From Barriers to Bridges

Collection of Official Texts on African Borders from 1963 to 2012

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The Founding Fathers of the OAU in 1963
Abbé Fulbert Youlou, Abdirascid Scermarch, Abubakar Tafawa Balewa, Ahmadou Babatoura Ahidjo, Ahmed Ben Bella, Ahmed Sékou Touré, Apollo Milton Obote, Coutoucou Hubert Maga, David Dacko, El Ferik Ibrahim Abboud, Félix Houphouët-Boigny, François Ngarta Tombalbaye, Gabriel Léon M'ba, Gamal Abdel Nasser Hussein, Grégoire Kayibanda, Habib Bourguiba, Haile Selassie I, Hamani Diori, Hassan II, Joseph Kasa-Vubu, Julius Kambarage Nyerere, Kwame Nkrumah, Léopold Sédar Senghor, Maurice Yaméogo, Milton Margai, Modibo Keïta, Mohammad Idris al-Sanousi, Moktar Ould Daddah, Mwambutsa IV Bangiricenge, Philibert Tsiranana, Sylvanus Epiphanio Olympio, William V.S. Tubman.

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African Union Border Programme (AUBP)

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Introduction

INTRODUCTION: One vision, one mission

Developed for readers and practitioners by the African Union Border Programme (AUBP), this Volume gathers in Section I all the founding instruments and legal frameworks pertaining to international boundary issues on the African continent, and in Section II the reports, communiqués, and conclusions of the successive steps of policy implementation.

In May 2013, the African continent celebrated the 50th Anniversary of the establishment of the Organization of African Unity, which became the African Union in 2002. Now Africa aspires to meet the next fifty years with ambitious goals of economic growth, development, and security.

In 2014, the Resolution AHG/Res. 16(I) on Border Disputes between African States will, in its turn, have reached its fiftieth year. International boundaries have set States' scope for exercising their sovereign functions; the maintenance of African States' territorial integrity is crucial for stability, which is a precondition for development.

The strong link between the objectives set by the African Union for the next fifty years and the implementation of the Border Programme is obvious, and this rests upon the interaction between growth, development, and security. Well delimitated, demarcated and managed boundaries provide an environment of security and facilitate trade, which forms the basis of peoples' and States' prosperity.

Thus, a vision is drawn: a united and integrated Africa, with peaceful, open and prosperous boundaries. A mission is defined: preventing and resolving border disputes and promoting regional and continental integration through cross-border cooperation.

The 1963 Charter, and the 1964 Resolution that reinforced it, have been agreed upon by the African States themselves, and express a continental consensus on compliance with existing boundaries. This consensus

remains the cornerstone of African unity, peace, and security. The legal principle of *uti possidetis* has been regarded as a foundation of stability and good neighbourly relations.

The African Union has adopted a number of legal instruments and frameworks to manage common boundaries, which include the establishment of the OAU Boundary Commission in 1991, followed by the AU Border Programme in 2007. In 2012, the AUBP elaborated the AU Convention on Cross-Border Cooperation (so-called Niamey Convention), which was adopted by the 23rd Ordinary Session of the Assembly of the AU, held in Malabo, Equatorial Guinea, June 2014.

The sole objective of those tools and policies is to reverse the mindset which considers the borders, existing upon African States' accession to Independence, as instigators of conflict rather than as opportunities for cooperation and integration. The tools aim at transforming barriers into bridges through the promotion of peace, security and integration at the national, regional and continental level, which are prerequisites for development, and through the enhancement of interactions between cross-border populations at the local level.

This collection of official documents is the first one of a series of six publications designed and written by the African Union Border Programme to facilitate boundary management, from reaffirmation through delimitation and demarcation, to locally initiated cross-border cooperation. The collection aims at widely disseminating good practices of the African States across the continent.

The African Union Border Programme contributes to achieving the following objectives: resolving issues that arise from the absence of delimitation and demarcation; facilitating the development of cross-border integration dynamics; supporting capacity building for national authorities in charge of boundary management; mobilising financial resources for delimitation and demarcation operations, and for cross-border cooperation projects.

It is a major common interest for all African States to transcend the inherited and accepted boundaries, not only in view of their bilateral relationships and regional integration strategies, but also with respect to well-being of the populations in the border regions.

The AUBP is evidence of a strong political ambition: to link up peace, security and development for the next fifty decades, and beyond.

Section I Instruments

A FOUNDING INSTRUMENTS

i THE CHARTER OF THE OAU, ADDIS ABABA, ETHIOPIA, MAY 1963

We, the Heads of African States and Governments assembled in the City of Addis Ababa, Ethiopia,

Convinced that it is the inalienable right of all people to control their own destiny,

Conscious of the fact that freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples,

Conscious of our responsibility to harness the natural and human resources of our continent for the total advancement of our peoples in all spheres of human endeavour,

Inspired by a common determination to promote understanding among our peoples and cooperation among our states in response to the aspirations of our peoples for brotherhood and solidarity, in a larger unity transcending ethnic and national differences,

Convinced that, in order to translate this determination into a dynamic force in the cause of human progress, conditions for peace and security must be established and maintained,

Determined to safeguard and consolidate the hard-won independence as well as the sovereignty and territorial integrity of our states, and to fight against neo-colonialism in all its forms,

Dedicated to the general progress of Africa,

Persuaded that the Charter of the United Nations and the Universal Declaration of Human Rights, to the Principles of which we reaffirm our

adherence, provide a solid foundation for peaceful and positive cooperation among States,

Desirous that all African States should henceforth unite so that the welfare and well-being of their peoples can be assured,

Resolved to reinforce the links between our States by establishing and strengthening common institutions,

Have agreed to the present Charter.

ESTABLISHMENT

Article I

1 The High Contracting Parties do by the present Charter establish an Organization to be known as the ORGANIZATION OF AFRICAN UNITY.
2 The Organization shall include the Continental African States, Madagascar and other Islands surrounding Africa.

PURPOSES

Article II

1 The Organization shall have the following purposes:
(a) To promote the unity and solidarity of the African States;
(b) To coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa;
(c) To defend their sovereignty, their territorial integrity and independence;
(d) To eradicate all forms of colonialism from Africa; and
(e) To promote international cooperation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.

2 To these ends, the Member States shall coordinate and harmonise their general policies, especially in the following fields:
(a) Political and diplomatic cooperation;
(b) Economic cooperation, including transport and communications;
(c) Educational and cultural cooperation;
(d) Health, sanitation and nutritional cooperation;
(e) Scientific and technical cooperation; and
(f) Cooperation for defence and security.

PRINCIPLES

Article III

The Member States, in pursuit of the purposes stated in Article II solemnly affirm and declare their adherence to the following principles:

1. The sovereign equality of all Member States.
2. Non-interference in the internal affairs of States.
3. Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence.
4. Peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration.
5. Unreserved condemnation, in all its forms, of political assassination as well as of subversive activities on the part of neighbouring States or any other States.
6. Absolute dedication to the total emancipation of the African territories which are still dependent.
7. Affirmation of a policy of non-alignment with regard to all blocs.

MEMBERSHIP

Article IV

Each independent sovereign African State shall be entitled to become a Member of the Organization.

RIGHTS AND DUTIES OF MEMBER STATES

Article V

All Member States shall enjoy equal rights and have equal duties.

Article VI

The Member States pledge themselves to observe scrupulously the principles enumerated in Article III of the present Charter.

INSTITUTIONS

Article VII

The Organization shall accomplish its purposes through the following principal institutions:

1. The Assembly of Heads of State and Government.
2. The Council of Ministers.
3. The General Secretariat.
4. The Commission of Mediation, Conciliation and Arbitration.

THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT

Article VIII

The Assembly of Heads of State and Government shall be the supreme organ of the Organization. It shall, subject to the provisions of this Charter, discuss matters of common concern to Africa with a view to coordinating and harmonising the general policy of the Organization. It may in addition review the structure, functions and acts of all the organs and any specialised agencies which may be created in accordance with the present Charter.

Article IX

The Assembly shall be composed of the Heads of State and Government or their duly accredited representatives and it shall meet at least once a year. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.

Article X

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a two-thirds majority of the Members of the Organization.
3. Questions of procedure shall require a simple majority. Whether or not a question is one of procedure shall be determined by a simple majority of all Member States of the Organization.
4. Two-thirds of the total membership of the Organization shall form a quorum at any meeting of the Assembly.

Article XI

The Assembly shall have the power to determine its own rules of procedure.

THE COUNCIL OF MINISTERS

Article XII

1. The Council of Ministers shall consist of Foreign Ministers or other Ministers as are designated by the Governments of Member States.
2. The Council of Ministers shall meet at least twice a year. When requested by any Member State and approved by two-thirds of all Member States, it shall meet in extraordinary session.

Article XIII

1. The Council of Ministers shall be responsible to the Assembly of Heads of State and Government. It shall be entrusted with the responsibility of preparing conferences of the Assembly.
2. It shall take cognisance of any matter referred to it by the Assembly. It shall be entrusted with the implementation of the decision of the Assembly of Heads of State and Government. It shall coordinate inter-African cooperation in accordance with the instructions of the Assembly conformity with Article II (2) of the present Charter.

Article XIV

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a simple majority of the members of the Council of Ministers.
3. Two-thirds of the total membership of the Council of Ministers shall form a quorum for any meeting of the Council.

Article XV

The Council shall have the power to determine its own rules of procedure.

GENERAL SECRETARIAT

Article XVI

There shall be a Secretary-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government. The Secretary-General shall direct the affairs of the Secretariat.

Article XVII

There shall be one or more Assistant Secretaries-General of the Organization, who shall be appointed by the Assembly of Heads of State and Government.

Article XVIII

The functions and conditions of service of the Secretary-General, of the Assistant Secretaries-General and other employees of the Secretariat shall be governed by the provisions of this Charter and the regulations approved by the Assembly of Heads of State and Government.

1 In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2 Each member of the Organization undertakes to respect the exclusive character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

COMMISSION OF MEDIATION, CONCILIATION AND ARBITRATION

Article XIX

Member States pledge to settle all disputes among themselves by peaceful means and, to this end, decide to establish a Commission of Mediation, Conciliation and Arbitration, the composition of which and conditions of service shall be defined by a separate Protocol to be approved by the Assembly of Heads of State and Government. Said Protocol shall be regarded as forming an integral part of the present Charter.

SPECIALISED COMMISSION

Article XX

The Assembly shall establish such Specialised Commissions as it may deem necessary, including the following:

1 Economic and Social Commission.
2 Educational, Scientific, Cultural and Health Commission.
3 Defence Commission.

Article XXI

Each Specialised Commission referred to in Article XX shall be composed of the Ministers concerned or other Ministers or Plenipotentiaries designated by the Governments of the Member States.

Article XXII

The functions of the Specialised Commissions shall be carried out in accordance with the provisions of the present Charter and of the regulations approved by the Council of Ministers.

THE BUDGET

Article XXIII

The budget of the Organization prepared by the Secretary-General shall be approved by the Council of Ministers. The budget shall be provided by contribution from Member States in accordance with the scale of assessment of the United Nations; provided, however, that no Member State shall be assessed an amount exceeding twenty percent of the yearly regular budget of the Organization. The Member States agree to pay their respective contributions regularly.

SIGNATURE AND RATIFICATION OF CHARTER

Article XXIV

1 This Charter shall be open for signature to all independent sovereign African States and shall be ratified by the signatory States in accordance with their respective constitutional processes.
2 The original instrument, done, if possible in African languages, in English and French, all texts being equally authentic, shall be depos-

ited with the Government of Ethiopia which shall transmit certified copies thereof to all independent sovereign African States.

3 Instruments of ratification shall be deposited with the Government of Ethiopia, which shall notify all signatories of each such deposit.

ENTRY INTO FORCE

Article XXV

This Charter shall enter into force immediately upon receipt by the Government of Ethiopia of the instruments of ratification from two-thirds of the signatory States.

REGISTRATION OF CHARTER

Article XXVI

This Charter shall, after due ratification, be registered with the Secretariat of the United Nations through the Government of Ethiopia in conformity with Article 102 of the Charter of the United Nations.

INTERPRETATION OF THE CHARTER

Article XXVII

Any question which may arise concerning the interpretation of this Charter shall be decided by a vote of two-thirds of the Assembly of Heads of State and Government of the Organization.

ADHESION AND ACCESSION

Article XXVIII

1 Any independent sovereign African State may at any time notify the Secretary-General of its intention to adhere or accede to this Charter.

2 The Secretary-General shall, on receipt of such notification, communicate a copy of it to all the Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Secretary-General, who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

MISCELLANEOUS

Article XXIX

The working languages of the Organization and all its institutions shall be, if possible, African languages, English, French, Arabic and Portuguese.

Article XXX

The Secretary-General may accept, on behalf of the Organization, gifts, bequests and other donations made to the Organization, provided that this is approved by the Council of Ministers.

Article XXXI

The Council of Ministers shall decide on the privileges and immunities to be accorded to the personnel of the Secretariat in the respective territories of the Member States.

CESSATION OF MEMBERSHIP

Article XXXII

Any State which desires to renounce its membership shall forward a written notification to the Secretary-General. At the end of one year from the date of such notification, if not withdrawn, the Charter shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Organization.

AMENDMENT OF THE CHARTER

Article XXXIII

This Charter may be amended or revised if any Member State makes a written request to the Secretary-General to that effect; provided, however, that the proposed amendment is not submitted to the Assembly for consideration until all the Member States have been duly notified of it and a period of one year has elapsed. Such an amendment shall not be effective unless approved by at least two-thirds of all the Member States.

