levels, and strategic emphasis of one pillar over the other.

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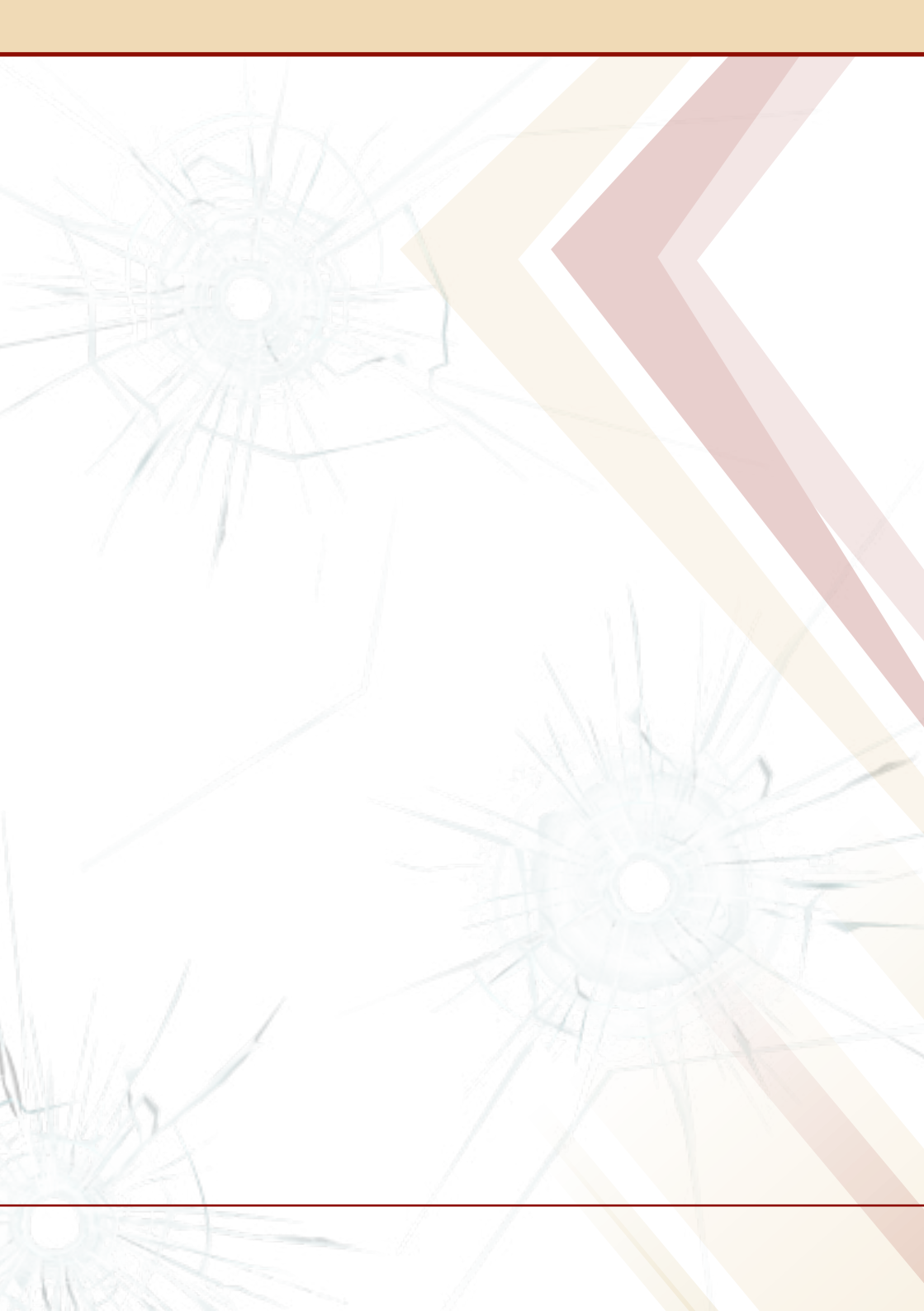
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