

**AFRICAN UNION**

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**Draft**

**AFRICAN UNION  
BORDER GOVERNANCE STRATEGY**

November 2017

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## **i. FOREWORD** by the Commissioner for Peace and Security

In Africa, peace and security have been fundamentally intertwined with the good governance of borders and the attainment of sustainable development of borderlands. Political and social challenges in border areas often hinder development efforts and complicate interventions regarding the resilience and prosperity of communities in national peripheries. Africa's historical legacy of colonial borders and their implications for stability was unmistakably understood and prudently dealt with by the forefathers at the 1964 Cairo Summit of the Organisation of African Unity (OAU), the forerunner to the African Union (AU). Since then, OAU/AU has been at the forefront of leadership in border governance and initiated several border-related initiatives.

The African Union Commission (AUC) has demonstrated its firm commitment to transform the nature of border governance by establishing the African Union Border Programme (AUBP). Serving as a platform for consultations and deliberations, the AUBP has developed and galvanised support from the AU Member States on a multitude of normative guidelines and instructive documents including the AU Convention on Cross-Border Cooperation (Niamey Convention). However, the normative frameworks are not self-executing and this African Union Border Governance Strategy (AUBGS), which complements existing texts and instruments, aims at clarifying the modalities of implementation on border governance to enhance peace and security initiatives, and bilateral cooperation between bordering countries. While the Niamey Convention is a normative leap forward, the AU Border Governance Strategy, based on the demands of the situation, gives a new impetus to the governance of African borders. More crucially, the Strategy is expected to narrow the wide policy-implementation gap in border governance. It aims to deepen cross-border cooperation whose implementation is based on central administration and regional level, as well as on the important local community participation. This Strategy takes into account emerging security challenges such as cyber-attacks, terrorism, violent extremism, trafficking in human beings and drugs, etc.

Borderlands have been a haven for criminal groups that carry out activities threatening regional and national security. Barriers to trade and mobility of people in these areas increase poverty and triggers and accelerators of conflicts. In contrast, open borders allow for robust trade, and the free movement of people that can contribute to integration, prosperity and peace. More flexible management of borders will make it possible to address these issues and to take into account the far-reaching transformations taking place, especially the urbanization of the continent and the intensification of the resulting flows of persons and goods. The projects under this Strategy aim to pool the resources of Member States in establishing strong cross-border collaborations. Such measures would not only enhance the African economic renaissance, but they would also enhance pan-African cooperation between peoples of the Member States.

With a much clearer desired state of border governance in Africa, this Strategy aspires to build the border governance capabilities of AU Member States. It has identified challenges and opportunities as well as priority areas of engagement for the next years.

Anchored on the principle of subsidiarity, the Strategy emphasises the role of the Regional Economic Communities (RECs) and Member States, constituting the building blocks of the AU. In this regard, the Strategy has taken into account the major international and

continental initiatives and blueprint documents of peace and security and development such as Agenda 2063, the African Peace and Security Architecture (APSA) and African Governance Architecture (AGA), the Common African Positions related to Migration, the Humanitarian System, and the Sustainable Development Goals. The AUBP reiterates the importance it attaches to the implementation of this Strategy, and welcomes the continued support and cooperation with Member States, RECs and development partners.

Committed to the vision of a peaceful, integrated, prosperous Africa, the implementation of this Strategy will help the Department of Peace and Security of the AUC to translate this vision into concrete action and results. In this honourable effort, I look forward to continued cooperation from Member States, RECs and partners in the implementation phases of the Strategy.

## **ii. ACKNOWLEDGEMENTS** by the Head of Conflict and Early Warning Division

The AU Border Programme (AUBP) recognises the valuable support it has received from all those who have contributed to the preparation of the AU Border Strategy. In particular, we thankfully acknowledge the active participation of the Member States and Regional Economic Communities in the deliberations of the strategic planning process. Furthermore, we appreciate the leadership and staff members of the Peace and Security Department and AU Commission.

We express our gratitude to the international partners that support the AUBP. We particularly welcome the support of the German Government through the GIZ, whose assistance has enabled us to achieve significant results. Moreover, we are grateful to African experts who have participated and contributed to the various consultative meetings formulating the Strategy. Special thanks go to Dr Mehari Taddele Maru for facilitating the various consultative meetings and reviewing and giving the Strategy the current format and content.

Lastly, many thanks are due to the AUBP staff members and GIZ-Support to AUBP Team who worked tirelessly and coordinated the Strategy formulation and review workshops.

### iii. List of Abbreviations and Acronyms

AGA	African Governance Architecture
APSA	African Peace and Security Architecture
AU	African Union
AUBGS	African Union Border Governance Strategy
AUC	African Union Commission
AUBP	African Union Border Programme
BCP	Border Crossing Point
BIP	Border Inspection Post
CBC	Cross-Border Cooperation
CBM	Cooperative Border Management
CBTA	Cross-Border Traders Association
CEMZA	Combined Exclusive Maritime Zone of Africa
CFTA	Continental Free Trade Area
CISSA	Committee of Intelligence and Security Services of Africa,
CM	AU-Council of Ministers
COMESA	Common Market for Eastern and Southern Africa
EAC	East African Community
ECOWAS	Economic Community of West African States
ICBT	Informal Cross-Border Trade
ICJ	International Court of Justice
ICS	Inland Control Station
ICT	Information and Communications Technology
IGAD	Intergovernmental Authority on Development
NGO	Non-Governmental Organization
NCC	National Consultative Conference
OAU	Organization of African Unity
OSBP	One-Stop Border Post
PIDA	Programme for Infrastructure Development in Africa
REC	Regional Economic Community
RM	Regional Mechanisms
SADC	South African Development Community
SALW	Small Arms and Light Weapons
SSR	Security Sector Reform
TOC	Transnational Organized Crime
UN	United Nations
UNHCR	United Nations High Commission for Refugees
UNCLOS	United Nations Convention of the Law of the Sea
WCO	World Customs Organisation
WTO	World Trade Organisation

## 1. INTRODUCTION

Since the establishment of the Organisation of African Unity (OAU), Africa had to deal with border issues, particularly in relation to conflicts over disputed borders drawn mainly by colonial powers. Following the OAU, the African Union (AU) is committed to a progressive border agenda recognizing the positive contribution of border governance in peace and security, integration, resource sharing and trade facilitation, as well as inclusive growth and sustainable development of borderlands.

This positive perception of borders is illustrated by the adoption of the AU Border Programme (AUBP), whose implementation since 2007 demonstrates the strategic importance of continuous and sustained action on the borders. This is a paradigm shift that makes African international borders an asset, a resource and/or a lever for anchoring public policies at different scales: continental, regional and national. While African borders have been governed in various ways since their creation, this new perspective promotes a multifaceted and multidimensional approach toward African borders by enhancing their integrative potential. Borders become, therefore, the nodes which connect States' public action in the security, economic, commercial, infrastructural, environmental, and social affairs sectors, etc.

This new approach to African borders justifies the need for a strategy to design an African Border Governance agenda as a guiding framework for coordination of border policies at the continental, regional and national levels with the objective to create greater coherence. The purpose of the AU Strategy for Border Governance is to provide African decision makers guidance, allowing them to align the governance of borders with AU, values, principles and objectives. It helps Member States and Regional Economic Communities (RECs) in the development of national and regional border policies and at the same time facilitates the consistency of procedures and practices of agencies concerned with border governance. It relies on the relevant provisions related to borders adopted by the AU normative organs to build coherence and promote concerted and joint intervention in border governance.

The *African Union Border Governance Strategy (AUBGS)* is an instrument developed to use borders as vectors to promote peace, security and stability, and to improve and accelerate integration through effective governance of borders while facilitating easy movement of people, goods, services and capital among AU Member States. The Strategy is built on the understanding that African countries have not yet effectively governed their borders to harness benefits, reduce and when possible eradicate threats, prevent crime and facilitate cross-border cooperation. It is also built on the assumption that African countries have not yet fully exploited the borders' potential as a resource for peace, security and stability and for greater integration and socioeconomic development of the continent.

The Strategy is divided into five chapters. A brief introduction is the first chapter. The second chapter highlights the context through a description of the status of borders in Africa. The third chapter presents the normative framework and the principles guiding the strategy. The fourth chapter describes the core dimensions of the strategy including the vision, mission, and functions of borders, principles and pillars, as well as strategic priorities for improved border governance. Chapter five deals with the roles of the different stakeholders in the

implementation, monitoring, evaluation, communication and resources mobilisation of the strategy.

## 2. AFRICAN BORDERS IN CONTEXT

Africa's 30.35 million km<sup>2</sup> area<sup>1</sup> covers 6% of the total surface area and about 20% of the total land area of the Earth. Its total length of coastline, including its islands, is 40,036 km. The continent is made up of 55 sovereign countries of which 16 are landlocked. Its 109 terrestrial international boundaries total a length of more than 170,000 kilometres<sup>2</sup>. It is estimated that only 35% are demarcated. Africa's massive size in land mass, the multiplicity of sovereign nations, its abundant natural resources and surrounding open seas and oceans have implications for the continent's security, peace and stability. On the one hand, they represent opportunities for the African people to use these natural advantages for its economic development. On the other hand, the same geographic circumstances have made the continent vulnerable to both internal and external threats. Border areas are poorly governed due to lack of capacity, absence of infrastructure and state presence or an inability to exercise effective control over the territory due to contested legitimacy and marginalization.

In Africa, state borders are often not identical to peoples' borders and hence have been known to foster three kinds of tensions: between neighbouring states, between states and their people and between states and violent actors, including international criminal cartels and terrorist groups. African Heads of State and Government committed themselves, through the Cairo Resolution 16(I) from 1964, to the intangibility of borders as upon independence. The colonial legacy in many cases left imprecisions and gaps in archives of treaties and maps, inaccuracies in certain legal instruments, and inconsistencies in, or simply a sheer lack of, clear physical border demarcation on the ground. The same is true for the delimitation of maritime borders in Africa. Often, border disputes arose, leading to distrust and instability with wider regional implications. Some led to wars, others took on average 5 to 6 years to be settled, and others have still not been resolved. These border conflicts have hampered both social and economic development in African borderlands. They have obstructed trade and integration, and have incurred tremendous expenses for dispute settlement.

Security threats such as the spread of terrorist networks, human trafficking, irregular migration, pandemic diseases and piracy have been exacerbated by a lack of targeted border governance. The prevalence of insecurity along territorial borders stifles legitimate commercial activities and replaces them with illegitimate ones and has denied local communities and governments their intended economic and social benefits. At the same time public services and infrastructure for local populations inhabiting the borderlands are insufficient, or worse, non-existent, leaving significant cross-border development potential unexploited. Hence, the failure to develop borderlands has to be recognized as security risk.