IN FAITH WHEREOF, We, the Heads of African States and Governments have signed this Charter. Done in the City of Addis Ababa, Ethiopia, 25th day of May, 1963

ii RESOLUTION AHG/RES.16 (1) ON BORDER DISPUTES BETWEEN AFRICAN STATES, CAIRO, EGYPT, JULY 1964

The Assembly of Heads of State and Government meeting in its First Ordinary Session in Cairo, UAR, from 17 to 21 July 1964,

Considering that border problems constitute a grave and permanent factor of dissention;

Conscious of the existence of extra-African manoeuvres aimed at dividing African States;

Considering further that the borders of African States, on the day of their independence, constitute a tangible reality;

Recalling the establishment in the course of the Second Ordinary Session of the Council of the Committee of Eleven charged with studying further measures for strengthening African Unity;

Recognising the imperious necessity of settling, by peaceful means and within a strictly African framework, all disputes between African States;

Recalling further that all Member States have pledged, under Article IV of the Charter of African Unity, to respect scrupulously all principles laid down in paragraph 3 of Article III of the Charter of the Organization of African Unity:

1. SOLEMNLY REAFFIRMS the strict respect by all Member States of the Organization for the principles laid down in paragraph 3 of Article III of the Charter of the Organization of African Unity;
2. SOLEMNLY DECLARES that all Member States pledge themselves to respect the borders existing on their achievement of national independence.

iii ESTABLISHMENT OF AN OAU BOUNDARIES COMMISSION (PROPOSED BY THE FEDERAL REPUBLIC OF NIGERIA), (DOCUMENT CM/1119 (XXXVII), ADD.1), NAIROBI, KENYA, JUNE 1981

The Embassy of the Federal Republic of Nigeria presents its compliments to the General Secretariat of the Organization of the African Unity and, with reference to its Note. 047B/81 of 23rd February, 1981, has the honour to request that the attached document on the Proposal for the Establishment of an OAU Boundaries Commission be circulated to all OAU Member States during the current 36th Session of the Council of Ministers.

The document is being submitted now with the hope that all Member States will be able to familiarise themselves with its contents as well as make appropriate comments on them to allow for a useful discussion of the item at the 37th Ordinary Session of the OAU Council of Ministers.

The Embassy of the Federal Republic of Nigeria avails itself of this opportunity to renew to the General Secretariat of the Organization of African Unity the assurances of its highest consideration.

Proposal for the establishment of an OAU Boundaries Commission

The problems caused by the indeterminate character of most African boundaries are becoming very grave, and require urgent attention at the continental level. In many cases, some inter-African borders are ill-defined, and even where they are clearly defined, such borders are often not well demarcated. In virtually all cases, these borders are colonial legacies, i.e. the products of European rivalries and territorial acquisitions in Africa. Even though these boundaries have been accepted, on the whole, in postcolonial Africa, there are often unintended border violations, generally by the security police because of the lack of well-defined alignments and demarcations.

Apart from the problems caused by the indeterminate character of land boundaries, there is even greater uncertainty over maritime boundaries, some of which remain largely ill-defined. The existence of an ill-defined maritime boundary constitutes such a serious potential for tensions and border conflicts in Africa, that no time should be further lost in resolving this serious problem.

In light of these facts, it is considered desirable that an OAU Boundaries Commission be created to which all issues relating to border problems on which bilateral agreement is not reached, may be referred, where the parties concerned agree to do so. The essence of this proposal is to de-politicise border problems, so that they are then considered, in the main, as technical problems. The Commission will consist of experts, and all OAU Member States will have the right to be represented on the Commission whenever cases in which they have a direct interest are referred to it.

iv RESOLUTION CM/RES.870 (XXXVII) ON THE PROPOSED ESTABLISHMENT OF AN OAU BOUNDARIES COMMISSION, NAIROBI, KENYA, 15 to 21 JUNE 1981

The Council of Ministers of the Organization of African Unity meeting in its Thirty-seventh Ordinary Session in Nairobi, Kenya, from 15 to 26 June 1981;

Having been apprised by the Delegation of the Federal Republic of Nigeria of an item concerning the establishment of an OAU Boundaries Commission (DOC.CM/1119 (XXXVII) Add.1;

Having heard the statement of the delegation of the Federal Republic of Nigeria on the issue;

Bearing in mind its decision on the setting up of a Ministerial Committee:

1 RECOMMENDS that the issue be referred to the said Ministerial Committee established by the Council of Ministers at its Thirty-seventh Ordinary Session for consideration under its various aspects;
2 REQUESTS the OAU Secretary-General to transmit to Member States the views and comments expressed during the discussion so as to obtain their opinion on the establishment of an OAU Boundaries Commission.

v RESOLUTION CM/RES.1069 (XLIV) ON PEACE AND SECURITY IN AFRICA THROUGH NEGOTIATED SETTLEMENT OF BORDER CONFLICTS, ADDIS ABABA, ETHIOPIA, JULY 1986

The Council of Ministers of the Organization of African Unity, meeting at its Forty-fourth Ordinary Session in Addis Ababa, Ethiopia, from 21 to 26 July 1986,

Recalling Resolution AHG/Res.16 (I) adopted by the First Assembly of Heads of State and Government of the Organization of African Unity, meeting in Cairo from 17 to 21 July 1964,

Considering that border [sic] problems constitute one of the most intricate problems inherited by Africa from its colonial past,

Further considering that the struggle for the liberation of Africa from colonialism and its after-effects and the establishment of an atmosphere of peace, security, economic and social progress can only be achieved through the total elimination of sources of tension on the borders of Member States,

1. REAFFIRMS its adherences to the principle of peaceful settlement of border conflicts between states;
2. REAFFIRMS the attachment of African peoples and countries to Resolution AHG 16 (1) adopted by the Assembly of Heads of State and Government of the Organization of African Unity held in Cairo from 17 to 21 July 1984;
3. ENCOURAGES Member States to undertake or pursue bilateral negotiations with a view to demarcating their common borders with beacons;
4. REQUESTS the Secretary-General of the OAU to follow-up the implementation of this resolution and to report to the next OAU Assembly of Heads of State and Government.

vi THE ESTABLISHMENT OF AN OAU BOUNDARIES COMMISSION (CM/1659 (LIV) ADD.2), ABUJA, NIGERIA, MAY to JUNE 1991

1. Antecedents

1 It has been aptly observed that frontiers are indeed "the razor's edge on which hang suspended the modern issues of war or peace, or life or death to nations". Although the statement has drawn attention to both the positive and negative dimensions of the "issues", actual events and supportive studies have emphasised the "war" and "death" ends almost to the total neglect of the "peace" and "life" sides of the border equation.

2 The modern history of Europe, homeland of the nation-state and its border problems, confronts us in Africa and the wider world of national states with only one of two basic policy choices: the path of friction, war, and human tragedy, which constituted the emphasis in the era from the Treaty of Westphalia in 1648 to the end of the Second World War on the one hand, and, on the other, the option of peaceful cooperation characterised by the regional integration and trans-border cooperation efforts of the period since 1945. While in the one era of negative nationalism, the basic concern was for boundary maintenance and excessive attachment to the notion of territorial sovereignty; in the other period, the dedication has been for the simplification of the border and its systematic devaluation as a barrier.

3 The Berlin West African Conference of 15 November 1884 to 26 February 1885 marked for Africa, the inception of the modern or European-type nation-state system with a demand for a precise territorial delimitation, but sometimes of an artificial and often of an arbitrary nature.

4 The Founding Fathers of the OAU were quite aware of the threats to of peace and stability posed by the territorial structure and boundaries of these States they had inherited from the erstwhile colonial authority who created the States. This is, among others, witnessed by Arrticle III paragraph 3 of the OAU Charter of 1963 whereby the Member States solemnly affirmed and declared their adherence to the principle of respect for the sovereignty and territorial integrity of each State.

5 The issues of boundaries and boundary disputes constituted a specific subject for Resolution AHG/Res. 16(I) of the Assembly of Heads of State and Government meeting in its very First Ordinary Session in Cairo in July 1964. In a manner that brought Africa close to the *uti possidetis* position of Latin American States, the Cairo Summit "solemnly affirms the strict respect by all Member States of the Organization of the principles laid down in paragraph 3 of Article III of the Charter of the Organization of African Unity". The Assembly of the Heads of State and Government at the Cairo Summit in 1964 further "solemnly declares that all Member States pledge to respect the existing borders in their achievement of national independence".

6 Similar to the contrary effects of the Berlin Treaty of 26 February 1885 which, instead of placing control on European Powers' territorial rivalry in Africa, merely aggravated the pace of the scramble and the partition, the provisions of the OAU Charter and the back-up Declarations of the Cairo Summit in 1964 were not known to have stemmed the tide of boundary disputes and conflicts in the continent. The number of actual border wars and threats of war is highly significant. To the long list of cases of conflicts arising from territorial claims specific States have made over their proximate neighbours may be added the equally numerous cases of civil war incidents and secession attempts within borders of a good number of the Member States. Accordingly, Africa became the theatre of the most devastating wars that have occurred in the world since 1945.

7 The causes of these conflicts vary as widely as the specific cases themselves. However, with particular reference to the international dimension, the generally indeterminate character of the borders and the phenomena of trans-border resources can be seen as crucial factors which increase the likelihood of conflict. Whatever the causes, the border wars and threats of war have continued to compromise the issues of peace and stability and proved completely detrimental to the cause of regional integration as well as orderly economic planning and development of the continent.

8 It was to redress this situation that the OAU Council of Ministers at its 37th Ordinary Session received a proposal from Nigeria on the establishment of an OAU Boundary Commission as a specialised border dispute solving institution of the continental body. The Council of Ministers discussed the proposal and recommended that the issue be referred to an *ad hoc* Ministerial Committee established by the Council of Ministers at the 37th Ordinary Session for a

more detailed study. The OAU Secretary-General was also requested by the Council of Ministers to transmit to Member States, the views and comments expressed during the discussion so as to obtain their opinions on the establishment of an OAU Boundary Commission.

9 One full decade thereafter, there has been no follow-up action of whatever nature since the Meeting of the Council of Ministers' Ordinary Session in Nairobi in 1981. Meanwhile, the *raison d'être* for the proposal to establish an OAU Boundary Commission has remained both alive and vibrant: Border conflicts have increased in number and intensity; the peace and stability of the continent remain compromised; and the chances for success of the regional integration endeavours are constantly being put to flight. The present effort to resuscitate the proposal for the establishment of the OAU Boundary Commission is predicated upon the objective necessity of a mechanism to solve present border conflicts and prevent future ones so that the path for socio-economic progress can be streamlined and assured.

2. The structure of the proposed OAU Boundary Commission

The Commission will be a body of about 20 to 25 Border Experts drawn from five constituent subdivisions of the OAU. These experts/members of the Commission should be selected from academic backgrounds and professions with relevance to boundary issues. They should be a mixed selection of reputed border scholars and practitioners with backgrounds in history, geography (including cartography), law, economics regional planning and geodesy. The Chairmanship of the Commission should be conferred on an African jurist, historian, or a geographer with a prominent international reputation.

The Commission should be served by a distinct administrative division of the OAU General Secretariat. The Commission's Administrative Office in the OAU General Secretariat should be headed by an African border expert with an international reputation to the OAU Secretary-General in view of the sensitive and often dynamic nature of his duties.

It will be the responsibility of such a Director to organise the Commission's Administrative Office in such a way as to make it an effective instrument for the fulfilment of the Commission's overall objectives.

The Staff of the Commission's Secretariat will be employed on the basis of need and on salaries and conditions of service as may be determined from time to time by the Commission under the overall guidance of the OAU Secretary-General.

3. The objectives of the OAU Boundary Commission

These include the following:

(i) to liaise with National Boundary Commissions in Member States and serve as a clearing house for the boundary claims of Member States;
(ii) to engage in the registration of claims and of agreed alignments, thereby providing a multilateral notification system, which will help resolve boundary problems;
(iii) to organise an active research and documentation centre that will give rise to a pool of boundary service corps from which boundary experts can be seconded to Member States lacking such skilled personnel;
(iv) to serve as the repository of the official maps and boundary legal instruments of Member States, which will facilitate the determination of future disputes between Member States;
(v) to assist Member States in resolving border disputes within and between Member States;
(vi) to stimulate cooperation in the planning, development, and joint exploitation of trans-border socio-economic resources; and
(vii) to do any other things relating to its general competence, which may be assigned to it from time to time by the Council of Ministers or the Assembly of Heads of State and Government.

4. The imperative of national boundary commissions for Member States

4.1 This imperative derives from the first of the aforementioned functions of the OAU Boundary Commission. For effective handling of boundary issues and in view of their crucial importance and urgency, every Member State should endeavour to set up its own distinct National Boundary Commission. Its design, however, should be left entirely to individual Member States whose peculiar circumstances have to be taken into consideration.

4.2. However, since such Boundary Commissions are to operate within the general framework of the operations of the OAU

Commission and are to relate to one another on a bilateral basis across shared boundaries of Member States, it is important that their functions and competencies be as comparable as possible to ensure their parity values.

4.3. The functions of the National Boundary Commissions will be:
- (i) to settle disputes within and between limitrophe Member States;
- (i) to study and determine uncertainties along national boundaries;
- (i) to ensure maintenance and repair of boundary markers and vistas;
- (i) to undertake the creation of public official maps of the country; and
- (ii) jointly with National Boundary Commissions of limitrophe Member States, to undertake cooperative programmes of action aimed at preventing border disputes, including exploration and exploitation of trans-border natural and cultural resources.

5. Regional boundary commissions

5.1 Between the National Boundary Commission and the Continental Boundary Commission, there will be an intermediate border problem-solving mechanism that will operate at the level of Africa's constituent regions.

5.2. The Regional Boundary Commission replicates the OAU Boundary Commission and will operate within the framework of regional bodies, such as ECOWAS and ECCAS, as may be in place. National Boundary Commissions may attend meetings and related activities of such Regional Commissions as observers.

6. Guiding principles of operation

6.1 The overall objective for the establishment of various categories of Boundary Commissions under the auspices of the OAU is to develop for the entire Continent, a new border regime in which boundary issues would be depoliticised and treated as a purely technical subject.

6.2. The Commissions at the various levels are to operate not as tribunals but as specialised border problem-solving institutions with capacity not only for boundary conflict resolution but also for crisis prevention and confidence-building.

6.3. The new border regime which the Commissions aim to promote within and, bilaterally and multilaterally, between Member States is to convert international boundaries in Africa from their prevalent postures as ramparts into new roles and functions as bridges. The ultimate effect in view is a reconceptualisation of shared borders and borderlands, which no longer provoke conflict but which are factors of opportunity for positive international interaction that will facilitate the process of regional integration on the continent.