In recent years, Africa has made significant strides, through RECs and Member States' initiatives, in governing its borders and adapting to new challenges.

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<sup>1</sup> Including the 13 million km<sup>2</sup> Exclusive Economic Zones of African States.

<sup>2</sup> Cf. Index Mundi, <http://www.indexmundi.com/factbook/countries>, Source: CIA World Factbook - Updated on June 30, 2015.

With this dynamism, border governance in Africa needs to set its vision and adapt its pace to on-going developments and long-term megatrends, which are potential drivers of conflict and fragility, but also represent an opportunity for better integration depending on the quality of governance, including in border areas. These trends include massive infrastructural development, agricultural commercial expansion, increasing economic activity and trade, discoveries and competition for mineral resources in remote and peripheral areas, and competition for transboundary water resources and pasture land, specifically in semiarid areas.

The other defining trend of rapid population growth in the continent will become an asset or a liability depending on the continent's transformation and investments made in its youth. Counting 1.185 billion people in 2015, Africa's population will increase to 1.679 billion in 2030 and to 2.478 billion in 2050. By that time, large parts of the population will be very young (55% under 20), and increasingly connected through telecommunication technology. Inter-African migration, voluntary and involuntary, will be on the rise<sup>3</sup>, border-crossing points highly frequented and border towns in the hinterland will experience high population growth, encouraged by the development of markets and cross-border trade and opportunities for agricultural production.

It is notable that border challenges are not only multiplying but also becoming more complex in nature. Individual countries, RECs and the AU are coming to a common understanding of the challenges posed by border-related issues and are elaborating a common strategy for effectively managing African borders. In spite of the rapidly changing landscape, the normative, institutional, collaborative and financial framework governing borders remains inadequate. African responses are still characterized by the inability to sustainably seize opportunities and address border problems comprehensively at national, regional and continental levels.

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<sup>3</sup> The forecast growth rate of urbanization in Africa is thus established as follows: 15% in 1960, 40% in 2010, 50% in 2030 and 65% in 2060.

### 3. NORMATIVE FRAMEWORK, POLICIES & PRINCIPLES

The OAU and AU have adopted several conventions, resolutions and decisions, which directly relate to governance of borders on the continent or determine the norms and principles of the conduct of policy in Africa. As such, there is a need for harmonising and consolidating the most pertinent ones so that the implementation of specific provisions relating to border governance is achieved in a coherent way. Moreover, while fast at norm-setting, the implementation of AU decisions including on border issues remain slow. This Strategy should, therefore, be viewed as an important step to consolidate and align sectorial policies and initiatives, providing orientation for the AU, the RECs and the Member States on the implementation of their border governance approaches in Africa.

#### 3.1 Border Governance, the Agenda 2063 and the AU Constitutive Act

The second aspiration of the AU Agenda 2063 is the achievement of ‘An Integrated Continent, Politically United Based on the Ideals of Pan Africanism and the Vision of Africa’s Renaissance’. The Agenda notably aspires to have “world class integrative infrastructure that criss-crosses the continent” and “a continent of seamless borders, and management of cross-border resources through dialogue”. It further envisions an action line on the “implementation of joint cross-border investments to exploit shared resources”.

The Constitutive Act of the African Union (Articles 3(j) and 3(k)) has, among other objectives, to “promote sustainable development at the economic, social and cultural levels as well as the integration of African economies”, [...] in order to raise the living standards of African peoples”.

Together, the two policies provide the starting point, mandate and the bedrock for the proposed strategy. The scope of the strategy and the firm commitment of the AU to these principles entail that borders in Africa do not merely need better *management*. Much more, they require a framework and strategy for their *governance*. While management simply relates to the implementation of a system or set of rules, governance refers to the whole system, including the norms, institutions and collaborations of state, society and non-state actors.

As a concept, governance in the African Union incorporates various African Shared Values. The AU Constitutive Act (Articles 3-4) stipulates the principles of democratic governance, democratic culture, popular participation, the rule of law, human and peoples’ rights, justice, and balanced and sustainable socioeconomic development. This conception of governance as defined in the AU Constitutive Act underlies the African Charter on Democracy, Elections and Governance (the ‘Addis Charter’), which in turn provides the legal foundation for the African Governance Architecture and the African Governance Platform. Together, they articulate a comprehensive notion of governance, including development, human security, democracy, human rights, transnational justice, governance, constitutionalism, the rule of law and humanitarian affairs. In a nutshell, the concept of ‘governance’ is based on a set of values and principles that transcend the mere management of a polity to include rights and development.

Notably, the Constitutive Act of the AU, the African Charter on Human and Peoples’ Rights (1981) and its Protocol on the Rights of Women in Africa (2003), as well as the Solemn Declaration on Gender Equality in Africa and the AU Gender Policy (2009) all stipulate the

promotion of gender equality and recognize the empowerment of women as cross-cutting principle. Hence, equal rights, responsibilities and opportunities for both genders must be applied at all stages of operationalization of the governance of borders.

### **3.2 AU Policies on Borders and the African Union Border Programme**

Where inter-state relations are strained, borders become places where disagreements crystallise and conflicts come to the fore. Borders can also become contentious when natural resources are discovered or territory is disputed. Through joint governance of borders, States can achieve peaceful co-existence of people and secure their right to live in peace and security. Member States, RECs and the AU must have a robust repertoire for the peaceful settlement of conflicts in place, exercise preventive diplomacy, foster cross-border cooperation, and promote cross-border security. In this vein, the OAU and AU have adopted several policies and decisions relating to the governance of the borders, from which important principles emerge.

The principle of the respect of borders existing upon achievement of national independence is enshrined in the Charter of the OAU, Resolution AHG/Res. 16(I) on border disputes between African States, adopted by the ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Cairo, Egypt, in July 1964, and article 4(b) of the Constitutive Act of the AU (2002).

The principle of negotiated settlement of border disputes is provided for in Resolution CM/Res.1069 (XLIV) on peace and security in Africa, adopted by the 44<sup>th</sup> Ordinary Session of the Council of Ministers of the OAU, held in Addis Ababa, in July 1986, as well as in the relevant provisions of the protocol relating to the establishment of the Peace and Security Council of the African Union.

The shared commitment to pursue the work of border delimitation and demarcation as factors for peace, security and economic and social progress, as affirmed notably in Resolution CM/Res.1069 (XLIV), as well as in the Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa, adopted by the Assembly of Heads of State and Government, held in Durban, South Africa, in July 2002<sup>4</sup>.

The AU Commission is mandated to pursue its efforts at structural prevention of conflicts and established the African Union Border Programme through the decision adopted by the 8<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government of the African Union, held in Addis Ababa in January 2007.

The Declarations of the African Union Border Programme and its implementation modalities, adopted by the Conference of African Ministers in Charge of Border Issues (2007, 2010 and 2012), stress “the need to put in place a new form of pragmatic border management aimed at promoting peace, security and stability, but also at facilitating the integration process and sustainable development in Africa” (2007, para. 3) and “[...] the need, given the current challenges of integrated border management, to tackle, in a holistic way, development and security challenges in the border areas [...]” (2012).

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<sup>4</sup> The 2012 deadline has been extended to 2017 by the African Union Conference held in Malabo in July 2011.

The African Union Convention on Cross-Border Cooperation (Niamey Convention, 2012) aims to “ensure efficient and effective integrated border management” (Article 2(5)) and stipulates the principle and instrument of cross-border cooperation (CBC), defined as:

*Cross-Border Cooperation means any act or policy aimed at promoting and strengthening good-neighbourly relations between border population, territorial communities and administrations or other stakeholders with the jurisdiction of two or more states, including the conclusion of agreement useful for this purpose.*

The Niamey Convention forms the legal framework for cross-border cooperation from the local to the national, regional and continental level. It offers a practical approach to multi-dimensional aspects of cross-border cooperation and security by elevating border governance to a new level: shifting borders as elements of structural prevention of conflicts to sites of pro-active fostering of peace and good-neighbourly relations between states.

While the Niamey Convention still awaits its entry into force, the AUBP is now widely adopted by Member States and RECs. Leaders and decision makers clearly recognized the potential of integration posed by borders. Borders appear as frames from which the implementation of common sectoral policies can be anchored. As such, borders are nodes that bind together states in implementing these policies.

### **3.3 Key Policy Fields of Border Governance**

The AU has also adopted various strategic and legal instruments as well as policy blueprints that must be taken into consideration in this Strategy. These establish norms, principles, legal provisions and institutional mechanisms directly or incidentally relevant to border governance, or govern policy fields that explicitly or implicitly rely on well-governed borders. These instruments, along with the pertinent international instruments, will be detailed in the five pillars of the Strategy. The most relevant ones are<sup>5</sup>:

The African Peace and Security Architecture (APSA) provides the institutional mechanisms between AU and RECs for the prevention, management, and resolution of conflicts through the establishment of, inter alia, the Continental Early Warning System, conflict mediation and diplomacy tools, and initiatives directly addressing drivers of conflict such as small arms and light weapons (SALW), etc.

The Abuja Treaty (1991) has laid out the normative and institutional framework for the establishment of the African Economic Community vis-à-vis the integrative steps taken by the RECs. The Continental Free Trade Area (CFTA) will complement this through the creation of a single continental market. The AU Migration Policy Framework (2006), the Common Position on Migration (2015), and the Protocol on Free Movement of Persons in Africa (2016), along with other instruments provide for the management of migration and the enhancement of mobility within and beyond Africa.

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<sup>5</sup> Other instruments relevant for border governance are the African Union Plan of Action on the Prevention and Combating of Terrorism / African Union Policy Framework on Security Sector Reform / Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons / Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children / AU Mining Vision / AU Plan of Action on Drug Control and Crime Prevention / AU Commission Initiative against Trafficking / Minimum Integration Plan / The African Union Convention on Preventing and Combating Corruption / The African Charter on Values and Principles of Public Service and Administration etc.

The African Convention on the Conservation of Nature and Natural Resources (2003) highlights the growing importance of natural resources especially in borderlands, where their management and exploitation often generate conflicts. The Convention stipulates the harmonization and coordination of policies in the fields of environmental protection, conservation and sustainable use of natural resources.