7. The status of the decisions of the Commission

7.1 As with similar bodies, the decision of the Commission at different levels will be recommendatory and advisory to the continental, regional and national authorities within those ambits they operate.

7.2. The credibility of the Commission must then have to depend on the extent to which the decisions or recommendations can be seen by all sides concerned as impartial and objective. Accordingly, actions taken by the Commission must rest on an exhaustive and dispassionate examination of available facts and overall considerations for trans-border cooperation in planning and development.

8. Funding

8.1 The OAU Boundary Commission should be funded from the budget of the OAU General Secretariat, just as the Regional Boundary Commissions are financed from the fund of the regional organisations concerned.

8.2 The National Boundary Commission, based on appropriate domestic legislations of the distinct Member States, are funded from the national budget.

8.3 Joint Programmes, sponsored by the National Boundary Commissions in respect of certain shared boundaries, should be funded on the basis of proportionate contributions by Member States involved.

B LEGAL FRAMEWORKS

i CONSTITUTIVE ACT OF THE AFRICAN UNION, LOMÉ, TOGO, JULY 2000

We, Heads of State and Government of the Member States of the Organization of African Unity (OAU):

1 The President of the People's Democratic Republic of Algeria
2 The President of the Republic of Angola
3 The President of the Republic of Benin
4 The President of the Republic of Botswana
5 The President of Burkina Faso
6 The President of the Republic of Burundi
7 The President of the Republic of Cameroon
8 The President of the Republic of Cape Verde
9 The President of the Central African Republic
10 The President of the Republic of Chad
11 The President of the Islamic Federal Republic of the Comoros
12 The President of the Republic of the Congo
13 The President of the Republic of Cote d'Ivoire
14 The President of the Democratic Republic of Congo
15 The President of the Republic of Djibouti
16 The President of the Arab Republic of Egypt
17 The President of the State of Eritrea
18 The Prime Minister of the Federal Democratic Republic of Ethiopia
19 The President of the Republic of Equatorial Guinea
20 The President of the Gabonese Republic
21 The President of the Republic of The Gambia
22 The President of the Republic of Ghana
23 The President of the Republic of Guinea
24 The President of the Republic of Guinea Bissau
25 The President of the Republic of Kenya
26 The Prime Minister of Lesotho
27 The President of the Republic of Liberia
28 The Leader of the 1st of September Revolution of the Great Socialist People's Libyan Arab Jamahiriya
29 The President of the Republic of Madagascar
30 The President of the Republic of Malawi
31 The President of the Republic of Mali
32 The President of the Islamic Republic of Mauritania
33 The Prime Minister of the Republic of Mauritius

34 The President of the Republic of Mozambique
35 The President of the Republic of Namibia
36 The President of the Republic of Niger
37 The President of the Federal Republic of Nigeria
38 The President of the Republic of Rwanda
39 The President of the Sahrawi Arab Democratic Republic
40 The President of the Republic of Sao Tome and Principe
41 The President of the Republic of Senegal
42 The President of the Republic of Seychelles
43 The President of the Republic of Sierra Leone
44 The President of the Republic of Somalia
45 The President of the Republic of South Africa
46 The President of the Republic of Sudan
47 The King of Swaziland
48 The President of the United Republic of Tanzania
49 The President of the Togolese Republic
50 The President of the Republic of Tunisia
51 The President of the Republic of Uganda
52 The President of the Republic of Zambia
53 The President of the Republic of Zimbabwe

INSPIRED by the noble ideals which guided the Founding Fathers of our Continental Organisation and generations of Pan-Africanists in their determination to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States;

CONSIDERING the principles and objectives stated in the Charter of the Organization of African Unity and the Treaty establishing the African Economic Community;

RECALLING the heroic struggles waged by our peoples and our countries for political independence, human dignity and economic emancipation;

CONSIDERING that since its inception, the Organization of African Unity has played a determining and invaluable role in the liberation of the continent, the affirmation of a common identity and the process of attainment of the unity of our Continent, and has provided a unique framework for our collective action in Africa and in our relations with the rest of the world;

DETERMINED to take up the multifaceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world;

CONVINCED of the need to accelerate the process of implementing the Treaty establishing the African Economic Community in order to promote the socio-economic development of Africa and to face more effectively the challenges posed by globalisation;

GUIDED by our common vision of a united and strong Africa and by the need to build partnerships between governments and all segments of civil society, in particular women, youth and the private sector in order to strengthen solidarity and cohesion among our peoples;

CONSCIOUS of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda;

DETERMINED to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law;

FURTHER DETERMINED to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them to discharge their respective mandates effectively;

RECALLING the Declaration which we adopted at the Fourth Extraordinary Session of our Assembly in Sirte, the Great Socialist People's Libyan Arab Jamahiriya, on 9th September 1999, in which we decided to establish an African Union, in conformity with the ultimate objectives of the Charter of our Continental Organization and the Treaty establishing the African Economic Community;

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

In this Constitutive Act:

«Act» means the present Constitutive Act;

«AEC» means the African Economic Community;

«Assembly» means the Assembly of Heads of State and Government of the Union;

«Charter» means the Charter of the OAU;

«Committee» means a Specialised Technical Committee of the Union;

«Council» means the Economic, Social and Cultural Council of the Union;

«Court « means the Court of Justice of the Union;

«Executive Council» means the Executive Council of Ministers of the Union;

«Member State» means a Member State of the Union;

«OAU» means the Organization of African Unity;

«Parliament» means the Pan-African Parliament of the Union;

«Union» means the African Union established by the present Constitutive Act.

Article 2

Establishment

The African Union is hereby established in accordance with the provisions of this Act.

Article 3

Objectives

The objectives of the Union shall be to:

(a) achieve greater unity and solidarity between the African countries and the peoples of Africa;
(b) defend the sovereignty, territorial integrity and independence of its Member States;
(c) accelerate the political and socio-economic integration of the continent;
(d) promote and defend African common positions on issues of interest to the continent and its peoples;
(e) encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
(f) promote peace, security, and stability on the continent;
(g) promote democratic principles and institutions, popular participation and good governance;
(h) promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;
(i) establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
(j) promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;
(k) promote cooperation in all fields of human activity to raise the living standards of African peoples;
(l) coordinate and harmonise policies between existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
(m) advance the development of the continent by promoting research in all fields, in particular in science and technology; and
(n) work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.

Article 4

Principles

The Union shall function in accordance with the following principles:

(a) Sovereign equality and interdependence among Member States of the Union;
(b) Respect of borders existing on achievement of independence;
(c) Participation of the African peoples in the activities of the Union;
(d) Establishment of a common defence policy for the African Continent;
(e) Peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided upon by the Assembly;
(f) Prohibition of the use of force or threat to use force among Member States of the Union;
(g) Non-interference by any Member State in the internal affairs of another;
(h) The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity;
(i) Peaceful co-existence of Member States and their right to live in peace and security;
(j) The right of Member States to request intervention from the Union in order to restore peace and security;
(k) Promotion of self-reliance within the framework of the Union;
(l) Promotion of gender equality;
(m) Respect for democratic principles, human rights, the rule of law and good governance;
(n) Promotion of social justice to ensure balanced economic development;
(o) Respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities;
(p) Condemnation and rejection of unconstitutional changes of governments.

Article 5

Organs of the Union

1 The organs of the Union shall be:
(a) The Assembly of the Union;
(b) The Executive Council;
(c) The Pan-African Parliament;
(d) The Court of Justice;
(e) The Commission;
(f) The Permanent Representatives Committee;
(g) The Specialised Technical Committees;
(h) The Economic, Social and Cultural Council;
(i) The Financial Institutions.

2 Other organs that the Assembly may decide to establish.

Article 6

The Assembly

1 The Assembly shall be composed of Heads of States and Government or their duly accredited representatives.
2 The Assembly shall be the supreme organ of the Union.
3 The Assembly shall meet at least once a year in ordinary session. At the request of any Member State and on approval by a two-thirds majority of the Member States, the Assembly shall meet in extraordinary session.
4 The Office of the Chairman of the Assembly shall be held for a period of one year by a Head of State or Government elected after consultations among the Member States.

Article 7

Decisions of the Assembly

1 The Assembly shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States of the Union. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.
2 Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Assembly.

Article 8

Rules of procedure of the Assembly

The Assembly shall adopt its own Rules of Procedure.

Article 9

Powers and functions of the Assembly

1 The functions of the Assembly shall be to:
(a) determine the common policies of the Union;
(b) receive, consider and take decisions on reports and recommendations from the other organs of the Union;
(c) consider requests for Membership of the Union;
(d) establish any organ of the Union;
(e) monitor the implementation of policies and decisions of the Union as well as ensure compliance by all Member States;
(f) adopt the budget of the Union;
(g) give directives to the Executive Council on the management of conflicts, war and other emergency situations and the restoration of peace;
(h) appoint and terminate the appointment of the judges of the Court of Justice; and
(i) appoint the Chairman of the Commission and his or her deputy or deputies and Commissioners of the Commission and determine their functions and terms of office.

2 The Assembly may delegate any of its powers and functions to any organ of the Union.

Article 10

The Executive Council

1 The Executive Council shall be composed of the Ministers of Foreign Affairs or such other Ministers or Authorities as are designated by the Governments of Member States.
2 The Executive Council shall meet at least twice a year in ordinary session. It shall also meet in an extraordinary session at the request of any Member State and upon approval by two-thirds of all Member States.

Article 11

Decisions of the Executive Council

1 The Executive Council shall take its decisions by consensus or, failing which, by a two-thirds majority of the Member States. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority.

2 Two-thirds of the total membership of the Union shall form a quorum at any meeting of the Executive Council.

Article 12

Rules of procedure of the Executive Council

The Executive Council shall adopt its own Rules of Procedure.

Article 13

Functions of the Executive Council

1 The Executive Council shall co-ordinate and take decisions on policies in areas of common interest to the Member States, including the following:

(a) foreign trade;
(b) energy, industry and mineral resources;
(c) food, agricultural and animal resources, livestock production and forestry;
(d) water resources and irrigation;
(e) environmental protection, humanitarian action and disaster response and relief;
(f) transport and communications;
(g) insurance;
(h) education, culture, health and human resources development;
(i) science and technology;
(j) nationality, residency and immigration matters;
(k) social security, including the formulation of mother and child care policies, as well as policies relating to the disabled and the handicapped; and
(l) establishment of a system of African awards, medals and prizes.

2 The Executive Council shall be responsible to the Assembly. It shall consider issues referred to it and monitor the implementation of policies formulated by the Assembly.
3 The Executive Council may delegate any of its powers and functions mentioned in paragraph 1 of this Article to the Specialised Technical Committees established under Article 14 of this Act.

Article 14

The Specialised Technical Committees

Establishment and Composition

1 There is hereby established the following Specialised Technical Committees, which shall be responsible to the Executive Council:
(a) The Committee on Rural Economy and Agricultural Matters;
(b) The Committee on Monetary and Financial Affairs;
(c) The Committee on Trade, Customs and Immigration Matters;
(d) The Committee on Industry, Science and Technology, Energy, Natural Resources and Environment;
(e) The Committee on Transport, Communications and Tourism;
(f) The Committee on Health, Labour and Social Affairs; and
(g) The Committee on Education, Culture and Human Resources.

2 The Assembly shall, whenever it deems appropriate, restructure the existing Committees or establish other Committees.
3 The Specialised Technical Committees shall be composed of Ministers or senior officials responsible for sectors falling within their respective areas of competence.

Article 15

Functions of the specialised technical committees

Each Committee shall within its field of competence:

(a) prepare projects and programmes of the Union and submit in to the Executive Council;
(b) ensure the supervision, follow-up and the evaluation of the implementation of decisions taken by the organs of the Union;
(c) ensure the coordination and harmonisation of projects and programmes of the Union;
(d) submit to the Executive Council either on its own initiative or at the request of the Executive Council, reports and recommendations on the implementation of the provision of this Act; and
(e) carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of this Act.

Article 16

Meetings

Subject to any directives given by the Executive Council, each Committee shall meet as often as necessary and shall prepare its rules of procedure and submit them to the Executive Council for approval.

Article 17

The Pan-African Parliament

1 In order to ensure the full participation of African peoples in the development and economic integration of the continent, a Pan-African Parliament shall be established.
2 The composition, powers, functions and organisation of the Pan-African Parliament shall be defined in a protocol relating thereto.

Article 18

The Court of Justice

1 A Court of Justice of the Union shall be established.
2 The statute, composition and functions of the Court of Justice shall be defined in a protocol relating thereto.

Article 19

The Financial Institutions

The Union shall have the following financial institutions, whose rules and regulations shall be defined in protocols relating thereto:
(a) the African Central Bank;
(b) the African Monetary Fund; and
(c) the African Investment Bank.

Article 20

The Commission

1 There shall be established a Commission of the Union, which shall be the Secretariat of the Union.
2 The Commission shall be composed of the Chairman, his or her deputy or deputies and the Commissioners. They shall be assisted by the necessary staff for the smooth functioning of the Commission.
3 The structure, functions and regulations of the Commission shall be determined by the Assembly.

Article 21

The Permanent Representatives Committee

1 There shall be established a Permanent Representatives Committee. It shall be composed of Permanent Representatives to the Union and other Plenipotentiaries of Member States.
2 The Permanent Representatives Committee shall be charged with the responsibility of preparing the work of the Executive Council and acting on the Executive Council's instructions. It may set up such sub-committees or working groups as it may deem necessary.

Article 22

The Economic, Social and Cultural Council

1 The Economic, Social and Cultural Council shall be an advisory organ composed of different social and professional groups of the Member States of the Union.
2 The functions, powers, composition and organisation of the Economic, Social and Cultural Council shall be determined by the Assembly.

Article 23

Imposition of sanctions

1 The Assembly shall determine the appropriate sanctions to be imposed on any Member State that defaults in the payment of its contributions to the budget of the Union in the following manner: denial of the right to speak at meetings, to vote, to present candidates for any position or post within the Union or to benefit from any activity or commitments thereof.
2 Furthermore, any Member State that fails to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly.

Article 24

The Headquarters of the Union

1 The Headquarters of the Union shall be in Addis Ababa in the Federal Democratic Republic of Ethiopia.
2 There may be established such other offices of the Union as the Assembly may, on the recommendation of the Executive Council, determine.