The Policy Framework for Pastoralism in Africa (2011) aims to secure, protect and improve the living conditions, livelihoods and rights of pastoral communities. This instrument recalls the relevant provisions of the ECOWAS Regional Framework on Cross-Border Transhumance adopted in 1998. Better border governance is required for the joint management of pastoral ecosystems that often transcend borders, a concerted handling of cross-border animal diseases and a coordinated regulation of livestock and herders' mobility across borders.

The 2050 Africa's Integrated Maritime Strategy (2050 AIMS, 2012) on maritime security and the African maritime domain development, stipulates the delimitation and delineation of sea borders and the settlement of problems between states by peaceful means in accordance to the United Nations Convention of the Law of the Sea (UNCLOS). The Strategy invites Member States to claim their Territorial Waters and Exclusive Economic Zones manage its coastlines and borders and take full responsibilities in compliance with the UNCLOS and international maritime conventions. It also embraces the goals of cross-border cooperation and continental integration by proposing the creation of a Combined Exclusive Maritime Zone of Africa for the joint management of maritime boundaries, spaces and resources.

### **3.4 The Primary Responsibility of the State, Subsidiarity and Participation**

The Strategy includes an institutional framework composed of the State, RECs, the AU and the international community. While the AU acknowledges the primary responsibility of Member States for effective border governance, the International Communities, AU and RECS also have a key responsibility to assist African states. They have to play important roles that cannot be filled by States, particularly when it comes to continental or regional norm setting or tackling of transnational threats. The effective implementation of the principles of subsidiarity and complementarity constitutes the basis for the implementation of this Strategy.

Effective border governance needs to be built on a capability development approach anchored on the four capabilities of the state, for prediction, prevention, response and adaptation to various challenges including development, peace and security. Governments are expected to establish the normative, institutional, collaborative and financial frameworks for the governance of their borders. The States bear the primary responsibility to protect their populations, the territory and ensure the security of their borders. These responsibilities entail measures to maintain physical border security, but also the human security of citizens, including populations in borderlands and the maintenance of peaceful cross-border relations.

The African Charter on the Values and Principles of Decentralization, Local Governance, and Local Development (2014) stipulates the principles of subsidiarity and the inclusion and participation of communities. As such, the role of States and national authorities remains subsidiary to interventions by local authorities and communities, which are the first responders to threats and are the first concerned with the development of borderlands. In border governance, the engagement of stakeholders at all levels of intervention is a

prerequisite for success and sustainable impact. The State needs to promote subsidiarity and partnership and to build local capacities, not only at central level, but also at the level of regions and local communities. Thus, participation and community engagement should be seen as an extension of the application of the principle of subsidiarity through decentralization and local authorities and representatives of local communities must be able to fully participate in border governance.

The above instruments provide a solid basis for this AU Border Governance Strategy to align and build on the existing efforts. It must be mentioned that there is a great number of exemplary instruments adopted and implemented by the RECs which have inspired multiple recommendations made in this strategy. While details have to be omitted here for the sake of brevity, let it be mentioned here that the regions have spearheaded integration in areas as diverse as coordinated border management; transboundary security management and the fight against insecurity; trade facilitation through facilitated trade regimes, support to small and large scale traders, infrastructures such as OSBP and markets; cross-border cooperation in drought and disaster management and regional resilience, and many more.

## 4. STRATEGY

### 4.1 VISION & MISSION

This AU Border Governance Strategy should be considered as an instrument of orientation, coordination and coherence of border policies at different scales: continental, regional, and national. It aims ultimately to bring borders out of the periphery and place them in the heart of public policies of the AU, RECs and African States. The strategy will contribute to achieving the objectives of the Agenda 2063, turning borders from merely representing sovereignty, to multipliers of integrative opportunities of African states, economies, peoples and communities. African governments have to work jointly across their international boundaries in order to turn them from porous but thick to soft but well-governed borders and to develop border areas into spaces of peace, security and development. Properly governed, border areas are not part of the problem or peripheries outside of the purview of state and laws, but their populations become part of the solution toward human rights and human security. Led by the AU Vision and convinced of the crucial role of the continent's borders with regard to their relevance for peace and security, growth and prosperity as well as development and integration, the strategy has the following vision and mission:

#### Vision

*A continent of peaceful, prosperous and integrated borders that enables effective peace, security, stability and economic and social development*

#### Mission

*The mission of the strategy is to develop a shared and inclusive governance of borders that contributes to the achievement of the objectives of the African Union's Agenda 2063*

#### Objective

*To put in place a new form of pragmatic border governance aimed at promoting peace, security, stability, in order to facilitate the integration process and sustainable development in Africa*

### 4.2 THE FUNCTION OF BORDERS IN AFRICA

Borders shall be understood as an instrument to promote peace, security and stability and as zones of facilitation of regional integration and sustainable development. In this regard, the political, economic and strategic choices of the state to assert sovereignty must define a border regime able to combine national, regional and continental interests. From this point of view, borders, considered as political membranes of the policies implemented, are, on the

one hand, a point of contact, junction, gateway and bridges, and, on the other hand, have a function of separation, control and protection.

Function of Contact, Junction and Bridge: One of the core purpose of the Strategy is thus to conduct border governance in a manner that facilitates cross-border trade, including informal cross-border trade. The enhancement of cross-border cooperation and integrative opportunities through various methods and sharing of mutual resources for border services is crucial for integration, prosperity and trade and cross-border relations and exchanges.

Function of Separation, Control and Protection: The second core purpose of border governance is the prevention and elimination of cross-border security threats such as terrorism; violent extremism; crimes such as the transportation of illegal goods across borders, including circulation of counterfeit money, drugs, trafficking of persons, weapons and goods; illegal migration; maritime insecurity and piracy; illegal exploitation and destruction of natural resources; as well as smuggling and cattle rustling.

### **4.3 STRATEGIC PILLARS & OBJECTIVES**

The Strategy is based on five pillars that serve as anchors to the vision and the mission for the AU Border Governance Strategy:

- PILLAR 1**     *Development of Capabilities for Border Governance*
- PILLAR 2**     *Conflict Prevention and Resolution, Border Security & Transnational Threats*
- PILLAR 3**     *Mobility, Migration & Trade Facilitation*
- PILLAR 4**     *Cooperative Border Management*
- PILLAR 5**     *Borderland Development & Community Engagement*

The five pillars provide the AUC, RECs and Member States with the orientation to develop regional and national border governance strategies. They formulate strategic priorities straddling various policy fields and describe their key dynamics. Each pillar provides guidelines and recommends actions on various levels: on normative orientations and policy responses; on existing or missing institutional frameworks; and on processes and capacity development needs required for their implementation.

The assumption of the Strategy is that all strategic priorities are interrelated and that the enhancement of border governance on the continent requires that all of them are addressed. A special emphasis must be put on promoting legitimate and free movement of persons, goods, and services, to deepen continental integration and create wealth. Particular attention must be paid to prevent conflict, tackle insecurity and transnational crime. A dominance of the security agenda must not be allowed to jeopardize integration or lead to the neglect of socioeconomic development. Decisive actions must be undertaken for the socioeconomic development of border zones and borderlands to enhance human security and address humanitarian issues. To be successful, these efforts require the full participation of communities and the development of the capabilities of public authorities to respond effectively.

Taking into account the nature of borders and the mutual interdependence and obligations, not least between land linked and coastal states, border governance can only be successfully improved with the collaboration of a number of stakeholders at continental, regional, national and sub-national level. Nevertheless, the Strategy presumes the *primary responsibility* of the AU Member States, both in their function as constituents of regional organisations and international actors, as well as sovereign representatives of their peoples. The recommendations thus primarily address the 55 Member states of the African Union, unless otherwise specified.

## **PILLAR 1**    **Development of Capabilities for Border Governance**

### **Strategic Objective 1**

*To build the capability of all stakeholders for improved border governance*

Given its multidimensional nature, effective border governance cannot be achieved without acquiring and developing the necessary knowledge, capabilities and attitudes. Pillar 1 is hence instrumental for the achievement of all other strategic pillars. The development of capabilities is instrumental for the improvement of organisational as well as individual performance, because it directly equips stakeholders with the relevant institutional capabilities required to perform their tasks well and participate effectively. The actors involved, according to their scale of intervention in decision-making operations or participation, need to be equipped on different dimensions of borders governance and on the execution of cross-border projects and programmes. The players that are to be capacitated are:

- Those responsible for the implementation of the border governance strategy and those who work on issues related to boundaries within the AUC and the RECs.
- National border management officials in central government (ministries, national agencies, national commissions, etc.).
- National and local elected representatives (Members of Parliaments, senators, mayors, councillors, municipal employees of local government, etc.).
- The administrative authorities of border regions (governors, prefects, sub-prefects, their deputies, etc.).
- The agencies exercising control and security in the border areas (police, gendarmerie, customs, army, security services, forestry agents, etc.).
- The agents of technical services in border areas (agriculture, livestock, education, health, mining, transport, trade, planning, etc.).
- Economic operators, chambers of commerce and socio-professional organisations, including small-scale and informal traders and pastoralists.
- Local communities in borderlands, specifically NGOs, women's organizations and community-based associations.

The strategic objective of this pillar is to encourage the emergence of African managers, and border practitioners with solid theoretical and practical knowledge the various fields of border

governance and cross-border cooperation. It is paramount to promote subsidiarity and partnership and to build local capabilities, not only at the level of the state, but also at the level of local communities.

Analysis on the Need to Develop Capabilities: Policymakers at continental, regional and national levels need to make informed decisions based on relevant analyses of contexts, stakes and trends at African borders. Their decisions will be based on a documentation of the role and place of borders in the strategies and agendas of peace, security and economic and social development of Africa. Considering the urgent need in Africa to ensure long-term dynamism and resilience in border governance systems and practices, research and development must be extended beyond the immediate purposes of training. Notably agencies concerned with border management have to be supported on a regular basis with modern and appropriate methods, technologies, intelligence, etc. in such a manner that their performance attains globally desirable and acceptable levels of harmonisation, efficiency and effectiveness. At the very centre of this aspiration are training centres or similar institutions such as colleges and research organizations that should be persuaded, strengthened and funded to take up border governance as a viable area of scholarly pursuit.