Article 25

Working languages

The working languages of the Union and all its institutions shall be, if possible, African languages, Arabic, English, French and Portuguese.

Article 26

Interpretation

The Court shall be seized with matters of interpretation arising from the application or implementation of this Act. Pending its establishment, such matters shall be submitted to the Assembly of the Union, which shall decide by a two-thirds majority.

Article 27

Signature, ratification and accession

1. This Act shall be open to signature, ratification and accession by the Member States of the OAU in accordance with their respective constitutional procedures.
2. The instruments of ratification shall be deposited with the Secretary-General of the OAU.
3. Any Member State of the OAU acceding to this Act after its entry into force shall deposit the instrument of accession with the Chairman of the Commission.

Article 28

Entry into force

This Act shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-thirds of the Member States of the OAU.

Article 29

Admission to membership

1 Any African State may, at any time after the entry into force of this Act, notify the Chairman of the Commission of its intention to accede to this Act and to be admitted as a member of the Union.
2 The Chairman of the Commission shall, upon receipt of such notification, transmit copies thereof to all Member States. Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Chairman of the Commission who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

Article 30

Suspension

Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union.

Article 31

Cessation of membership

1 Any State which desires to renounce its membership shall forward a written notification to the Chairman of the Commission, who shall inform Member States thereof. At the end of one year from the date of such notification, if not withdrawn, the Act shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Union.
2 During the period of one year referred to in paragraph 1 of this Article, any Member State wishing to withdraw from the Union shall comply with the provisions of this Act and shall be bound to discharge its obligations under this Act up to the date of its withdrawal.

Article 32

Amendment and revision

1. Any Member State may submit proposals for the amendment or revision of this Act.
2. Proposals for amendment or revision shall be submitted to the Chairman of the Commission who shall transmit same to Member States within thirty (30) days of receipt thereof.
3. The Assembly, upon the advice of the Executive Council, shall examine these proposals within a period of one year following notification of Member States, in accordance with the provisions of paragraph 2 of this Article.
4. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority and submitted for ratification by all Member States in accordance with their respective constitutional procedures. They shall enter into force thirty (30) days after the deposit of the instruments of ratification with the Chairman of the Commission by a two-thirds majority of the Member States.

Article 33

Transitional arrangements and final provisions

1. This Act shall replace the Charter of the Organization of African Unity. However, the Charter shall remain operative for a transitional period of one year or such further period as may be determined by the Assembly, following the entry into force of the Act, for the purpose of enabling the OAU/AEC to undertake the necessary measures regarding the devolution of its assets and liabilities to the Union and all matters relating thereto.
2. The provisions of this Act shall take precedence over and supersede any inconsistent or contrary provisions of the Treaty establishing the African Economic Community.
3. Upon the entry into force of this Act, all necessary measures shall be undertaken to implement its provisions and to ensure the establishment of the organs provided for under the Act in accordance with any directives or decisions which may be adopted in this regard by the Parties thereto within the transitional period stipulated above.
4. Pending the establishment of the Commission, the OAU General Secretariat shall be the interim Secretariat of the Union.

5 This Act, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) being equally authentic, shall be deposited with the Secretary-General of the OAU and, after its entry into force, with the Chairman of the Commission who shall transmit a certified true copy of the Act to the Government of each signatory State. The Secretary-General of the OAU and the Chairman of the Commission shall notify all signatory States of the dates of the deposit of the instruments of ratification or accession and shall upon entry into force of this Act register the same with the Secretariat of the United Nations.

ii MEMORANDUM OF UNDERSTANDING ON SECURITY, STABILITY, DEVELOPMENT AND CO-OPERATION IN AFRICA, DURBAN, SOUTH AFRICA, JULY 2002

PREAMBLE

We the Member States of the OAU/AU;

1 **Recalling** the objectives and principles of the Constitutive Act of the African Union;
2 **Conscious** of the importance of the Conference on Security, Stability, Development and Cooperation (CSSDCA) and New Partnership for Africa's Development (NEPAD), and the convergence and complementarity of their objectives in the realisation of the goals of the Constitutive Act of the African Union;
3 **Emphasising** the interdependence of security and stability on the one hand and development and cooperation on the other;
4 **Recalling** the CSSDCA Solemn Declaration adopted by the 36th Ordinary Session of the Assembly of Heads of State and Government in Lomé Togo, in July 2000;
5 **Affirming** that in the exercise of our sovereign right to determine our laws and regulations, we shall conform to our legal obligations under the OAU Charter, the Treaty Establishing the African Economic Community (AEC), the Cairo Declaration on the Establishment of a Mechanism for Conflict Prevention, Management and Resolution and the Constitutive Act of the African Union, having due regard to implementing the CSSDCA Solemn Declaration;
6 **Reaffirming** our commitment to the maintenance of security and stability on the continent;

7 **Recognising** that this commitment, which reflects the interests and aspirations of African peoples, constitutes for each participating State a present and future responsibility, heightened by experience of the past;
8 **Committed** to give effect and expression, by all appropriate ways and means to the duty of ensuring security and stability arising from the generally recognised principles and rules of international law and those obligations arising from treaties or other agreements, in accordance with internationally accepted norms, to which we are parties;
9 **Resolved** to subscribe to a set of core values and key commitments to buttress the process of security and stability in Africa and reflecting the common will to act, in the application of the principles set out in the CSSDCA Solemn Declaration;

AGREE AS FOLLOWS:

I. CORE VALUES

To respect and abide by the following indivisible core values, all of primary importance, in guiding our relations:

(a) Every African State is sovereign. Every State respects the rights inherent in the territorial integrity and political independence of all other African States, without prejudice to the provisions of Article 4 of the AU Constitutive Act, sections (h) and (j) and other relevant international instruments.
(b) The centrality of security as a multi-dimensional phenomenon that goes beyond military considerations and embraces all aspects of human existence, including economic, political and social dimensions of individual, family, community and national life.
(c) Peace and security are central to the realisation of development of both the state and individuals. Thus the security of the African people, their land and property must be safeguarded to ensure stability, development and cooperation of African countries.
(d) The security of each African country is inseparably linked to that of other African countries and the African continent as a whole.
(e) The plight of African Refugees and Internally Displaced Persons constitutes a scar on the conscience of African governments and people.
(f) Africa's strategic and natural resources are the property of the people of Africa and the leadership should exploit them for the

common good of the people of the continent, having due regard for the need to restore, preserve and protect the environment.

(g) Uncontrolled spread of small arms and light weapons as well as the problem of landmines constitutes a threat to peace and security on the African continent.

(h) Good governance including, accountability, transparency, the rule of law, elimination of corruption and unhindered exercise of individual rights as enshrined in the African Charter on Human and People's Rights and those of the Universal Declaration of Human Rights is a prerequisite for sustainable peace and security in Africa as well as a necessary condition for economic development, cooperation and integration.

(i) A fundamental link exists between stability, human security, development and cooperation in a manner that each reinforces the other.

(j) Sustainable Stability in Africa demands the establishment and strengthening of democratic structures and good governance based on common tenets.

(k) The rejection of unconstitutional changes of government in any African country as a threat to order and stability in the African continent as a whole.

(l) Respect and promotion of human rights, the rule of law and equitable social order as the foundation for national and continental stability.

(m) The eradication of corruption, which undermines Africa's quest for socio-economic development and the achievement of sustainable stability on the continent.

(n) No political organisation should be created on the basis of religious, sectarian, ethnic, regional or racial considerations. Political life should be devoid of any extremism.

(o) The conduct of electoral processes in a transparent and credible manner and a concomitant obligation by the parties and candidates to abide by the outcome of such processes in order to enhance national and continental stability.

(p) Development is about expanding human freedoms. The effort of Member States at achieving development is aimed at the maximum expansion of the freedoms that people enjoy.

(q) The freedoms that Africans seek and deserve, inter alia, include freedom from hunger, freedom from disease, freedom from ignorance and access to the basic necessities for enhancing the quality of life. These freedoms can best be achieved through expansion of the economic space including the rapid creation of wealth.

(r) Economic development is a combined result of individual action. Africans must be free to work and use their creative energies to improve their well-being in their own countries. The state's involvement in the activities of individual economic actors should be supportive of individual initiatives.

(s) Acknowledgement of the important role of the State in economic development not only in providing regulatory frameworks but also through active cooperation with private sector, and civil society, including business associations and organisations as partners of development to promote economic growth, social and economic justice.

(t) All priorities in economic policy-making shall be geared towards eliminating poverty from the continent and generating rapid and sustainable development in the shortest possible time.

(u) Cooperation and integration in Africa is key to the continent's socio-economic transformation and effective integration into the world economy.

(v) Harmonisation and strengthening of the Regional Economic Communities (RECs) in key areas as an essential component of the integration process, through the transfer of certain responsibilities as well as effective reporting and communication structure involving the RECs in continental initiatives.

(w) Strong political commitment including the involvement of all stakeholders, the private sector, civil society, women and youth as a fundamental principle for the achievement of regional economic integration and development.

(x) Investment in Science and Technology as a fundamental input into the development of all sectors and raising living standards.

II. COMMITMENTS TO GIVE EFFECT TO THE CORE VALUES

To give effect to the above core values, we undertake to:

(a) Develop a collective continental architecture for promoting security and inter-African relations that goes beyond the traditional military definition and embraces imperatives pertaining to human security, principles relating to good governance, the promotion of democracy and respect for human rights and the legitimate rights of leaders after they vacate office.

(b) Promote a policy of good neighbourliness as a foundation for enhancing inter-state relations.

(c) Recommit to the adoption of a comprehensive response for

the prevention and resolution of conflict, with emphasis on the prevention and containment of conflicts before they erupt into violent confrontation and the creation of an African capacity for regional peace-support operations as a measure for conflict resolution. Commit ourselves, within this framework, to operationalise the code of conduct on Inter-African relations adopted by the 30th Ordinary Session of the Summit of Heads of State and Government in Tunis in June 1994.

(d) Strengthen, consolidate and sustain regional and continental conflict management mechanisms, with primary emphasis on the AU Mechanism for Conflict Prevention, Management and Resolution and its early warning system.

(e) Establish a strong cooperation framework for security between the Regional Economic Communities (RECs), the AU and the United Nations (UN).

(f) Undertake to address border problems that continue to threaten the prospects of peace and security in Africa by ensuring the delimitation and demarcation of the borders of Member States in a peaceful manner.

(g) Create and strengthen disaster management mechanisms at national, regional and continental levels.

(h) Implement the OAU Convention on the Prevention and Combating of Terrorism adopted in Algiers in 1999.

(i) Develop additional protocols, as appropriate, as well as an Action Plan to combat the occurrence and spread of terrorism in all its forms and manifestations.

(j) Develop policies to combat the illicit proliferation, trafficking and circulation of small arms and light weapons in Africa.

(k) Take appropriate measures for the implementation of relevant treaties on landmines, including the Ottawa Treaty on anti-personnel mines and the Kempton Park Plan of Action, as well as develop policies pertaining to the prohibition of landmines in Africa and strengthen the African capacity for landmine clearance.

(l) Implement policies and agreements designed to eliminate Mercenarism in Africa and other forms of interventions in the internal affairs of African states including the illegal exploitation of the continent's natural resources, which contributes to the escalation of conflicts on the continent.

(m) Strengthen the mechanisms for the protection of refugees as provided for in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa through the full implementation of the Comprehensive Implementation Plan drawn

up in Conakry and adopted by the Council of Ministers in Lomé, Togo, in July 2000, with the support and cooperation of the UN and other international agencies.

(n) Develop national, regional and continental strategies to eradicate criminal organisations and syndicates operating in Africa and establish joint cross-border operations to investigate and apprehend criminal elements and stop money laundering, drug and human trafficking.

(o) Adhere to the fundamental tenets of a plural democratic society as contained in the 1990 Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place In the World, the 1995 Cairo Agenda for Action, the 1999 Grand Bay (Mauritius) Declaration and Plan of Action on Human Rights in Africa, the Lomé Declaration on Unconstitutional Changes and the CSSDCA Solemn Declaration of 2000, amongst others. These should include: promulgated constitution with a Bill of Rights' provision; free and fair elections at constitutionally stipulated intervals; multiparty political systems; separation of powers; an independent judiciary; a free press and freedom of expression and assembly; effective military subordination to civilian authority, and accountability and popular participation in governance.

(p) Uphold the principle of constitutionalism so that the political class and civil society at all levels, commit themselves to abiding by and respecting the provisions of the constitutions of their states.

(q) Ensure independence of the judiciary, particularly through an effective separation of powers, constitutionally guaranteed tenure of office and adequate funding.

(r) Accept the necessity for significant improvement in the African electoral process including the establishment of truly independent national electoral Commissions and other appropriate mechanisms to ensure transparency, fairness, and credibility of elections.

(s) Observance, protection and promotion of the human rights of all Africans in accordance with the provisions of the African Charter on Human and Peoples Rights, and the Grand Bay (Mauritius) Declaration and Plan of Action on Human Rights in Africa including the speedy establishment of the African Court on Human and People's Rights by signing and/or ratification and respect of this legal instrument as well as of all international instruments on human rights.

(t) Strengthen, improve and practice good governance in public and private domains in Africa to ensure adherence to the rule of law; strict accountability by all and transparency in public affairs as called for in the 1995 Cairo Agenda for Action, and other decisions of the Assembly of Heads of State and Government.

(u) Create conditions for economic stability devoid of economic mismanagement with focus on human security and poverty eradication as called for in the 1995 Cairo Agenda for Action and the Treaty Establishing the African Economic Community (Abuja Treaty).

(v) Encourage and provide enabling conditions for popular participation by all African people in the governance and development of their countries as a basis of a people's empowerment to direct their socio-economic transformation.

(w) Provide appropriate conditions for effective participation at national and continental levels by civil society organisations, in particular women's groups, trade unions, the youth and professional associations as envisaged in the Constitutive Act of the African Union.

(x) Develop institutional and administrative capacity for dealing effectively with corruption and criminality, both of which threaten the stability of Africa.

(y) Establish an impartial, efficient, transparent and accountable civil service.

(z) Provide Central Banks with the necessary autonomy to enable them to perform their roles effectively as vital structures for economic stability.