Training Agendas: Moreover, government agents at all levels need to have the material means to master the methods and tools aimed at facilitating the proper implementation of their areas of expertise. This is achieved through a comprehensive training agenda that will enhance border management service quality by improving the managerial and operational efficiency. In addition, it aims at the sustainability of these higher levels of performance over the long term. In view of this need, priority must be given to the human aspect of capability development, especially training. Adjusting policies and regulations, strengthening institutions or modifying working procedures and coordination mechanisms on their own cannot yield the intended results without changing the human element that accompanies the systems. Besides skills and qualifications, value systems and attitudes must meet the demands and prerequisites of effective border governance. This calls for continuously providing quality training to the various border governance actors at all levels based on well-designed training curricula. This includes the training of border officials on the instruments relevant to their work, like policies and rules for free movement of people and goods, instruments pertaining to collaboration with other agencies and counterparts in neighbouring countries, adopted by their states but also the region they belong in (REC) and even the AU. An important aspect of such capability development efforts is the necessity of the involved actors to receive the same trainings in order to be convergent with regard to the rules used within the given region.

### **Specific Objectives and Recommendations**

**Objective 1A** *To promote capabilities at the regional, national and local level following the principles of subsidiarity and partnership*

**Objective 1B** *To equip decision makers, border practitioners and border populations with solid knowledge of border governance and cross-border cooperation*

**Objective 1C** *To develop a comprehensive research and training agenda and harmonized regional and continental standards*

- The AU and RECs should set up, in partnership with academic institutions, researchers, institutes and research networks, a comprehensive training and research agenda on borders and cross-border cooperation through the implementation of programmes/research projects, exchange of best practice, organisation of conferences, seminars, workshops, round tables, training sessions, etc. on issues related to African borders.
- The AU and RECs should encourage joint training of officers with different profiles in order to encourage cross-fertilization of ideas.
- Design joint trainings for staff from all border management agencies to enhance confidence-building, information exchange, the efficient use of resources and an enhanced understanding of the tasks, responsibilities and needs of other border management agencies.
- Member states should strengthen existing border institutions or establish new ones.
- Member states should, with the support of AU and RECs, improve the capabilities of border governance mechanisms and personnel by optimising new border governance infrastructures and technologies (improving the security of travel documents, computerisation, in conformity with international norms, upgrading inspection, data collection and communication systems) and providing technical training for those involved in border management and migration policy.
- Member States should train relevant law enforcement officials who have first contact with refugees and victims of trafficking (immigration officers, customs, police, coast guard, military, etc.) about their obligations set forth in relevant international instruments, to enable appropriate and humane screening of asylum-seekers at borders and referral to the competent authorities.
- Member States should strengthen the gender dimension in the training activities related to human rights, particularly with respect to training the staff in charge of receiving migrants or refugees.
- Member States should promote a strong sense of integrity among staff by institutionalising systems of adequate compensation, and strengthening the capacity to detect, investigate and prosecute breaches of integrity.
- Member States should adopt various forms of interagency training including *training on rules and procedures* which deal with or involve cooperation with other actors; *joint training* with other agencies on issues of common concern; *training to familiarise* staff with the tasks and activities of their counterparts and to raise general awareness about the importance and benefits of inter-agency cooperation. Areas of such training should include organizational structure, legal frameworks, basic tasks and competencies, and areas of joint interest.
- Member States should encourage participation of border management officers in international training events and workshops, study visits and exchange programmes in which they will also arrange training programmes and invite counterparts from neighbouring countries to participate with national border staff.
- Member States should carefully identify and facilitate the inclusion of one or more regionally and/or internationally dominant languages in the training curricula for staff

who require them in the execution of their duties; as part of a long-term goal, ensure that staff find it advantageous for their career advancement as well as quality of service to learn as many relevant languages as they can, and, as much as possible, institutionalise incentive mechanisms such as coverage of tuition fees.

## **PILLAR 2** *Conflict Prevention and Resolution, Border Security & Transnational Threats*

<b>Strategic Objective 2</b>	<i>To prevent and peacefully resolve border conflicts and to address cross-border threats, crime and insecurity</i>
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Insecurity related to borders has two major causes. The first is the occurrence of disputes over territory, boundaries or transboundary resources between states or communities. The second is the presence of threats and crimes trespassing borders and affecting borderlands, countries and whole regions. Both forms and causes of insecurity can be interrelated, e.g. when unclear boundaries and their governance cause vacuums of law enforcement, leaving the terrain to criminal organizations, who in turn may use the profits of the illegal activities to finance violent groups challenging states and threatening populations. Both causes need to be addressed at the same time, but require distinct responses.

### **(A) Prevention and Resolution of Border Conflicts**

Where boundaries are markers between sovereign nations, border areas are observatories of tensions rooted in various and often diverging interests that may result in conflicts between neighbouring states or between border communities. If international conflicts resulting from disputes over territory, land and maritime boundaries or transboundary resources between states or communities escalate, they can lead to armed violence, the loss of life, displacement of communities and enormous loss of assets, livelihoods as well as the destruction of infrastructure. At a lower level of escalation, border-related instability also triggers the loss of opportunities for economic development and exploitation of resources, human rights violations, militarization or the armament of civilians, etc.

The AU has therefore developed relevant frameworks for conflict prevention, peacebuilding, stability and security on the continent. In their Solemn Declaration on the 50th anniversary of the OAU/AU, the Heads of State and Government have underlined their determination to achieve the goal of an Africa free of conflicts, civil wars, genocides, humanitarian crises and violations of human rights. This will be achieved through initiatives such as "Silencing the Guns by 2020" and safeguarded by the African Peace and Security Architecture (APSA). The importance of and the principles for addressing and resolving border-related conflicts are reflected in numerous policies and legal instruments adopted by the OAU and AU. They have been described in detail in Chapter 3 and comprise notably: the principle of intangibility (respect of existing borders upon achievement of national independence); the principle of negotiated settlement of border disputes; the shared commitment to pursue the work of border delimitation and demarcation; the creation of the African Union Border Programme, highlighting the need to put in place a new form of pragmatic continental border management aimed at promoting peace, security and stability; and the principles and mechanisms of cross-border cooperation enshrined in the AU Convention on Cross Border Cooperation.

## Specific Objectives and Recommendations

### Objective 2A *To prevent, manage and resolve border conflicts*

- Adopt the AU's and the RECs' peace and security instruments, including the conventions and legal instruments on borders and the provisions under the APSA and implement its provisions.
- Set up joint mechanisms for conflict prevention and early warning in the fight against threats in border areas and establish joint mechanisms agreed upon bilaterally between the concerned parties for monitoring and information to minimise tension as soon as they arise.
- Recognize Security Sector Reform (SSR) as a conflict prevention tool; finalize and implement the AU Policy Framework on SSR; create SSR units within the RECs to ensure coherence and synergy among Africa's regional organization; and conduct SSR including all agencies with mandates related to border issues.
- Create a rapid response mechanism to address tension in border areas jointly with AU mandated relevant agencies, preventing escalation through stabilisation and monitoring.
- Based on the agreement of all concerned parties, refer border disputes to the attention of the AU's Panel of the Wise or call upon the AU or the competent regional or international bodies of preventive diplomacy, mediation, arbitration, and conflict resolution for the peaceful settlement of border-related disputes.
- Clear all boundary areas of landmines.

### Objective 2B *To delimitate, demarcate and reaffirm all terrestrial and maritime boundaries*

Member States that have not done so yet should implement the provisions made in the various declarations on the AUBP including:

- Where deemed necessary, establish national and/or joint boundary commissions, with the mandate to clarify, reaffirm, correct or maintain their international boundaries under the application of the mentioned principles.
- Seek the assistance of the AUC/AUBP Unit and make use of the historical archives, technical guidelines and resources on boundary definition if/where deemed necessary.
- Delimit and physically demarcate all terrestrial borders; delimit and delineate all international maritime boundaries.
- Use appropriate state of the art methodology such as GNSS Coordinate Systems for the delimitation and permanent physical markers (like beacons,) for the demarcation of borders.
- Jointly submit the geographical coordinates and bilateral/trilateral boundary treaties to the AUC and the UN, where it will be saved within the African Union Border Information System.

- Handle changes induced by delimitation and demarcation such as possible loss of property and infrastructure by states or citizens and issues and change of nationalities in line with international standards, and avoid the infringements on human security and human rights, including statelessness.

**Objective 2C** *To manage conflicts linked to trans-boundary resources*

- Adopt and implement the pertinent continental instruments including the Niamey Convention, and the Policy Framework for Pastoralism in Africa.
- Initiate, adopt and implement agreements on cross-border cooperation at regional, bilateral and local levels to regulate the joint use of transboundary resources, including revenue-sharing mechanisms and the prevention of the illegal exploitation of shared resources.
- Adopt appropriate measures to ensure the livelihood and human security of the affected population. Depending on the nature of the conflict, e.g. population pressure and scarce resources, like land, firewood, grazing lands and scarce or retracting water bodies, possible solutions and mitigating measures can be improved land management, agricultural extension or reforestation, enhanced service accessibility, alternative livelihoods and employment.
- Sensitize the populations living in border zones on prevailing laws and the role they can play in conflict mitigation and border governance regimes, including the use of community-based conflict resolution mechanisms.

**(B) Addressing Cross-Border Threats, Crime and Insecurity**

Along borders, state security and human security are intertwined. If borders are porous and do not fulfil their function of separation, control and protection, dangers to the state come in the forms of transnational organized crime (TOC), the operation of armed violent groups, the movement of illegal and hazardous goods or communicable diseases. Where borderlands are neglected, local populations are isolated from the regalian role of the state and law enforcement. They therefore do not maintain trustful relations with law-enforcement authorities and do not cooperate with them on security matters, the more so as they perceive them as unhelpful or outright abusive. Where borders do not fulfil their function as nodes and bridges, they may deprive local populations of their livelihood and opportunities to fulfil social obligations. Where the prevalence of insecurity or the lack of development denies local communities economic and social benefits and access to services, legitimate economic activities may be replaced by illegitimate undertakings.

Members of communities become vulnerable to opportunistic petty crimes, both as victims as well as perpetrators, often specific to border areas such as smuggling or trafficking or even the participation in TOC and armed violence. When and where institutions between countries do not cooperate, criminals can exploit the porosity of borders ensuring safe havens on each side of the border. In the case of TOC, where criminal acts are being pursued in highly organized and complex ways, the same applies on a regional or global scale.

A key purpose of border governance is the prevention and elimination of cross-border threats. Considering the vast dimension of borders and the complex interrelations of threats,

it is clear that the response to cross-border crimes and insecurity must be multidimensional, inclusive and comprehensive. Border management through public authorities must be improved and bilateral, regional and international cooperation must be strengthened. But it is equally important that the legitimate interests of the populations in borderlands are respected and that their inclusion in border governance is guaranteed. If one-sided securitisation is allowed to dominate socioeconomic development and works against community interests, the security of borders is unlikely to be enhanced.