(aa) Develop a shared vision on development, regional cooperation and integration.

(bb) Pursue accelerated development of our countries as the centre of national policies.

(cc) Promote sustainable economic growth and development through the diversification of the production structure of our economies.

(dd) Create a conducive environment to encourage domestic savings, reverse capital flight and attract foreign savings.

(ee) Ensure popular participation, equal opportunity and equitable access to resources for all our people as the basis of our development objectives and strategies.

(ff) Promote partnership, trust and transparency between leaders and citizens as critical elements of sustainable development, based on mutual responsibilities and a shared vision, and in particular, establish a conducive environment for the private sector to generate wealth.

(gg) Aim at a shared economic growth that provides opportunities to the poor and the disadvantaged groups in society, such as women, the youth and disabled.

(hh) Work out and implement the follow-up and evaluation of reproductive health policies and programmes in order to guarantee a better balance between population and economic growth.

(ii) (ii) Develop and adhere to a code of conduct on good governance aimed at establishing democratic developmental oriented states across the continent in order to foster cooperation and integration.

(jj) Invest in human resource development, particularly in the quality of education, and promote cooperation between African centres of excellence and Research and Development institutions as well as reverse the brain drain.

(kk) Promote and protect the rights and welfare of the African child.

(ll) Provide political support for regional integration by making appropriate institutional arrangements, including legislative measures, process and awareness creation to support integration.

(mm) Provide adequate financial support for regional integration and cooperation by incorporating in our annual national budgets, Member States' contribution to RECs and AU, and/or putting in place a self-financing mechanism to ensure their efficient functioning.

(nn) Involve all national stakeholders in the regional integration process including giving them an appropriate role.

(oo) Develop inter-African communications and transport to ensure economic growth, integration and trade amongst African countries.

(pp) Develop and adhere to a common industrial strategy that takes into account the need for a fair distribution of industries within the RECs.

(qq) Put in place mechanisms for countries that are in a position to do so, to provide additional support to African LDCs in their developmental efforts.

(rr) Consolidate the links between South-South and North-South technical cooperation through triangular models, within the spirit of enhancing collective self-reliance in Africa.

(ss) Pursue continental solidarity in all international negotiations including those on market access, debt relief, FDI, ODA, as well as the setting up of the World Solidarity Fund.

(tt) Promote rural development through a public financing mechanism and public private partnerships.

III. KEY PERFORMANCE INDICATORS

We also agree to adopt the following key performance indicators to evaluate compliance with the commitments we have undertaken in the present Memorandum of Understanding:

A. SECURITY

1) Common definition of security

Establish by 2005 a framework for codifying into national laws and legislations the concept of human security as contained in the CSSDCA Solemn Declaration, in order to build confidence and collaborative security regimes at national, regional and continental levels.

2) Non-aggression pacts

Conclude and ratify bilateral and regional non-aggression pacts (where they do not yet exist) by 2006 on the basis of commonly agreed guidelines.

3) Africa's common defence policy

Define by 2005, in accordance with Article 4 (d) of the Constitutive Act of the African Union, Africa's common defence policy in order to strengthen Africa's capacity for dealing with conflicts including dealing with external aggression.

4) Strengthening Africa's capacity for peace-support operations

Establish by 2003, the modalities or mechanisms for implementing the provisions of Article 4(h) and (j) of the Constitutive Act of the African Union, with emphasis on the enhancement of the capacity of the Peace and Security Council to deal with issues relating to peace-support operations, including standby arrangements that were recommended by African Chiefs of Defence Staff.

5) National and regional crime reduction and prevention programmes

Establish by 2005 and strengthen, in places where they already exist, national and regional crime reduction and prevention programmes to

deal effectively with the scourge of criminality in Africa. Such programmes should, through the harmonisation of criminal and penal codes and effective information sharing system, promote, strengthen and foster joint strategies for the management and control of all forms of crimes within the region. The programme should incorporate a mechanism for annual performance assessment. By 2005, establish effective monitoring of crime statistics by policing agencies in each country.

6) Small arms and light weapons

Take appropriate measures for the effective implementation of the Bamako Declaration on an African Common Position on the illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons and the UN Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. In particular, Member States must take the following steps by 2003:

- Establish, where they do not exist, national and regional coordination agencies or frameworks and institutional infrastructure for policy guidance, research and monitoring.
- Adopt the necessary legislative and other measures to establish as criminal offences, the illicit manufacture, possession and trade in small arms and light weapons.
- Adopt appropriate national legislations or regulations to prevent the breaching of arms embargo as decided by the UN Security Council.

Establish at national, regional and continental levels, a framework for regular dialogue with arms manufacturers and suppliers with a view to checking illicit supply of Small Arms and Light weapons.

Convene, by 2004, the Second Ministerial Conference on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons to review the status of implementation of the Bamako Declaration, the UN Program of Action and the status of implementation of relevant treaties on landmines, including the Ottawa Treaty on anti-personnel mines and the Kempton Park Plan of Action. Heads of RECs should also provide status reports on the implementation of their regional programmes.

7) National institutions for prevention and management of conflicts

Establish by 2004, national institutions or mechanisms for prevention, management and resolution of conflicts at community and national

levels with active involvement of Civil Society Organisations (CSOs) and Community Based Organisations (CBOs). It should include indigenous conflict resolution mechanisms, Emergency Relief Assistance and confidence building measures between ethnic, racial and national groups. Such institutions could be national focal points for regional and continental early warning.

8) Early Warning System

Operationalise by 2005, requisite infrastructure and capacity for effective Early Warning System to deal with conflicts in Africa. This should be based on a model of indicators that provides a Vulnerability Index of African countries, which would serve as an objective basis for early warning action. That mechanism should incorporate effective interlinkages and coordination at regional, continental, and international levels. As part of this process, Member States undertake to facilitate early response aimed at the prevention of conflicts.

9) Resource-based conflicts

Given the links between illegal exploitation of resources and conflicts, the Peace and Security Council should develop by 2005, a framework for addressing the problem of illegal exploitation of resources in Africa and combating, in a concerted manner, all networks plundering the resources of Africa and using them to fuel conflicts.

10) African borders

In conformity with the Cairo Summit Decision on borders, conclude by 2012, with the assistance of the UN cartographic unit where required, the delineation and demarcation of borders between African states, where it has not been done, to strengthen peaceful inter-state relations. The outcome of such exercises should be deposited with the African Union and the United Nations. Prior to 2012 when the process should be completed, there should be bi-annual review of the state of implementation.

11) Refugees

By 2003, all OAU/AU Member States that have not done so, should ratify or accede to the 1969 OAU Convention on Refugees and take appropriate measures to adopt the necessary national legislations and/or administrative measures to give full effect to its provisions.

By 2005, the OAU/AU should complete the review of the legal scope of the 1969 Convention to adapt it to current circumstances and to strengthen the implementation of the Comprehensive Implementation Plan adopted in Conakry 2000. In particular, the supervisory mechanism and oversight functions of the OAU/AU should be strengthened to ensure that Member States provide the Secretariat with information and statistics concerning the condition of refugees, the protection of their human rights and mechanisms for mitigating the situation of refugees, separating armed elements from the refugee population and devising measures to compel rebel groups to respect the rights of refugees, returnees and displaced persons in territories under their control.

12) Confidence building measures

Strengthen as soon as possible, existing confidence building measures through, among other means, annual border post activities, joint border patrols, joint border development and management, regular consultations amongst security agencies operating along the borders, joint training programmes for personnel operating at the borders, including workshops and seminars to educate them on regional and continental agreements on free movement of persons, goods and services and stabilising measures for localised crisis situations for inter-state relations.

13) Terrorism

All Member States are encouraged to sign and ratify the OAU Convention on the Prevention and Combating of Terrorism of 1999 so that it can enter into force by the end of 2002 and fully implement the obligations entered into therein by 2004.

To facilitate a comprehensive response to the problem of terrorism in Africa, consider by 2003, an Action Plan and a Protocol which will provide for, among other things, national, regional and continental strategies to eradicate criminal organisations and syndicates operating in Africa, effective monitoring of the movement of persons and goods across borders by utilising crime analysis and information gathering capability and establishment of joint border operations to investigate and apprehend criminal elements and to stop money laundering, drug and human trafficking.

B. STABILITY

14) Tenets of democratic society

By 2004 adopt, and in some cases recommit, to the fundamental tenets of a democratic society as stipulated in the CSSDCA Solemn Declaration as an African common position, namely, a Constitution and a Bill of Rights provision, where applicable, free and fair elections, an independent judiciary, freedom of expression and subordination of the military to legitimate civilian authority; rejection of unconstitutional changes of government; and implement these principles by 2005, where they are not already applicable.

15) Democratisation and good governance

Elaborate by 2004 principles of good governance based on sound management of public finances and commonly agreed set of indicators to be included in national legislations, including decentralisation of administration and effective, transparent control of state expenditure. By 2003, all African countries should enact legislation to provide for the impartiality of public services, the independence of the judiciary and the necessary autonomy of public institutions such as the Central bank and the office of the Auditor-general.

16) Limitation to the tenure of political office holders

Adopt by 2005 a commonly derived Code of Conduct for Political Office Holders that stipulates, among others, an inviolate constitutional limitation on the tenure of elected political office holders based on nationally stipulated periodic renewal of mandates and governments should scrupulously abide by it.

17) Anti-corruption Commission

Adoption, signing and ratification of an OAU Convention on Combating Corruption. Establish by 2004 in each African country (where it is not presently in existence) an independent anti-corruption Commission, with an independent budget that must annually report to the national parliament on the state of corruption in that country.

18) Independent national electoral commissions

Establish by 2003 where they do not exist, independent national electoral commissions and/or other appropriate mechanisms and institutions to ensure free, fair, and transparent elections in all African countries.

19) Election observation

Adopt and standardise by 2003, guidelines for independent and effective observations of elections in AU Member States, with the provision of an effective electoral unit within the AU Commission. The guidelines must include provisions for strengthening civil society and local monitoring groups in individual African countries and the continent as a whole to support the process of ensuring free and fair elections.

The Commission should be gradually equipped and funded to conduct independent election observation by 2003. The reports of the various election observation teams of the AU should be made public.

20) Campaign finance reforms

Conclude by 2004 legal mechanisms for the institution of campaign finance reform including disclosure of campaign funding sources and for proportionate state funding of all political parties, to ensure transparency, equity and accountability in electoral contests.

21) Inclusive systems of governance

Conclude by 2004 appropriate arrangements, including electoral reforms, for the institution of more inclusive systems of government.

22) Popular participation

Implement the provisions of the Charter for Popular Participation for development and transformation in Africa, adopted by the Assembly of Heads of State and Government in 1990 by creating more enabling conditions for increased participation of women, the youth and civil society organisations.

23) Political parties

Adopt by 2004, where it does not exist, enabling legislations on the formation and operation of political parties to ensure that such parties

are not formed and operated on the basis of ethnic, religious, sectarian, regional or racial extremism and establish a threshold of voter support as criteria for public funding, without compromising freedom of association and the principle of multi-party democracy.

24) Rights of the child

By 2003, all Member States should sign and ratify the African Charter on the Rights and Welfare of the Child and by 2005, fully implement the obligations entered into therein.

By 2003, all Member States to ratify the UN Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict, the Protocol on the Trafficking and Sexual Exploitation of Children and all other instruments related to the Rights of the Child and implement the Protocols by 2005, including effective plans of action, in regions where they do not exist, for the demobilisation of child soldiers.

25) Enact key elements of Bill of Rights

By 2004, pending inclusion of a Bill of Rights, including the embedded obligations of citizens, where applicable, in every constitution in Africa, all Member States should incorporate into national codes or laws, where it does not exist, provisions of habeas mandamus and habeas corpus to protect every citizen of Africa from arbitrary arrest or detention without trial and other forms of cruel and degrading treatment and put in place mechanisms for the monitoring and effective implementation of these codes.

26) Observance, protection and promotion of human rights

By 2003, all African countries that have not done so, should ratify the Protocol to the African Charter on Human and People's Rights establishing the African Court on Human and People's Rights, as well as all other relevant international instruments for the protection and promotion of human rights; and vigorously proceed with the implementation of such requirements including all provisions of the Charter on Peoples and Human Rights and the Grand Bay Declaration and Plan of Action on Human Rights in Africa, including the provision of required resources for the work of these bodies.

By 2004, all African countries should submit annual reports on the status of human and peoples' rights within their countries to the African Commission of Human and Peoples Rights. The African Commission on Human and Peoples' Rights should be provided with adequate resources to enable it to produce comprehensive, independent and publicly available annual surveys by 2006.

27) Status of women

By 2005, take measures to promote equality of women, and ensure the representation of women in all national, regional and continental institutions, as well as the elimination of all laws that discriminate against women in African countries. They should also adopt, sign and ratify the Protocol to the African Charter relating to the Rights of Women in Africa as well as other instruments and mechanisms to guarantee and preserve the rights of women.

By 2005, all Member States to sign, ratify and accede to the UN Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW).

28) The criminal justice system

Set up by 2005 in every African country an independent Commission to determine measures for improving critical aspects of correction, reform and parole in the Criminal justice system, with particular emphasis on improving prison conditions in Africa, setting up, where they do not exist, Parole Boards, increasing the focus on rehabilitation and finding alternatives to incarceration particularly among juvenile offenders, and placing more emphasis on restorative justice.

C. DEVELOPMENT

29) Economic growth and development

Increase the rate of growth of the economies of Africa by an average annual growth rate of 7 %, which is the minimum needed to reduce poverty as stipulated in the International Development Goals and reaffirmed in NEPAD and in previous agreements and commitments.

30) Savings and investments

Increase the savings and investment ratio to the level needed to achieve the 7 % growth rate mentioned above.

31) Capital flight

Reduce levels of capital flight by half by 2008 through appropriate policy measures, with a view to eliminating it by 2015.

32) Foreign direct investment

Increase Africa's share of Foreign Direct Investment (FDI) inflows from the current 1 % of total global FDI, to a minimum of 2 % in 5 years and increase by 2 % every year until it reaches 10 % of total global FDI flows.