### **Specific Objectives and Recommendations**

#### **Objective 2D** *To improve border security management*

- Apply the principles and measures of Cooperative Border Management (details in Pillar 4).
- Ensure that agencies in charge of border management have the relevant mandates, capacities and resources necessary for the implementation of adopted policies.
- Invest in technology for surveillance, border control, communication, information collection and processing, and biometric identification of travellers.
- Ensure that anti-corruption and oversight mechanisms are in place and that border officials are not economically vulnerable to corruption.
- Establish inter-ministerial mechanisms at national and regional levels including in border areas and national commissions on SALW, drugs, migration, trafficking, terrorism, and border crimes, to monitor the incidents of crime, to collect and analyse data, and to coordinate efforts to prevent and combat these phenomena.

#### **Objective 2E** *To enhance community involvement and borderland security*

- Ensure the full engagement and cooperation of border communities, building trust and mutually beneficial relationships with public authorities (details in Pillar 5).
- Sensitise border communities to prevent threats and crimes and ensure that the border regime does not negatively affect their livelihoods, beyond reasonable means.
- Involve the border population in community security schemes (like community policing) and ensure their full participation in border governance. Increase the presence of the state and investment in public infrastructure in the peripheral border areas.

#### **Objective 2F** *To enhance bilateral, regional and international cooperation on security, threats and crime*

- Adopt the African Convention on Cross Border Cooperation as a legal instrument to allow joint security intervention to fight transnational organised crime, including terrorism, piracy and other forms of cross-border crimes.

- Expand the Continental Early Warning System to include indicators on transnational threats and organised crimes.
- Adopt the instruments on international, continental and regional security and intelligence cooperation and strengthen the cooperation among Member States and RECs with relevant international organizations, such as the African Police Cooperation Organization, CISSA, the UN Office on Drugs and Crime, UNHCR Interpol, the International Organization for Migration, etc.
- Adopt and implement the relevant international and regional conventions, protocols, resolutions, action plans and instruments<sup>6</sup> on TOC; terrorism and violent extremism; arms control, SALW proliferation and disarmament; drug control and crime prevention.
- Adopt and domesticate international health and phytosanitary regimes and prevent the cross-border proliferation of plant, animal and human diseases; end epidemics through joint mechanisms of information and communication and cross-border cooperation operations of surveillance and control.
- Prevent the cross-border trade of hazardous and illicit goods, smuggling and contraband through coordinated and joint patrols of borders.
- Make use of existing security arrangements and establish regional, bilateral and local cross-border security regimes allowing for intelligence-sharing, exchange of information, joint military operations, joint patrols, joint controls, controls, and joint anti-cattle-rustling and anti-crime-units and conclude hot-pursuit agreements.

**Objective 2G** *To tackle maritime insecurity, piracy, the dumping of toxic waste, illegal fishery and the illegal exploitation of shared resources*

- Ratify, domesticate and implement the international maritime legal instruments; implement the Lomé Charter on Maritime Security (2016) and the 2050 African Integrated Maritime Strategy.
- Develop the Combined Exclusive Maritime Zone of Africa and establish mechanisms for joint governance and safety of Africa's coastal line and common external sea borders.
- Consider establishing Regional Maritime Headquarters with Maritime Operational Coordination Centres.
- Create maritime domain awareness in Africa to achieve the understanding and political determination to ensure effective maritime governance.

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<sup>6</sup> United Nations Convention on Transnational Organized Crime and its three Protocols on Trafficking in Persons, Smuggling of Migrants and Trafficking of Firearms; African Union Plan of Action for Drug control and Crime Prevention; Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS) issued by the UN Department for Disarmament Affairs (DDA); African Union Plan of Action on the Prevention and Combating of Terrorism; UN Resolution on the Protection of Human Rights and Fundamental Freedoms while Countering Terrorism; Bamako Declaration of the African Union on SALW; etc.

### **PILLAR 3**    **Mobility, Migration & Trade Facilitation**

<b>Strategic Objective 3</b>	<i>To turn borders from barriers into bridges by facilitating legal cross-border mobility, migration and trade</i>
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Continental and regional integration and unity in the spirit of pan-Africanism, African Renaissance and realization of the Agenda 2063 are a continental top-priority. Political, legislative and institutional arrangements and programmes in various sectors, notably the protocols for the free movement of persons, goods and services as well as customs unions are being adopted in the RECs and AU. Despite significant progress made lately, the current border regimes in Africa have not worked in its favour and national choices have outweighed the regional approaches. Tremendous regional efforts to harmonize and unify notwithstanding, the African continent remains highly fragmented. A range of non-tariff and regulatory barriers to trade and mobility still limit the movement of goods, services, people and capital across borders. High transaction costs, tremendous uncertainties, deficient infrastructure and complicated procedures at the borders cause intra-African trade to be the lowest of all intra-regional trade figures in the world.

Economic Integration and Trade Facilitation: While the AU Vision 2063 (2013) marks the long-term perspective for continental integration, the Abuja Treaty (1991) has laid out the normative and institutional framework for the establishment of the African Economic Community vis-à-vis the integrative steps taken by the RECs. To boost African trade, the AU decided on the establishment of the Continental Free Trade Area (CFTA) which will lead to the creation of a single continental market for goods and services, with free movement of business persons and investments. It will also pave the way to the establishment of the Continental Customs Union, which implies the de-facto need for certain common standards on Africa's joint external borders. The creation of a Combined Exclusive Maritime Zone of Africa (CEMZA) will contribute to the integration of maritime sphere and borders, according to the 2050 Africa's Integrated Maritime Strategy (2012). The Programme for Infrastructure Development in Africa (PIDA) merges various continental infrastructure initiatives by developing investment programmes for the four key sectors of transport, energy, transboundary water, and ICT. Specifically transboundary transport corridors can only deliver on their potential with cooperative border management and corresponding infrastructure, such as joint border facilities.

Africa's participation in the global trading system is marked by the membership of almost all African countries to the World Customs Union (WCO) and World Trade Union (WTO). The application of international and regional agreements has significant bearings for the adoption and harmonization of global standards and the governance of borders. The former aims at trade facilitation through the introduction of standardised ways and methods and by removing barriers, time-consuming processes and excessive costs to trade.

On the other hand, border governance needs to be locally rooted, and the consultation of the state with the private sector, the traders and communities on the rules governing import and export, adjudications of disputes and administrative decisions by border agencies will be increasingly important to enhance transparency and predictability.

Informal Cross-Border Trade: small-scale trade and informal cross-border trade (ICBT), defined as unrecorded business transactions across the borders, including goods moved

through unofficial and official trade routes) are a common feature of African commerce and constitute a major proportion of total trade. It is a source of livelihood for many cross-border populations, particularly pastoralists, women and youth, and contributes to human security. In some regions of Africa, traders and pastoralist communities have been crossing borders without any official inhibition, partly owed to the fact that there are very few border crossing points (BCPs). In other regions, traders avoid BCPs due to detours, high duties, complex procedures, cumbersome bureaucracy and corrupt or hostile officials at the border. While there is a legitimate interest of governments to formalise trade, the role of ICBT to economies in marginalised regions, and the rights, specifically of border populations, must also be recognized. A mix of awareness creation, establishment of simplified procedures, the empowerment of traders vis-à-vis border officials and the legalisation of some forms of ICBT, bringing border populations into the realm of legality, can reconcile both.

Facilitate Mobility and Migration: As Africa is growing in population and mobility, the flows of migration are going to rise. The issue of migration by countries of origin, transit and destination is highly linked with border governance. The movement of people – voluntary or forced, legal or undocumented, within or beyond borders – constitutes a complex process presenting some of the most intricate inter-relationships of policy concerns for governments. The AU has laid out these in the Migration Policy Framework (2006), the Common Position on Migration (2015), the Protocol on Free Movement of Persons in Africa (2016<sup>7</sup>), the African Charter on Human and Peoples' Rights (1981) and the Abuja Treaty (1991) as well as through the recent launch of the African Passport (2016). While the task for the RECs and governments is to put the necessary domestic laws and measures in place, border governance must facilitate the free movement of people in accordance with international obligations. Member States must provide citizens with machine readable travel documents of high integrity to enable cross-border movements. They must invest in technology enabling the detection of legitimate and illegitimate travellers, criminals, and trafficked persons. In addition, they should pay close attention to the issue of supervision and regulation of cross-border transhumance and the management of cross-border labour movements.

The latter lead to better labour allocation within larger labour markets whereas cross-border migration represents an important livelihood and advances regional integration and development of the economies of the continent. Supporting humanitarian issues is also at the heart of border governance. The Member States, with the support of the RECs and the AU, should join efforts on the issue of refugees, displaced persons and returnees whose camps and installation sites are often located in border areas. These joint efforts must tackle issues such as the protection, assistance, full local integration and resettlement or repatriation of migrants that involve border agencies and local communities.

Borders and Integration: While policies on integration, trade and mobility are made at international and national capitals, their successful implementation depends on properly functioning borders. Logically, border governance is affected by integration since the latter determines and changes its functions, e.g. in terms of revenue collection and control. Border governance must adapt to these changes of ever-deepening integration. Hence borders and borderlands must be transformed into grounds for the operationalization of policies while strengthening their role and gateway functions for the free movement of people, goods and

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<sup>7</sup> Decision EX.CL/Dec.908 (XXVIII), 2016.

services and fluxes of migration. The objective should be to turn barriers into bridges, and to ease restrictions for mobility and interaction between borderland communities.

## Specific Objectives and Recommendations

### Objective 3A *To facilitate of inter-regional, continental and international trade*

- Develop and implement joint investment programmes at the borders and in border areas regarding production and trading of products and inputs.
- Follow the examples and good practices set by some RECs, considering that different priorities may require a variable geometry and embark on implementation of the CFTA.
- Conduct constant evaluation and analysis on trade barriers and amend national legislations governing customs procedures with the aim of removing inefficiencies and dysfunctions of the border operation; eliminating complex or redundant formalities that delay clearance and avoid pursuit of revenue targets at the expense of trade facilitation.
- Adopt and implement the Revised Kyoto Convention<sup>8</sup> and the WCO Safe Framework Standards<sup>9</sup> to improve customs operations with a view to standardizing and harmonizing customs policies and procedures.
- Strengthen trade facilitation measures within trade liberalization initiatives (as contained in Regional Trade Agreements) and implement the WTO Agreement on Trade Facilitation in order to enhance external competitiveness and become better integrated with the global economy.
- Adopt procedures for the identification, analysis, evaluation, and mitigation of risks that maximize the achievement of balancing the acts of control and trade facilitation, ensure the establishment of risk analysis and statistical units and conduct controls based on the intelligence-led risk analysis.
- Guarantee information availability, transparency and predictability through the publication of trade information on rules and duties on the internet and at enquiry points, and establish a system of border virtualisation and advance rulings.
- Use ICT for licensing, inspection and reporting, automation of formalities, electronic exchange of data, automated border procedures, single submission points for all required documentation (single windows), post-clearance audits, etc.

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<sup>8</sup> The revised Kyoto Convention defines standards relating to customs declaration, goods and document inspection, tax assessment, guarantee measures, information supplying mode to related agencies, regulations on appeals mechanism of customs' rulings, etc.

<sup>9</sup> The SAFE Framework is comprised of two pillars – customs to customs partnerships and customs to business partnerships – and consists of four core elements: (1) it harmonizes the advance electronic cargo information requirements on inbound, outbound and transit shipments; (2) it obliges members to employ a consistent risk management approach to address security threats; (3) it requires that at the reasonable request of the receiving nation, the sending nation's customs administration will perform an outbound inspection of high-risk containers and cargo; (4) it defines benefits that customs will provide to businesses that meet minimal supply chain security standards and best practices.

- Ensure the participation of the trade community and transport operators through consultations with traders, the implication of trade association in national and local reforms, oversight bodies and in appeals processes and authorized economic operators procedures.
- Implement policies specifically designed to fight corruption in accordance with the WCO Revised Arusha Declaration on Integrity in Customs, and the AU Brazzaville Declaration on Integrity and Ethics in Custom and adopt legal mechanisms that provide little discretion to customs staff and that have built-in accountability mechanisms to reduce both the opportunity and incentive for corruption, but that also grant authority for customs to achieve its enforcement and compliance goals.
- Make joint border facilities, such as One-Stop Border Posts (OSBPs) the standard in trade corridors and where economically viable; adopt a policy statement requiring establishment of OSBPs; promulgate OSBP legislation invest in technologies such as scanners.

**Objective 3B** *Safeguard and facilitate informal small scale cross-border trade*

- Reduce the transaction costs for small scale traders through the establishment and full implementation of Simplified Trade Regimes or similar regulations (translated in local languages), eliminating non-tariff and tariff-barriers for common trade goods, requiring reduced documentation, simplified certificates of origin etc.
- Adopt and promulgate charters for cross-border trade which enshrine a basic set of rights and obligations for traders and officials.
- Establish or strengthen Trade Information Desks or similar establishments at borders to improve information, in local languages, and transparency, raising traders' awareness of cross-border trade and building their capacities to assert their rights if faced with arbitrary or incorrect application of rules, reforms and new developments.
- Define who border communities are (e.g. living in a certain distance of the border), establish cross-border trade regulations (e.g. legal border crossing beyond official BCPs) for them and inform border officials and patrols of their rights.
- Support the establishment/strengthening of Cross-Border traders associations (CBTAs) around main border crossings.
- Encourage cooperation between informal cross-border associations in order to create informal cross-border trade forums to address, issues facing the ICBT.

**Objective 3C** *To facilitate legal migration and cross-border mobility*

**Objective 3D** *To establish safe borders, easing restrictions for mobility and interaction between borderland communities*

- Implement the AU Migration Policy Framework (2018) and its recommendations through the establishment of a national migration coordination mechanism.
- Manage migration, in harnessing the high levels of human mobility in Africa, including

through the circulation of skills and migrant labour to enhance growth and competitiveness.

- Provide adequate information about the requirements, challenges and opportunities of migration as for the population in general and particularly for potential labour migrants before they cross borders.
- Ensure access by women, children and youths to information about their rights, and warnings about the modus operandi of human traffickers.
- Provide easily understandable up-to-date information on relevant issues for crossing the state border including standards, statistics on border crossings, relevant regulations and procedures as well as information about offences.
- Adapt to increasing flows of migration, taking into consideration mixed migration, focussing on legal and orderly migration, while reducing illegal and irregular migration, trafficking and smuggling, through upgrading the capacities of border officials, physical infrastructure and technology and enhancing the communication and cooperation between origin, transit and destination countries.
- Reinforce national policies and legal frameworks by incorporating key instruments from declarations extending fundamental human rights protection to migrants, including the African Charter on Human and Peoples' Rights etc.<sup>10</sup>.
- Strengthen national laws regulating migration, including through the creation of clear, transparent categories for admission/expulsion and clear eligibility criteria for protection.
- Strengthen the cooperation between law enforcement officials, immigration and customs services to ensure a more efficient and effective approach to managing the flow of people and goods across borders, sharing migration-related data and information, training and sustained dialogue.
- Improve the capacities of border governance mechanisms and personnel by optimizing new border governance technologies (improving the security of travel documents, like biometric and machine readable quality documents, computerization, in conformity with international norms, upgrading inspection, data collection and communication systems) and providing technical training for those involved in border management, and migration policy.
- Enhance the role of the AU as well as other sub-regional/regional agencies in mobilizing financial/technical resources, harmonizing policies and programmes of action, and coordinating activities of Member States for effective border governance, and strengthen inter-state dialogue, regional consultations and cooperation for effective migration and governance of state borders.
- In line with the plans for the establishment of the African Passport, invest in international standard travel documents, well-structured entry-exit systems, to

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<sup>10</sup> including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention Against Torture, ILO Conventions 97 and 143.

enhance capacities to distinguish between persons having legitimate versus persons with non-legitimate reasons for entry and stay.

- Progressively enhance legal mobility of people and reduce cost through the implementation of the African Passport and through other bilateral and regional arrangements.
- Specifically and facilitate the free movement of residents of border communities through bilateral and regional arrangements.
- Implement the AU Pastoralist Policy Framework and develop regimes allowing pastoral movement, providing more cross-border resources sharing and free movement of pastoralists and their livestock.
- Adopt the Protocol to Prevent, Suppress and Punish Trafficking of persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, harmonize such provisions with national legislation and strengthen national laws regulating migration, trafficking and smuggling.
- Adopt and incorporate into national policies the international instruments pertaining to the protection of refugees, including the 1951 Convention on the Status of Refugees and its 1967 Protocol, the 1954 Convention on the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.
- Incorporate into national legislation and policies and implement protection obligations arising out of relevant treaties, the principle of *non-refoulement*, registration and issuance of identity documents, access to work and education opportunities, and treatment according to minimum humanitarian standards.
- Make sure that the settlement of refugees and internally displaced persons in border zones is in line with international standards and laws (Kampala Convention) and apply conflict prevention measures to ensure the peaceful coexistence with the local populations.
- Disseminate information about migrants, through public information and education campaigns and other means in order to promote respect for, tolerance and understanding of migrants, and to counter anti-immigrant and xenophobic attitudes. Conduct sensitization programmes for refugees on the need to respect and abide by the laws in the asylum countries.
- Maintain regional observatories on migration for the dissemination of statistical data and the information of border agencies for countries of origin, transit and destination.

#### **PILLAR 4** *Cooperative Border Management*

<b>Strategic Objective 4</b>	<i>To balance the easy and legal movement of humans and goods across borders and the prevention of illegal activities and insecurity through effective and efficient joint arrangements</i>
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Border Management: While the idea of *border governance* refers to a system of norms, institutions and collaborations of state, society and non-state actors, the concept of *border*

*management* relates to the implementation through government agencies of parts of this system, comprising of the rules, techniques and procedures regulating the movement of people and goods across defined border areas. Public authorities vary between countries and contexts, but borders are always managed by several authorities: its main actors being border guards, immigration and customs authorities and a varying number of other public agencies conducting health, phytosanitary, and other checks.

Often, border management lacks coherence, harmonized institutional and legal frameworks and procedures, exhibits low levels of accountability and oversight, and is characterised by insufficient resources including infrastructure and manpower, a poor working environment and lack of expertise. Since passengers and goods must pass through multiple controls and comply with numerous regulations, this can lead to inefficiency and create unnecessary bottlenecks at the borders and detract border agencies from preventing and detecting illegal activities or performing their controls effectively. On the one hand, this leads to frustration among traders and passengers, the loss of profits and revenues, the limitation of easy movement and ultimately the slow-down of continental integration. On the other hand, if left unchecked, cross-border movements can contribute to the operations of terrorists and criminal organizations and exacerbate security problems. Far from just affecting regular mobility, borders create opportunities for legal and illegal activities (like trafficking, smuggling, corruption and extortion) and traders and state agents alike can benefit from inefficient border management and low transparency. Corrupt practices and compromised integrity at borders do not only undermine the rule of law, national security and sovereignty, but negatively impact policy choices, revenue collection and economic growth through the generation of false statistics.

Cooperative Border Management: Evidence shows that improvements – essentially the reduction of delays and costs and the increase in detection rates of illegal activities – occur where the level of cooperation increases. Enhancing cooperation for increased effectiveness and efficiency of border functions has hence become the common denominator around which the reforms of border management revolve. Many institutions, countries and regions have advanced concepts and devised terminologies with different nuances but all are guided by this principle<sup>11</sup> and with the objective of improved services provision to governments, private institutions and individuals. The term *Cooperative Border Management* is employed here for three reasons. It serves as an umbrella term for the various concepts already employed and from which the strategy draws; it corresponds to the terminology used by the African Union Convention on Cross-Border Cooperation; and it allows for different degrees and forms of cooperation.

*Cooperative Border Management (CBM) refers to a cohesive government response to the challenges of border management through the cooperation of public authorities toward a shared goal: ensure free movement of persons and goods across both sides of the border and combat illegal trafficking and insecurity.*

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<sup>11</sup> The most widely used concepts and terms, with their proponent institutions are: The World Customs Organization (WCO) uses Coordinated Border Management; the European Union and the International Organization for Migration (IOM) use Integrated Border Management; the World Bank uses Collaborative Border Management and the Organization for Security and Cooperation in Europe (OSCE) uses Comprehensive Border Management; The Regional Economic Communities of Africa use different concepts, at times interchangeably.

Levels of Cooperation: Cooperation is essential at four levels: (I) *Intra-service collaboration* refers to the vertical and horizontal inter-linkages within a ministry, or at agency or authority level. (II) *Inter-agency collaboration* refers to the cooperation between national border-related ministry or agencies with other ministries, agencies, authorities, as well as between departments and the operational officers of the different agencies who are active at the borders or inland control stations. (III) *Bilateral cooperation* refers to cooperation of a country, *with one or more neighbouring states* sharing common physical (or virtual; airport) borders. While on the state level, the policy response necessitates reforms toward arrangements that allow for enhanced cooperation between the various authorities, states will also have to seek and harmonize solutions through (IV) *international cooperation* within international regimes and supranational organizations.