33) Infrastructure

Increase investment in physical infrastructure, (transport and telecommunications) as a ratio to GDP to the level that obtains in middle-income countries and social infrastructure to about 10 % of GDP by the year 2020 and the development and interconnection of intra-African transport and communication networks and services.

34) Common standards

Development of a common system of standards and specifications to help foster intra-African exchange of goods and services.

35) Industrialisation

Increase value added in manufacturing in the Continent from the current 17 % to 25 % by the year 2010. For countries that have not achieved the average African level, to double the level of manufacturing every 10 years until it reaches the average for African countries.

36) Intra-African trade

Increase share of intra-African trade to 20 % of the total trade of Member States by 2005 in accordance with various resolutions of OAU and RECs.

37) Trade

Increase Africa's share of world trade from its current 2 % level to 4 % by 2010, as well as diversified Africa's exports to reflect this change in the structure of production.

38) Agricultural productivity

Increase agricultural productivity at a rate twice that of population growth.

39) Poverty alleviation and equitable income distribution

In line with the Millennium Development Goals, and as recognised in the NEPAD, attain the goal of reducing the proportion of people living in extreme poverty by half by the year 2015.

D. COOPERATION

40) Customs Union and Common Market

Establish a firm and binding commitment by all Member States for all the RECs to attain full Customs Union status by 2005, and full Common Market status by 2010, in line with AU integration objectives and the call by the CSSDCA Solemn Declaration to work towards a shortened timetable for the full realisation of the African Economic Community.

41) Policy harmonisation and market integration

Harmonise macro-economic policies including comprehensive convergence criteria and sectoral policy coordination to be completed by 2005 in all RECs, in order to achieve the goal of 7 % GDP growth rate annually as called for in the NEPAD – within the context of integration arrangement.

42) Investment code

Conclusion and adoption by 2005 of a single investment code in each REC to provide a common enabling environment, in conformity with the projected Customs Union.

43) Physical integration and infrastructure

Adoption by 2005, in regions where they do not exist, of binding Agreements and protocols on all the major physical integration projects that have been identified, including priority access for landlocked countries and the participation of all countries in projects such as the Regional African Satellite Communicating System (RASCOM) being one of the vital African projects prior to the planned launching of RASCOM by the last quarter of 2002. Similarly the implementation by 2005 of the Yamoussoukro Declaration concerning the Liberalisation of Air Transport Markets in Africa.

44) Industrial policy

Binding agreement reached by 2005 on common industrial policy within RECs.

45) Common natural resources

Early take off of the African Energy Commission (AFREC) to assure the completion of the energy development plans by 2003 bearing in mind the NEPAD target of 35 % access to reliable and affordable commercial energy supply for the African population in 20 years; and encouragement of all RECs to conclude plans, binding agreements and protocols by 2003 for the development of other projects on the utilisation of common natural resources. In this connection, immediate steps should be taken to mobilise African entrepreneurs to establish multinational companies for the execution of large scale projects in Africa.

46) Rationalisation of RECS

Complete by 2005, the harmonisation and rationalisation of all RECs, in order to facilitate convergence into the African Union.

47) Intra-RECs cooperation

Strengthened framework and programme for deepening horizontal interactions among RECs starting 2002 in fulfilment of the Protocol on relations between the AEC and the RECs, and, in line with the Lusaka Summit decision on the establishment of the AU.

48) Cooperation in health matters

Strengthened cooperation in health matters, including the adoption of a Health Protocol in all RECs by 2003 and implementation of the binding commitment on allocating 15 % of our national budget to the improvement of the health sector as agreed to in the Abuja Summit Declaration on HIV/AIDS, Tuberculosis and other related Infectious Diseases.

49) Harmonisation and coordination of education policies

Attainment of set targets in the Plan of Action on the Decade of Education as adopted by the Summit of OAU Heads of State and Government in 1999, particularly universal basic education by 2015.

50) Information and Communication Technology (ICT)

Adoption of policy regulatory ICT frameworks that are transparent, predictable, and ensure fair competition and open markets by 2005. Improvement of access for households and firms, with a short-term objective to double teledensity to two lines per 100 people by 2005, with an adequate level of access for households. Simultaneously, lowering of the cost and improvement of reliability of service, and achievement of e-readiness for all countries of Africa.

IV. FRAMEWORK OF IMPLEMENTATION

We further agree to the following framework of implementation as a means of carrying out the commitments contained in this Memorandum of Understanding:

1. To incorporate CSSDCA principles and guidelines in our national institutions that would have responsibility for helping in the monitoring of the CSSDCA activities as prescribed in the Solemn Declaration on the CSSDCA. To this end we shall initiate, appropriate actions, including legislative, executive or administrative actions to bring national laws or regulations in conformity with CSSDCA.
2. To take all necessary measures in accordance with the constitutional procedures, in each of our Member States, to ensure the dissemination of such legislation as may be necessary for the implementation of the fundamental objectives.
3. To designate focal points within our existing national institutions (states, civil society, the private sectors, etc.) for CSSDCA pro-

grammes. The focal point shall be responsible for coordinating and monitoring all activities relating to the CSSDCA. In addition, the focal point shall undertake, on annual basis, monitoring of the country's compliance with the CSSDCA process.

4 To also establish within our existing national institutions a national coordinating committee, consisting of all stakeholders dealing with the various calabashes of the CSSDCA framework, to develop and coordinate the overall strategies and policies towards the four calabashes of the CSSDCA.

5 To create favourable conditions for the development of the African continent, in particular by harmonising our national strategies and policies and refrain from any unilateral action that may hinder the attainment of the general and specific principles of the CSSDCA as contained in the Solemn Declaration and undertakings derived thereof.

6 To provide, within all the RECs, appropriate institutional framework for the implementation of the CSSDCA Solemn Declaration and the Memorandum of Understanding on Security, Stability, Development and Cooperation.

7 To use the monitoring process of the CSSDCA to establish best current knowledge and practices that would strengthen democratic practices, the protection of human rights and the promotion of good governance in the continent.

8 To strengthen and enlarge the CSSDCA Unit, including endowing it with adequate human resources and funds, as well as an enhanced technical analytic capacity to take initiatives within the structure of the envisaged Commission of the African Union and to enable it perform its tasks efficiently and effectively, particularly in respect of coordination and harmonisation of policies of Member States.

9 To ensure that the CSSDCA Process forms part and parcel of the work programme of the Commission of the African Union.

10 To consolidate and strengthen political will among Member States as a necessary and sufficient condition for the attainment of the goals set forth by Member States in the CSSDCA process.

V. MONITORING PERFORMANCE

We finally agree to the following mechanisms for measuring performance:

1 To convene, in accordance with the Solemn Declaration on the CSSDCA, a Standing CSSDCA Conference at Summit level every two years during ordinary sessions of Summit, review meetings of pleni-

potentiaries and senior officials in between sessions of the Standing Conference.

2 The Member States' commitment to security and stability shall form part of these reviews. These commitments will serve as agreed benchmark criteria and indices, with key performance indicators as instruments for measurement of compliance in monitoring progress towards agreed goals.

3 In preparing for those reviews, the national mechanisms for monitoring the core values and commitments of the Security and Stability Calabashes shall work closely with the CSSDCA Unit, which will elaborate a comprehensive work programme and time schedule for its activities including, administrative arrangements for overseeing the monitoring process, with diagnostic tools and measurement criteria for assessing performance, as well as deficiencies and capacity restraints that impede them. All stakeholders in providing inputs for the review process will use the diagnostic tools and measurement criteria and highlight capacity restraints or gaps that should be bridged to enable higher standards of performance along with resources that should be mobilised to support this process. This process of peer scrutiny will facilitate the development of best practices and suggest ways in which they can be effectively transferred to where they are not in operation.

4 The national mechanisms for evaluation will, according to predetermined criteria, produce country reports. These inputs shall be obtained from specialised agencies, the private sector, civil society organisations, and parliamentarians as part of a general process of evaluation. The different inputs will be cross-referenced to provide a clear and accurate representation.

5 Regional Economic Communities shall also play a role in these reviews. The Executive Heads of Regional Economic Communities should thus be invited to the Review Meetings of plenipotentiaries and senior officials.

6 In carrying out the tasks of monitoring performance, the Coordinating Unit of the CSSDCA in the OAU/AU shall coordinate closely with the national and regional focal points. It shall seek the cooperation of regional and international bodies in the context of the relevant Calabashes on Security, Stability, Development and Cooperation, as well as support and assistance from other relevant international organisations or institutions and other cooperation agencies especially the ECA, ADB, UNDP, IMF, IOM and IBRD to promote the realisation of the objectives of the CSSDCA process.

7 The CSSDCA Process will also be supported by visitation panels composed of eminent, reputable Africans to carry out professional, independent and objective on spot assessments in two-year circles as part of the preparation for the bi-annual Standing Conferences of the CSSDCA. Such visitation panels will raise the visibility and credibility of the process and augment the permanent and continuous monitoring process.

We express our determination to respect and apply fully the undertakings, as set forth in the present Memorandum of Understanding in all aspects, in our mutual relations and cooperation, in order to assure each of our Member States the benefits resulting from the respect and application of these undertakings by all.

We are convinced that respect for these undertakings will encourage the development of normal and friendly relations and the progress of cooperation among our countries and peoples. We are also convinced that respect for the core values and commitments contained in this Memorandum of Understanding will encourage the development of contacts among our countries, which, in time, would contribute to better mutual understanding of our commitments. We commit ourselves to respect and implement all the above undertakings in conformity with Articles 9 (e) and 23 (2) of the Constitutive Act of the African Union.

iii FIRST DECLARATION ON THE AFRICAN UNION BORDER PROGRAMME AND ITS IMPLEMENTATION MODALITIES AS ADOPTED BY THE CONFERENCE OF AFRICAN MINISTERS IN CHARGE OF BORDER ISSUES, ADDIS ABABA, ETHIOPIA, 4 to 7 JUNE 2007, EX.CL/352(XI)

PREAMBLE

1 We, the Ministers in Charge of Border Issues in the Member States of the African Union, meeting in Addis Ababa, Ethiopia, on 7 June 2007 to deliberate on the African Union Border Programme and its implementation modalities:

(a) Inspired by the conviction that the achievement of greater unity and solidarity among African countries and peoples require the reduction of the burden of borders separating African States;

(b) Convinced that, by transcending the borders as barriers and promoting them as bridges linking one State to another, Africa

can boost the on-going efforts to integrate the continent, strengthen its unity, and promote peace, security and stability through the structural prevention of conflicts;

(c) Guided by:

(i) the principle of the respect of borders existing on achievement of national independence, as enshrined in the Charter of the Organization of African Unity (OAU), Resolution AHG/Res.16(I) on border disputes between African States, adopted by the 1st 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 African Union;

(ii) the principle of negotiated settlement of border disputes, as provided for notably in Resolution CM/Res.1069 (XLIV) on peace and security in Africa through negotiated settlement of boundary disputes, adopted by the 44th 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;

(iii) 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 (CSSDCA), adopted by the Assembly of Heads of State and Government, held in Durban (South Africa) in July 2002, which provides for the delimitation and demarcation of African boundaries by 2012, where such an exercise has not yet taken place;

(iv) the will to accelerate and deepen the political and socio-economic integration of the continent and provide it with a popular base, as stipulated in the Constitutive Act, and

(v) the decision adopted by the 8th Ordinary Session of the Assembly of Heads of State and Government of the African Union, held in Addis Ababa in January 2007, encouraging the Commission to pursue its efforts at structural prevention of conflicts, especially through the implementation of the Border Programme of the African Union.

(d) Having considered the report of the meeting of government experts [BP/EXP/3(II)], held in Addis Ababa from 4 to 5 June

2007, and on the basis of the Summary Note on the African Union Border Programme and its Implementation Modalities [BP/EXP/2(II)].

HAVE AGREED AS FOLLOWS:

On the justification of the AU Border Programme

2 We underscore the relevance of the African Union Border Programme, based on the need:
(a) to address the persistence of the border delimitation and demarcation issues: Subject to an inventory to be undertaken, it is estimated that less than a quarter of African borders have been delimited and demarcated. This situation is fraught with risks, as the lack of delimitation and demarcation gives rise to 'undefined zones', within which the application of national sovereignty poses problems, and constitutes a real obstacle to the deepening of the integration process;
(b) to address cross-border criminal activities;
(c) to consolidate the gains made in the regional integration process, as demonstrated by the existence of the Regional Economic Communities (RECs) and of numerous large-scale cooperation initiatives; and
(d) to facilitate the development of cross-border integration dynamics, which are sustained by local stakeholders.

3 We 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.

On the objectives of the AU Border Programme

4 We request the Commission of the African Union to coordinate the implementation of this Programme whose overall goal is the structural prevention of conflicts and the promotion of regional and continental integration and, more specifically:
(a) the facilitation of, and support to, delimitation and demarcation of African boundaries where such exercise has not yet taken place;
(b) the reinforcement of the integration process, within the framework of the RECs and other large-scale cooperation initiatives;

(c) the development, within the framework of the RECs and other regional integration initiatives, of local initiative cross-border cooperation; and
(d) capacity building in the area of border management, including the development of special education and research programmes.

On the implementation principles of the AU Border Programme

5 We note that the implementation of the AU Border Programme will be effected at several levels – national, regional and continental, and that the responsibility of each of these levels should be determined on the basis of the principle of subsidiarity and respect of the sovereignty of States.
(a) Border delimitation and demarcation
(i) The delimitation and demarcation of boundaries depend primarily on the sovereign decision of the States. They must take the necessary steps to facilitate the process of delimitation and demarcation of African borders, including maritime boundaries, where such an exercise has not yet taken place, by respecting, as much as possible, the time-limit set in the Solemn Declaration on the CSSDCA. We encourage the States to undertake and pursue bilateral negotiations on all problems relating to the delimitation and demarcation of their borders, including those pertaining to the rights of the affected populations, with a view to finding appropriate solutions to these problems.
(ii) The Regional Economic Communities and the African Union should assist the States in mobilising the necessary resources and expertise, including by facilitating exchange of experiences and promoting inexpensive border delimitation and demarcation practices.
(iii) The Commission of the African Union should conduct a comprehensive inventory of the state of African boundaries and coordinate the efforts of the Regional Economic Communities, and launch a large-scale initiative aimed at sensitising the international community on the need to mobilise the required resources and any other necessary support. On their part, the former colonial powers should submit all information in their possession regarding the delimitation and demarcation of African borders.