Areas of Cooperation: Cooperation between the actors requires the creation of coherence, synergies and inter-linkage in several areas. At the normative level it aims at the harmonization and coherence of policy, legislation, regulations and the provision of a legal standing for CBM; at the institutional level it aims at providing the organizational set up for CBM; at the procedural level it aims at the harmonization, modernization and efficiency of shared processes; at the level of communication and information sharing and exchange it aims at standardized and efficient flows and exchanges of information and to keep all stakeholders and the public aware; at the level of infrastructure and equipment it aims at the provision of necessary facilities and technologies to facilitate CBM. At the level of human resources it aims at the capacitation of agencies through recruitment, capacity development and capacity building.

No one-size-fits-all solution to CBM does justice to all existing realities, particularly as border management will have to adapt continuously to proceeding levels of economic and political integration and quick-win solutions will co-exist with long-term structural reform. It is therefore evident that various modes of cooperation beyond mere co-existence (communication, cooperation, coordination, collaboration, and integration), ranging from the more informal to the more formal can play a role in reform processes.

## **Specific Objectives and Recommendations**

### **Objective 4A** *To enhance intra-service cooperation in border agencies*

- Develop clear comprehensive national policies on border management linked to the overall national border governance strategy in order to address gaps and inconsistencies in the legislation that regulates the activities of border management agencies and bestow robust mandates and resources for agencies to fulfil their mandates.
- Amend, if necessary, national legislation governing immigration and customs procedures with the aim of removing inefficiencies and dysfunctionalities of the border operations and implement regulations that ensure the compliance, participation and collaboration of national and international private sector land, sea and air transport operators in efforts to enhance security.
- Ensure adequate organizational structures, effective implementation of tasks and efficient intra-service cooperation and communication between national

ministerial/administrative bodies and responsible agencies for different tasks vertically between the central/federal, regional and local levels, as well as horizontally between different BCPs, border inspection posts (BIPs) and Inland Control Stations (ICSs).

- Establish internal control systems and implement policies designed to fight corruption (specified in Pillar 3)
- Enhance the quality of border surveillance and border checks by ensuring the existence of standardized and uniform approaches and procedures that enhance efficiency and effectiveness at BCPs, BIPs and ICSs. Develop procedures covering all relevant tasks at all levels of a border agency for all types of borders and comprising control procedures, contingency procedures, documentation, and information flows at and between the central, regional and local levels.
- Adopt procedures for the identification, analysis, evaluation, and mitigation of risks that maximize the achievement of balancing the acts of control and trade facilitation, ensure the establishment of risk analysis and statistical units, and conduct controls based on the intelligence-led risk analysis and selectivity techniques.
- Establish effective and fair procedures for the detection of trafficking, including referral mechanisms for victims; establish effective and fair procedures for individual refugee status determinations, ensuring refugees' meaningful access to such procedures.
- Mainstream human rights and gender issues in border policies, establish codes of conduct, display them publicly and introduce mandatory training on them and establish oversight, complaints and referral mechanisms as well as investigation and disciplinary procedures for any violations including corruption and hostility.. Increase the presence of female officers in border agencies to ensure that they are representative and increase legitimacy and trust, to improve law enforcement and operational effectiveness and to better detect trafficking, diffuse conflicts and reduce sexual harassment and discrimination.
- Leverage ICT and establish and strengthen interconnectivity in accordance with the AU Strategy on Interconnectivity of Computerized Customs Clearance and Information Systems, replace outdated systems and establish border management information systems, for automated procedures, customs pre-clearance, online submission, risk management and post-clearance, biometric data capturing etc.
- Reinforce information-gathering systems relating to trafficking to facilitate dissemination of information on the changing nature of trafficking routes, and the establishment of databases on convicted traffickers and on missing persons, presumed to be victims of trafficking.
- Ensure the adequacy and sufficiency of equipment – both basic and specialist equipment – and infrastructure in relation to the flow of passengers and vehicles at each BCP, ICS and BIP.

**Objective 4B** *To enhance inter-service cooperation between border agencies*

- Implement or enact laws that empower agencies to cooperate with other actors, and that enable them to provide assistance to other agencies in specific cases.
- Determine the content and scope of the cooperation and information exchanges between the national stakeholders, establish overall workflows in which the activities of all relevant border management agencies are included and redundancies reduced.
- Clearly define the responsibilities tasks for all agencies concerned with border management and security, ensure understanding of its functioning while conducting border control.
- Decide if all agencies need to be present at all BCPs or if lead agencies can assume controls through delegation of powers.
- Ensure that joint patrols and checks are conducted in line with state sovereignty.
- Establish a formal steering mechanism composed of high-ranking officials from relevant ministries and agencies, as well as observers from civil society controlled by a supervisory group directly commissioned by the political leadership and whose functions are to resolve problems of cooperation and to identify areas where increased cooperation and information exchanges would be beneficial and where other joint interests exist.
- Establish a national 24/7 coordination centre with focal points of relevant agencies mandated to develop common situational pictures, enabling better cooperative border management, coordinating the activities of all national border agencies, liaising with national institutions concerned with SALW trade, drugs, migration, trafficking, terrorism, other crimes, maritime security, natural disaster, etc. and assuming responsibility for daily, weekly and ad hoc situational reports, immediate factual information on situations, and early warning messages.
- At the local BCP levels, joint offices should be established or liaison officers exchanged. Regular or ad hoc first line manager coordination meetings should be set up.
- Expedite and simplify information flows between business, travellers and government by introducing or upgrading IT systems toward citizen centred systems and Single Window environments, taking into consideration compatibility with systems used by other agencies and providing interfaces for all parties involved in border crossings.

**Objective 4C** *To enhance bilateral and international cooperation between border actors*

**Objective 4D** *To enhance cooperation with the private sector and border communities*

- Harmonize border governance policies at regional and continental levels through the adoption, domestication and implementation of the pertinent global, continental and regional policy frameworks and leverage Member States RECs' and the AU's established institutional structures for advancing border management cooperation initiatives.

- Put in place national legislation that regulates the powers and responsibilities of border management agencies and corresponding ministries to accommodate bilateral, regional, continental, and international cooperation, including on the local level between individual BCPs.
- Conclude bilateral intergovernmental conventions and bilateral agreements with the administrations of the neighbouring countries to comply with the principle of extraterritoriality in line with state sovereignty.
- Adopt national legislation providing for integrated border processing, joint control arrangements, joint use of BCPs (such as OSPBs), common control zones, the establishment of BCPs and conduct controls on the territory of both neighbouring countries, and to utilize common operational procedures at BCPs
- Establish bilateral border commissions or steering committees composed of permanent secretaries, or their representatives of the pertinent governmental agencies and representatives of the associations of BCP users to plan and oversee the bilateral cooperation arrangements based on the harmonized political framework and the technical sector working groups (on laws, procedures, IT, training, infrastructure and public awareness).
- Establish contact points facilitating border agencies of neighbouring countries under one roof, to share and exchange information contact to the national coordination, as well as to relevant agencies in the own country.
- Establish effective external communication mechanisms in order to create functional interfaces between border agencies in different countries, ensure regular contact and day-to-day working relations of heads of BCPs as well as of border posts with their operational counterparts across borders.
- Coordinate classification of BCPs with neighbouring countries to ensure that a similar level of control is in place on both sides of the BCP, harmonise procedures at the BCPs of neighbouring countries so as to directly contribute to a smoother traffic flow and shorten waiting time at the borders, to facilitate joint operations across several states and to facilitate the gathering and analysis of standardized data.
- Expand bilateral cooperation to include as many areas as possible, including the designation of liaison officers,; associated training/exercises; joint patrols; cross-border coordinated surveillance; and sharing and exchanges of information.
- Conclude written agreements and guiding instructions for joint controls including general border and specific controls operations, joint border patrols, search and rescue, joint investigation, land border surveillance, hot pursuit and special operations.
- Conduct baseline surveys on the volume of traffic on all BCPs and promote, where economically feasible, the establishment and joint use of BCP facilities (such as Straddled Border Posts, Single Country Border Posts or Juxtaposed Border Posts) and equipment on the condition that there are agreements for facilitating the settlement of relevant cost-sharing, responsibility, maintenance, and other issues.

## PILLAR 5 Borderland Development & Community Engagement

<b>Strategic Objective 5</b>	<i>To enhance human security by ensuring the participation of communities in border governance</i>
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One of the major purposes of the Border Governance Strategy is the institutionalization of Cross-Border Cooperation (CBC) so it is rooted in the African development agenda. The strategic objective of Pillar 5 is to transform the borders and borderlands into catalyst elements of peace, stability, growth, and socioeconomic and political integration of the continent. The stake is to engage the various Member States of the AU in a collective move towards the economic growth and development of borderlands with a full involvement of border communities.

Borderland Development: In many parts of Africa, border areas have witnessed less political and economic attention than other areas, a fact which has severely compromised their development and the human security of border communities. Scarce public resources have been invested elsewhere, avenues for political participation were narrow and demands for basic services were neglected. While border communities are still often marginalized, governments in many areas are increasingly committed to strengthening governance in the borderlands through political decentralization; and borderlands development and cross-border cooperation are becoming a reality in many areas.

Community Engagement: The development of borderlands requires decisive public agency, adheres to the principle of subsidiarity and is based on the full engagement of border communities through their various representatives: locally elected officials, local administrative authorities, traditional and religious leaders, professional associations, women's movements, and youth organisations, economic interest groupings like farmers, pastoralists, traders etc. Community engagement aims at introducing a paradigm shift where communities and local stakeholders in border areas are not seen as part of the problem by the state, but as part of the solution to ineffective border governance and the challenges associated with peripheries and borderlands. The local communities are right in the middle of these problems, often as victims, and could easily find the cure for their problems if they were to be positively and substantively engaged. They are key stakeholders in cross-border dialogues and cross-border security governance. In line with the African Charter on Values and Principles of Public Service and Administration, and the African Charter on the Values and Principles of Decentralisation, Local Governance, and Local Development, community engagement requires robust consultations and deliberate action of states and their agencies in seeking to build long-term institutionalized relationships based on mutual benefit with border communities to enhance border governance.