(b) Local cross-border cooperation

(i) The local stakeholders should be the direct initiators of cross-border cooperation under the auspices of the States.

(ii) The States should, with the assistance of the African Union, facilitate local initiatives and mandate the Regional Economic Communities to implement regional support programmes for cross-border cooperation.

(iii) The Regional Economic Communities should provide the legal framework necessary for the formalisation of cross-border cooperation and establish regional funds for financing such cooperation.

(iv) The Commission of the African Union should take the necessary steps to ensure that cross-border cooperation is included in the major international initiatives launched in favour of the continent, as well as play a coordination role and facilitate the exchange of information and good practices between the Regional Economic Communities.

(c) Capacity building

The African Union Border Programme should, on the basis of close coordination between the different levels concerned, carry out an inventory of African institutions that offer training in this domain, explore avenues for collaboration with relevant training centres outside Africa, and, on the basis of the above, design a capacity building programme in the area of border management.

On partnership and resource mobilisation

6 We request the Commission of the African Union to coordinate and implement the Border Programme on the basis of inclusive governance involving the Member States, the Regional Economic Communities, parliamentarians, locally elected representatives and civil society, as well as the European border movement, particularly the Association of European Border Regions, the United Nations and other African Union partners having experience in cross-border cooperation.

On the initial measures for launching the Border Programme and the follow-up of this Declaration

7 We request the Commission of the African Union to take the following initial measures:
   (a) launching of a Pan-African survey of borders, through a questionnaire to be sent to all Member States, in order to facilitate the delimitation and demarcation of African borders;
   (b) identification of pilot regions or initiatives for the rapid development of regional support programmes on cross-border cooperation, as well as support for the establishment of regional funds for financing local cross-border cooperation;
   (c) working out modalities for cooperation with other regions of the world to benefit from their experiences and to build the necessary partnerships;
   (d) initiating an assessment with regard to capacity building;
   (e) initiating the preparation of a continental legal instrument on cross-border cooperation; and
   (f) launching a partnership and resource mobilisation process for the implementation of the AU Border Programme.

8 We recommend to institutionalise the Conference of African Ministers in Charge of Border Issues, which should be held on a regular basis.

9 We request the Chairperson of the Commission of the African Union, as soon as the present Declaration is endorsed by the Executive Council, to take the necessary steps for its implementation, including the enhancement of the capacity of the Conflict Management Division of the Peace and Security Department of the Commission, and to report regularly to the relevant organs of the African Union on the status of implementation.

iv DECISION OF THE CONFERENCE OF AFRICAN MINISTERS IN CHARGE OF BORDER ISSUES HELD IN ADDIS ABABA, ON 7 JUNE 2007 DOC. EX.CL/352 (XI), ENDORSED BY THE 11TH ORDINARY SESSION OF THE EXECUTIVE COUNCIL HELD IN ACCRA, GHANA, 25 to 29 JUNE 2007 EX.CL/DEC. 370 (XI)

The Executive Council:

1. TAKES NOTE of the Report of the Conference of African Ministers in Charge of Border Issues held in Addis Ababa, Ethiopia, on 7 June 2007;
2. ENDORSES the Declaration on the African Union Border Programme and its implementation modalities as adopted by the Ministerial Conference;
3. REQUESTS the Chairperson of the Commission and Member States to take all appropriate measures to implement the Declaration and to submit regular reports thereon to the policy organs of the African Union.

v DECISION ON THE IMPLEMENTATION OF THE AFRICAN UNION BORDER PROGRAMME (DOC.EX. CL/459 (XIV)), 26 to 30 JANUARY 2009

The Executive Council:

1. TAKES NOTE of the Report of the Chairperson of the Commission on the Implementation of the African Union Border Programme (AUBP);
2. RECALLS Decision EX.CL/Dec.370 (XI) adopted at its Eleventh Ordinary Session held in Accra, Ghana, from 28 to 29 June 2007, through which Council endorsed the AUBP;
3. WELCOMES the progress made in the implementation of the AUBP;
4. ENCOURAGES the Commission to persevere in its efforts, in particular through the pursuit of the enhancement of its capacities, notably in terms of human resources, the sensitisation campaign on the AUBP, the launching of consultancies on the key components of the AUBP, the elaboration of a legal instrument on cross-border cooperation, the initiation of a programme of exchange of experiences

and best practices and the convening of the Second Conference of African Ministers in Charge of Border Issues;

5 INVITES Member States to take all the necessary measures to fully play their role in the implementation of the AUBP, and FURTHER INVITES those countries that have not yet done so to respond as soon as possible to the questionnaire on the state of African borders, to accelerate the delimitation and demarcation process of African borders where such an exercise has not yet taken place, through dialogue, and to take all the necessary steps to strengthen local initiative on cross-border cooperation;

6 EXPRESSES ITS GRATITUDE to the Government of the Federal Republic of Germany for its assistance to the implementation of the AUBP, and URGES the other African Union (AU) partners to support the implementation of the AUBP and, where relevant, honour the commitments made;

7 ENCOURAGES the Commission to take initiatives to develop cross-border cooperation, both as an indispensable complement of delimitation and demarcation of African borders, where this has not yet been done;

8 FURTHER ENCOURAGES the Commission to take all the necessary steps to ensure that the 2012 deadline set by the Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa (CSSDCA) for the delineation and demarcation of all borders is achieved as much as possible;

9 REQUESTS the Commission to ensure that the AUBP is implemented on the basis of the principle of subsidiarity, taking into account the respective roles incumbent on the Member States, the Regional Economic Communities (RECs) and the AU;

10 ALSO REQUESTS the Commission to continue to work actively towards the establishment of partnerships with organisations that have experience in the management of border issues, in particular the United Nations, the European Union and the Organization of American States;

11 FURTHER REQUESTS the Commission to report regularly on the implementation of the AUBP.

vi SECOND DECLARATION ON THE AFRICAN UNION BORDER PROGRAMME AND THE MODALITIES FOR THE PURSUIT AND ACCELERATION OF ITS IMPLEMENTATION, ADDIS ABABA, ETHIOPIA, 25 MARCH 2010, EX.CL/352(XI)

PREAMBLE

1 We, the Ministers of the Member States of the African Union (AU) in charge of Border Issues, meeting in Addis Ababa, Ethiopia, on 25 March 2010, on the occasion of our 2nd Conference, to deliberate on the African Union Border Programme (AUBP) and agree on the modalities for the pursuit and acceleration of its implementation:

(a) Recalling the Declaration on the African Union Border Programme and its Implementation Modalities [BP/MIN/Decl.(II)], adopted on the occasion of our first Conference held in Addis Ababa, on 7 June 2007, as well as decisions EX.CL/Dec.370(XI) and EX.CL/461 (XIV), adopted by the 11th and 14th Ordinary Sessions of the Executive Council, held respectively in Accra, Ghana, from 25 to 29 June 2007, and in Addis Ababa, from 29 to 30 January 2009;

(b) Further recalling the relevant principles which underpin the AUBP, particularly:

(i) the principle of the respect of borders existing on achievement of national independence, as enshrined in the Charter of the Organization of African Unity (OAU), Resolution AHG/Res.16(I) on Border Disputes between African States adopted in Cairo in July 1964, and the Constitutive Act of the African Union,

(ii) the principle of negotiated settlement of border disputes, as provided for notably in Resolution CM/Res.1069(XLIV) on Peace and Security in Africa through Negotiated Settlement of Border Disputes, adopted by the 44th 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 AU,

(iii) 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 Memo-

randum of Understanding on Security, Stability, Development and Cooperation in Africa (CSSDCA), adopted by the Assembly of Heads of State and Government of the OAU , held in Durban (South Africa), in July 2002,

(iv) the will to accelerate and strengthen the political and socio-economic integration of the continent and to provide it with a popular base, as stipulated in the Constitutive Act.

(c) Having considered the report of the meeting of Governmental experts, held in Addis Ababa from 22 to 23 March 2010, and on the basis of the documents presented by the different experts and resource persons:

Have agreed as follows:

On the achievements of the AUBP since its launching

2 We note with satisfaction the considerable progress made in the implementation of the AUBP. In particular, we welcome the holding of the various regional sensitization workshops on the AUBP: Kampala (Uganda), in September 2008, for East Africa; Algiers (Algeria), in October 2008, for North Africa; Ouagadougou (Burkina Faso), in April 2009, for West Africa; Libreville (Gabon), in May 2009, for Central Africa; and Windhoek (Namibia), in October 2009, for Southern Africa.

3 We further note with satisfaction the organization by the AU Commission in Maputo, Mozambique, in December 2008, of the 2nd International Symposium on the Management of Land, River and Lake Boundaries and the holding in Accra, Ghana, in November 2009, of the Conference on Maritime Boundaries and the Continental Shelf.

4 Regarding more specifically the delimitation and demarcation of African borders where such an exercise has not yet taken place, we note the launching of the Pan-African survey of borders, through the questionnaire sent to all Member States and the ongoing process for the establishment, within the Commission, of an Information Boundary System, as well as the efforts made by some countries for the delimitation and demarcation of their borders.

5 Concerning cross-border cooperation, we note the holding in Bamako (Mali), on 3 and 4 November 2009, of the meeting of governmental experts on the draft Convention on Cross-Border Cooperation, as well as the initiatives taken at national, bilateral and

regional levels to promote this cooperation, whether at local level or within the framework of the Regional Economic Communities (RECs) or other regional initiatives.

6 Regarding capacity building and popularization, we express satisfaction at the creation of a special unit in charge of the implementation of the AUBP within the Department of Peace and Security of the AU Commission, as well as at the ongoing efforts for the publication of two books entitled respectively: "From Barriers to Bridges – the African Union Border Programme" and "Boundary Delimitation and Demarcation – An African Union Border Programme Practical Handbook".

7 On partnership and resource mobilization, we acknowledge the measures taken by the AU Commission to establish the necessary partnerships and to mobilize the resources required for the implementation of the AUBP, in accordance with the initial measures for the launching of the Programme identified by the June 2007 Declaration. We particularly express our gratitude to Germany for its financial and technical support, through GTZ, for the implementation of the AUBP, as well as to other partners who have provided technical support.

8 We congratulate the AU Commission and the RECs, as well as the Member States concerned for the results so far achieved, and urge all the stakeholders to persevere in their efforts and to work closely together for the realization of the objectives of the AUBP.

On the challenges to be addressed

9 In spite of the strides thus made, we observe that there is still much to be done in order to translate into reality the commitments enshrined in our Declaration of June 2007 and contribute effectively to the realization of the objectives of the AUBP, namely the structural prevention of conflicts and the strengthening of the integration processes on the continent. We note that the implementation of the AUBP faces many challenges, including:

(i) inadequate technical and financial support for the delimitation and demarcation of African borders;

(ii) lack of a holistic view of the needs in terms of delimitation and demarcation, due to the limited number of responses received from Member States to the questionnaire sent to them. This situation hinders efforts for resource mobilization;

(iii) absence of a continental legal framework for the development of cross-border cooperation and the lack of funds to finance local initiative cross-border cooperation activities;
(iv) lack of sustained interaction between neighbouring States for the implementation of the various aspects of the AUBP;
(v) inadequacy of existing human and technical capacities for the effective implementation of the AUBP.

10 We note that the majority of African borders are yet to be defined, and that this situation constitutes a hindrance in the efforts to promote peace and integration. We are also concerned by the persistence of border disputes, particularly those related to cross-border resources.

On measures to be taken to speed up the implementation of the AUBP

11 In this context, we reiterate our determination to redouble our efforts for the effective implementation of the AUBP and, to that end, to ensure the involvement of all the bodies concerned in our countries and to mobilize all the resources required for that purpose.

a) Border delimitation and demarcation

12 Mindful of the multidimensional and unifying aspect of the AUBP, and on the basis of the implementation principles enshrined in our Declaration of June 2007, particularly that of subsidiarity and respect for the sovereignty of Member States, we agree as follows:
(i) commitment by Member States to speed up the delimitation and demarcation process of borders where such an exercise has not yet taken place, it being understood that this exercise depends primarily on the sovereign decision of the States. They must take the necessary steps to facilitate the process of delimitation and demarcation of African borders, including maritime boundaries, where such an exercise has not yet taken place, by respecting, as much as possible, the time-limit set in the Solemn Declaration on the CSSDCA, which provides for the completion of this operation by 2012;
(ii) the transmission, to the AU Commission, by the Member States which have not yet done so, at the latest in June

2010, of the questionnaire duly filled on the status of African borders sent to them in April 2008;

(iii) on the basis of the responses of Member States and other relevant factors, the submission by the Commission to the relevant organs of the AU, at the latest in January 2011, of recommendations on the extension of the 2012 deadline or on the granting of individual exemptions;

(iv) the creation, where appropriate, by Member States of structures in charge of borders and other relevant institutions and transmission to the Commission of their particulars, as well as those of the national experts, in order to facilitate inter-African cooperation in the area of boundary delimitation and demarcation, through the exchange of experiences and the provision of experts, including the establishment, by the Commission, of a pool of experts to assist Member States;

(v) the allocation by Member States of sufficient budgetary resources for the financing of delimitation and demarcation activities;

(vi) the adoption of measures to regularly maintain and, where required, densify boundary beacons, in order to make them more visible such that the risks of disputes are reduced. In this respect, Member States should workout and submit to the AU Commission detailed plans, including the related financial costs, in order to facilitate the mobilization of the necessary resources;

(vii) the need for Member States, in case of border dispute, to make use of all the possible peaceful options, including recourse to negotiation, mediation, conciliation, inquiry, regional and international arbitration and other legal mechanisms and processes, including the International Court of Justice, based on mutual consent. In this respect, we request all the Member States which have not yet done so to take the necessary steps to sign and ratify the Protocol on the Statute of the African Court of Justice and Human Rights. We encourage the Peace and Security Council (PSC) of the AU and the Chairperson of the Commission to fully make use of the powers conferred on them by the PSC Protocol to contribute to the prevention and settlement of border disputes;