The ultimate aim of community engagement should be to strengthen and build national and local capacities to govern their areas and to better respond to threats through enhanced capabilities and resilience. This Strategy considers the primacy of community engagement as well as increased public services in border areas as anchor for bringing effective border governance to Africa.

Cross-border Cooperation: It is crucial for the success and sustainability of borderland development that it makes full use of the principle and instrument of cross-border

cooperation (CBC). CBC is characterized by the cooperation of neighbouring regions along a border covering all actors in all areas of the daily life and revolves around practical problem solving. CBC is an instrument contributing to social and territorial cohesion: building on the geographical proximity, kinship, alliances and the sharing of the same resources and interests, local stakeholders can transform cross-border areas progressively into vital levers in strengthening the regional integration process. CBC involves a certain stabilization that is institutionalization of cross-border contacts over time. Its application ensures that states and communities exploit synergies rather than compete, so that the burden of investment e.g. in public infrastructure does not fall on one state alone or an imbalance of services or development divides border communities and potentially fosters conflicts. This is particularly true where border communities serve as hosts to refugee and displaced populations from neighbouring states and the competition for resources and services is already increased. The AU Convention on Cross-Border Cooperation forms the legal framework for the practical implementation of CBC on all levels and stipulates the necessity “*for the transformation of border areas into zones of trade and cooperation*” through the pro-active fostering of peace and good-neighbourly relations between states and communities.

Nevertheless, the special case of islands and coastal zones needs to be emphasized in the definition of cross-border cooperation measures. The declaration of the African Ministers in charge of borders of 17 May 2012 recommends, to this end, the application of specific arrangements to the situation of Island States. In addition, the African Integrated Maritime Strategy, 2050 proposes the creation of an Exclusive Combined Maritime Zone, reflecting the idea of Cross-border cooperation in the African maritime area.

## Specific Objectives and Recommendations

**Objective 5A** *To foster peace, good-neighbourly relations and investment through cross border cooperation*

- RECs and the AU should, on the basis of the subsidiarity principle, establish institutional and financial mechanisms to support cross-border cooperation initiatives developed on the continent.
- Accelerate the development and implementation of legal provisions, and institutional and organisational frameworks for a wide operationalization of cross-border cooperation aimed at developing the borderlands.
- Develop national and regional CBC initiatives, notably through the joint administration of borders, and through the implementation of cross-border cooperation projects in the areas of socioeconomic development including transportation, communication, trade, agro-pastoral activities, handicrafts, energy resources, industry, health, sanitation, drinking water, education, environmental protection, cultural activities, sports, etc.
- Ensure that communities in borderlands have fair access to employment, services and economic changes, specifically in the case of industrial or extractive investments in borderlands.
- Delimitate and demarcate international boundaries (Pillar 2) in order to encourage public investment in borderlands and sensitize the border communities about its

significance in order to provide clarity, avoid communal conflict and lay the basis for CBC agreements.

- Allocate sufficient funds to finance cross-border projects, use synergies in investment with neighbouring countries and, where possible, establish CBC agreements on the shared use of infrastructure and services (e.g. health) for border communities of either country.
- Promote the culture, values and traditions of cross-border communities through local actors in order to strengthen the good neighbourhood and the peaceful cohabitation in borderlands.
- Recognize the strategic placement of border communities and sincerely engage with them accordingly to build trust and mutual understanding between them and the public authorities, develop joint visions and fully engage them in border governance.
- Recognize the specific needs of communities living in a certain distance of the border, where appropriate, establish special cross-border regulations, and inform border communities as well as border officials about their rights and obligations.
- Facilitate the crossing of borders for productive, economic and social reasons by the border communities through specific measures.

**Objective 5B** *To transform borders through the engagement of border communities and the development of borderlands*

- Build the capacities of the local communities and actors on the management of cross-border projects, and ensure that the activities pertaining to cross-border cooperation are effectively undertaken by local authorities and local communities
- Build the advocacy capacities of national associations and local civil society and to enable them to participation in the governance of borderlands.
- Foster the establishment of local cross-border security regimes, including schemes of community policing and cross-border dispute resolution mechanisms, while asserting that the responsibility for border security rest firmly with public authorities.
- Promote the sharing of infrastructure between border communities across borders (e.g health, education infrastructure).
- Ensure that border communities benefit from and contribute to trans-continental integrative infrastructure projects like those stipulated in the Agenda 2063.
- Build the advocacy capacities of national associations and local civil societies and their involvement in processes of elaborating, implementing and monitoring of public cross-border governance.
- Be as all-inclusive as possible, to ensure that all interest groups are represented and pay particular attention to the participation of groups who are at risk of being marginalized, such a women, minorities, isolated ethnic groups, disabled, young and older people, and non-sedentary people like pastoralists.
- Strengthen the role of local authorities and civil society in the joint management of cross-border resources such as the use of forest areas, wildlife, water points and

pasture, specifically considering trans-border transhumance and ensuring that people in reception areas receive information about the arrival of transhumant animals and have time to prepare and respond.

**Objective 5C** *Develop and preserve coastal areas, maritime borders and island states*

- Encourage AU Member States to claim their maritime boundaries, territorial waters and Exclusive Economic Zones in compliance with UNCLOS and other international maritime legal instruments.
- Expedite the delimitation and demarcation of African maritime boundaries, where such an exercise has not yet taken place.
- Encourage coastal states to develop joint initiatives in management and exploitation of cross-border natural resources.
- Develop joint economic arrangements and joint security arrangements to exploit and protect territorial waters and exclusive economic zones as proposed in the Combined Exclusive Maritime Zone of Africa in the African Integrated Maritime Strategy (AIMS).

## **5. STRATEGY ROLLOUT & THE ROLE OF STAKEHOLDERS**

The implementation of the Border Governance Strategy will be aligned with the Agenda 2063. Starting from the adoption of the Strategy, the first 5 Year Implementation Period will be 2017 – 2022, in line with the latest implementation period of the AUBP on boundary delimitation and demarcation.. It should be guided by implementation roadmaps prioritized toward the needs and capabilities of all regions.

The Strategy aims to promote a holistic, integrated and collaborative approach to border governance. The collaborative approach will make it essential for all stakeholders to work across the boundaries of policy sectors, ministries and departments. The principle of subsidiarity and complementarity requires the sharing of roles and responsibilities between the continental, regional and national levels. But most of all, it calls for a strong synergy between the levels through the establishment of joint bodies, harmonizing and monitoring the implementation. The following major roles and responsibilities are envisioned:

### **Roles and Responsibilities**

#### **African Union / African Union Commission**

- The 2007 Ministerial Declaration established the AUBP and empowered the AUC to lead continental efforts on the AUBGS. The AUC must assure that the capacity of the AUBP Unit grows with the magnitude of its responsibilities guiding the implementation of the AUBGS.
- Establishment of a Technical Working Group composed of experts from AUC departments and other AU organs such as the Permanent Representatives' Committee, the Peace and Security Council, the AU Court of Justice and Human Rights, and the Pan-African Parliament.
- The working group composed of focal points from these departments and organs should meet at least twice a year to discuss the implementation of the strategy. Together with the AUBP Unit, they will coordinate:
  - o The norm-setting, orientation and norm-diffusion through elaboration of the strategy and related instruments such as implementation roadmaps, model policies and monitoring frameworks.
  - o The consultation, supervision and overall coordination of the implementation of the Strategy, including the publication of a popular version of the Strategy.
  - o The follow-up with REC and Member States on programmes, projects and initiatives carried out and issue a high quality annual AU State of the Borders Report.

#### **Regional Economic Communities**

- Coordination of the development of regional implementation roadmaps and priorities and the implementation of the border governance strategy between Member States.

- Facilitation of dialogue and exchange of experience between Member States and contribution to the monitoring and reporting on border activities through consolidating regional reports.
- Exchanges of good practices between RECs will be organized and planned in the deployment of the strategy (Chapter 5) and opportunities such as the AU-RECs Coordination Meetings on border Management.
- Support to Member States in the development, resource mobilisation and implementation of projects / programmes related to the AUBGS.
- Establish focal points at regional and national level (national border commissions) in order to facilitate the implementation of the strategy.

### **AU Member States**

- Development of a comprehensive national border governance policy inclusive of normative, institutional, collaborative and financial frameworks with strategic partnership and communication components that take AU and REC policies and legislative blueprint documents into account.
- Mobilisation of the necessary resources, development of national roadmaps and implementation of the strategy at national and bilateral levels, as well as regular reporting to the RECs/AU toward the annual AU State of the Borders Report.

### **Coordination between the Levels**

#### **Consultative Committees and Regional Consultative Conferences**

The AUBP should establish institutional level linkages between national, RECs and AU level activities to facilitate governance through different arrangements. In preparation for the implementation of the Strategy, the AUBP will consider organizing Regional Consultative Committees in each REC. With the entry into force of the Niamey Convention, the AUC will form a Continental Consultative Committee on Borders, including designated border experts from all RECs / Regions. The RECs are encouraged to do the same on regional level with their member states. Meanwhile, the AUBP-RECs' Coordination Meeting serves as a platform to bring collaborative linkages and synergies of the activities of the RECs and other regional organizations into the various regions. It would be in order to establish and designate an official focal point for the AUBP, the RECs and respective Member States.

#### **National Consultative Conferences**

This requires a move from gathering all Member States in a platform to organize National Consultative Conferences (NCCs) in each Member State that may be interested and willing to jointly organize a NCC.

#### **Monitoring and Evaluation**

The strategy, for its effective implementation, will have to be equipped with a monitoring and evaluation system to measure the level of achievement of the

objectives and results obtained. An annual monitoring plan and a periodic evaluation will have to be elaborated and informed by a system of collecting, stocking, processing, analyzing and disseminating information on the actions carried out as part of the strategy.

### **Communication**

The AU Border Governance Strategy must be fully appropriated by Member States, RECs and citizens of the continent. To do this, it will have to be popularized through various channels: newspapers, radio programs, television spots, newsletters, social networks, websites, etc. A communication strategy and plans will need to be developed and implemented in a coordinated manner by AUC, RECs and Member States.

### **Resource Mobilisation**

The implementation of the AU Border Governance Strategy requires substantial financial resources. The AUC will need to conduct a comprehensive assessment of its financial costs to better define its resource mobilization strategy. This will be based on a diversification of funding sources. In this perspective, the internal resources of the AUC, the budgetary resources of the Member States and the contributions of development partners and the private sector will have to be sought. Member States will also have to make in-kind, human and material contributions for the implementation of this Strategy. They will also need to explore other innovative forms of financing such as the Public-Private Partnership and the opportunities offered by decentralized financing schemes.