(viii) the acquisition by Member States of up-to-date mapping and cartographic information, as well as of modern

survey equipments, in order to facilitate the delimitation and demarcation processes;

(ix) the establishment, where necessary, by Member States of joint Commissions with their neighbours for the delimitation and demarcation, as well as the management of their borders, and the search, where required, of data on their borders in the colonial archives;

(x) the development by Member States of strategies to sensitize border populations on the purpose of delimitation and demarcation exercises, so that clearly defined and demarcated borders are seen as a valuable tool for peace, stability and development of border areas;

(xi) the wide dissemination by the AU Commission of the Handbook on Delimitation and Demarcation to the relevant officials, including field officers involved in delimitation and demarcation.

b) Cross-border cooperation

13 In order to inject new dynamism into the initiatives for cross-border cooperation, we agree on the following:

(i) the launching by all the RECs and other relevant regional initiatives, before the end of 2010, of comprehensive inventories of existing cross-border cooperation initiatives and agreements in the various regions, in order to popularize them, assess their state of implementation and make recommendations on how they could contribute further to the achievements of the objectives of the AUBP. The AU Commission should coordinate the undertaking of these inventories;

(ii) the highlighting, to the extent possible, of the links between all the current initiatives for cross-border cooperation and the relevant provisions of the AUBP, with the view of placing them under the umbrella of the Programme and sensitizing all actors involved about its objectives;

(iii) the strengthening of cross-border cooperation in the area of the prevention and fight against terrorism and cross-border crime, including drug trafficking, and other cross-border threats, such as piracy and other illicit acts on sea, it being understood that the relevant AU institutions and other international institutions should play their rightful role in this respect;

(iv) the establishment by Member States that have not yet done so of joint cross-border cooperation mechanisms with their neighbours, by 2011;
(v) the adoption by the concerned countries, of additional measures for local initiative cross-border cooperation, including the preparation of appropriate legal instruments, the speeding up of the creation of regional Funds, as recommended by the June 2007 Declaration on the AUBP;
(vi) the encouragement, where necessary, for the joint management of natural cross-border resources, while being guided by relevant experiences in the rest of the continent. The AU Commission should facilitate the exchange of experiences in this regard;
(vii) the elaboration by the Commission of a Handbook on cross-border cooperation for the benefit of local stakeholders.

14 We take note of the discussions of the meeting of Governmental experts on the draft Convention on Cross-Border Cooperation. We request the Commission to review the draft Convention in the light of these discussions and to organize, before the end of the year, a new meeting of Governmental experts, to be followed by a Conference of African Ministers in Charge of Border Issues, in order to finalize this instrument for submission to the relevant organs of the AU, at their ordinary sessions scheduled to take place in January/ February 2011.

c) Capacity building

15 We reiterate the importance of capacity building for the successful implementation of the AUBP through training, exchange of experiences and research designed to improve the understanding of issues related to borders and to create a base of solid knowledge on border management, as well as for collaboration with the competent structures located outside the continent.
16 More specifically, we agree on the following:
(i) the inventory of the experts, as well as of research and training institutions which deal with border issues in Africa;
(ii) the networking among relevant institutions in Africa, as well as between themselves and other similar institutions outside the continent;

(iii) the development of programmes on border studies and training in management of borders in the universities and the training centres for civilian, as well as immigration security and defense personnel;
(iv) the recruitment of additional personnel for the Unit in charge of the AUBP within the Department of Peace and Security, as well as the strengthening of the capacities of this structure.

d) Popularization of the AUBP and follow up with Member States

17 The Conference reiterates the need for an effective popularization of the AUBP in order to facilitate ownership at regional, national and local levels, as well as of a continuous interaction between the AU Commission and Member States in the implementation process of the Programme. For that purpose, we agree on the following:

(i) the organization, as soon as possible, by Member States of national workshops bringing together all stakeholders in order to make them aware of the AUBP;
(ii) the organization, with the support of the AU Commission, Member States and other relevant institutions, of training and sensitization workshops on the AUBP for authorities and populations of border areas, in order to facilitate the implementation of the said Programme;
(iii) the recourse to the national media and other relevant institutions to popularize the activities undertaken in pursuance of the AUBP, including the translation of working documents into certain African languages;
(iv) the appointment/designation by Member States of focal points for the AUBP;
(v) the submission by Member States of regular reports, at least once a year, on the implementation of the AUBP;
(vi) the institution of an “African Day” of borders, in order to further highlight the importance of the AUBP and encourage additional efforts for its implementation.

e) Partnership and resource mobilization

18 We encourage the Commission to pursue its efforts in order to mobilize further support within and outside the continent. For that purpose, we request the Commission to take the following measures:

(i) the organization, within the framework of the partnership with the EU, of a Conference for the mobilization of resources to support delimitation and demarcation efforts on the continent, as well as cross-border cooperation;
(ii) the intensification of exchanges with the various international actors, particularly the EU, the United Nations, the Association of European Border Regions and other partners who have experience in the area of cross-border cooperation;
(iii) a sustained interaction with the former colonial powers in order to facilitate access to colonial documents relating to borders.

Follow up of the Declaration

19 We request the Commission to ensure the follow up of this Declaration and to take all the necessary measures for its implementation, including the elaboration of a matrix for that purpose, which should be communicated to all Member States and other stakeholders.
20 We agree to hold our next meeting in 2012, in order to assess the implementation of the AUBP and determine the measures to be taken to speed up the realization of its objectives.

vii DECISION ON THE REPORT OF THE COMMISSION ON THE SECOND CONFERENCE OF AFRICAN MINISTERS IN CHARGE OF BORDER ISSUES, Doc. EX.CL/585(XVII)

The Executive Council,
1 TAKES NOTE of the Report of the Commission on the Second Conference of African Ministers in charge of Border Issues and of the preparatory meetings of Experts held in Addis Ababa, Ethiopia on 25 March and from 22 to 23 March 2010, respectively;
2 ENDORSES the Declaration on the African Union Border Programme (AUBP) and the modalities for the pursuit and acceleration of its implementation as adopted by the Second Conference of African Ministers in charge of Border Issues;
3 WELCOMES the contribution of the international partners, in particular the Government of the Federal Republic of Germany and GTZ which are providing financial and technical support towards the

implementation of the AUBP, and ENCOURAGES them to continue to provide and step up their support;

4 URGES Member States to take appropriate measures to implement the Declaration, especially the components relating to delimitation/demarcation, cross-border cooperation and capacity building;

5 REQUESTS the Commission, in collaboration with the Regional Economic Communities to fully play their respective roles in the implementation and monitoring of the AUBP;

6 ENDORSES the recommendation by the Second Conference of African Ministers in charge of Border Issues to institute an "African Day for Borders" so as to further highlight the importance of the AUBP and encourage additional efforts towards its implementation;

7 RECOMMENDS to the Assembly that the "African Day for Borders" be celebrated every year on 7 June, in reference to the date of the First Conference of African Ministers in charge of Border Issues;

8 REQUESTS the Commission and Member States to take advantage of the activities programmed within the framework of "2010: The Year of Peace and Security in Africa" to underscore the importance of the AUBP and the contribution expected from its implementation towards enhancing the structural prevention of conflicts;

9 ALSO REQUESTS the Commission to report regularly to the Executive Council on the implementation of this Decision.

viii THIRD DECLARATION ON THE AFRICAN UNION BORDER PROGRAMME ADOPTED BY THE THIRD CONFERENCE OF AFRICAN MINISTERS IN CHARGE OF BORDER ISSUES, NIAMEY, NIGER, 17 MAY 2012, AUBP/EXP-MIN/7 (5)

1 We, the Ministers of Member States of the African Union (AU) in Charge of Border Issues, have held our 3rd Conference in Niamey, Niger, on 17 May 2012, to deliberate on the status of implementation the AU Border Programme (AUBP). Our Conference was preceded by a preparatory meeting of experts, from 14 to 16 May 2012. It also witnessed the participation in its deliberations, for the first time, of the Republic of South Sudan, after its accession to independence in July 2011, which we warmly welcome.

2 Our Conference was held as the follow-up to the implementation of Declarations BP/MIN/Decl.(II) and AUBP/EXP-MIN/7(II), issued at the end of the First and Second Conferences of African Ministers in Charge of Border Issues, held in Addis Ababa, Ethiopia, on 7 June 2007 and 25 March 2010, respectively, and the relevant decisions of the Executive Council and the Assembly of the Union. More generally, our Conference took place against the background of the implementation of the various resolutions and decisions adopted by African leaders on peace and security issues, as well as on regional integration.

3 We have reviewed the status of the implementation of the AUBP. In this regard, we welcome the gradual ownership of the Programme by the Member States and other stakeholders, for this is a prerequisite for attaining the AUBP objectives. We are also pleased that the AUBP, after an initial phase of popularisation and sensitisation, has now entered an operational phase, marked by increased support for the delimitation and demarcation exercises, the promotion of cross-border cooperation and capacity building. We note with satisfaction the progress made in the field, with the multiplication of initiatives by the Member States to implement the various aspects of the AUBP, and the celebration, on 7 June 2011, of the First African Border Day.

4 We also note the emergence of new security challenges, as particularly illustrated by the crisis in the Sahelo-Saharan region, which, beyond the delimitation and demarcation of boundaries, highlight the need for States to ensure the effective control of their territories and to enhance inter-African cooperation in the field of border security. Similarly, we note, with concern, the persistent "thickness" of African borders, which largely explains the low rate of intra-African trade and the problems faced in the free movement of persons. These constraints weigh heavily on landlocked countries that depend greatly on major transport corridors for their international trade and, therefore, impede economic development efforts. Finally, the lack of delimitation of maritime boundaries constitutes a hindrance to the development of energy, fishery and other marine resources by the coastal states.

5 In this context, we stress the relevance of the principles underlying the AUBP, as stated in the relevant instruments of the AU, particularly the principle of the respect of borders existing at the time of accession of our countries to independence; the principle of peaceful settlement of border disputes; and the commitment to delimit and demarcate African boundaries, as factors of peace, security and economic and social progress.

6 In light of the above, we reaffirm our commitment to make renewed efforts for the effective implementation of the different components of AUBP, aware as we are of the fact that clearly demarcated and well managed borders are necessary to maintain peace, security and stability, enhance economic integration, facilitate trade and transform borders from barriers to bridges, in particular through local cross-border cooperation initiatives.

7 At the same time, we recognise the huge tasks that have to be carried out to attain all the objectives we set for ourselves, as demonstrated by:

(i) the inadequate responses to the questionnaire that was sent to Member States within the framework of the survey on the status of African borders (five years after its launch, twenty-two Member States have not yet responded to the questionnaire), which does not make it possible to have a comprehensive view of delimitation and demarcation needs;

(ii) the fact, based on responses received to date, that only 35 % of African borders are delimited and demarcated, while this operation was originally to be completed in 2012, in conformity with the Memorandum of Understanding on the Conference on Security, Stability, Development and Cooperation in Africa(CSSDCA);

(iii) the persistence of border disputes, which can degenerate into serious conflicts;

(iv) the low rate of cross-border cooperation, whether at local level or within the framework of large scale integration projects; and

(v) the inappropriate ratio between existing human capacity and technical and financial resources, considering the needs for the effective implementation of the AUBP.

8 We stress the need, given the current challenges, of integrated border management, to tackle, in a holistic way, development and security challenges in the border areas. We, therefore, encourage Member States to develop integrated national policies and strategies in this regard, and to establish, where appropriate, the necessary institutional structures. We request the Commission to finalise, as soon as possible, the strategy, currently being prepared, on integrated border management.

9 As part of such an approach, we reiterate the urgent need for the effective implementation of the various components of the AUBP.

On delimitation, demarcation and reaffirmation of boundaries:

10 Bearing in mind the need to do everything to successfully complete the delimitation and demarcation of African boundaries, where such an exercise has not yet taken place, in compliance with the new deadline of 2017 set by the Assembly of the Union, at its session in Malabo, in July 2011, we agree to the following:

(i) the completion of the collection of all the data for the survey of African borders by July 2012 at the latest. Member States, which have not yet done so are requested to respond to the questionnaire sent by the Commission within the time specified;

(ii) the submission by each Member State of an annual report on the progress made in the demarcation of its borders based on the format designed by the Commission;

(iii) the acceleration by the Member States of the delimitation and demarcation of their boundaries, where this exercise has not yet taken place, taking, if necessary, all appropriate legal, financial, institutional and other measures for this purpose, so as to comply with the new deadline of 2017. Likewise, we urge Member States involved in border disputes, to do everything for their early resolution, through peaceful means, with the support, if necessary, of the AU and other appropriate African mechanisms;

(iv) the adoption of concrete measures for regular maintenance and, where appropriate, the densification of boundary pillars, so as to make them more visible and consequently reduce the risk of disputes;

(v) the inclusion of a component on the destruction of antipersonnel mines in the delimitation and demarcation plan; and

(vi) the speedy finalisation of the Guide currently under preparation, on good practices in the delimitation and demarcation of boundaries.

On cross-border cooperation:

11 For the purpose of attaining our strategic objective on cross-border cooperation, we agree on the following measures:

(i) the adoption of the AU Convention on Cross-Border Cooperation. We call upon all the Member States to sign, ratify or accede to this Convention and ensure its rapid entry into force;
(ii) the effective implementation, by the AU and the Regional Economic Communities (RECs), of an exchange programme on cross-border cooperation among African states and other stakeholders;
(iii) the preparation by the AU Commission, in close collaboration with the RECs, of a Plan of Action to encourage and support local initiative cross-border cooperation, being understood that Member States will take all the necessary measures to facilitate this cooperation;
(iv) the enhancement of cross-border cooperation in the prevention and fight against terrorism, cross-border crime and other threats, including illegal fishing, piracy and other related acts, within the framework of the relevant instruments of the AU. In this regard, we stress the importance of sharing information and intelligence, and the proper role of the African Centre for Study and Research on Terrorism (ACSRT);
(v) the implementation and adoption, as appropriate, by Member States of measures aimed at reducing the time of transit and removing non-tariff barriers at the borders so as to facilitate easy movement of goods and persons, in accordance with the relevant decisions of the AU and the RECs;
(vi) the encouragement of joint management of transboundary resources, based on relevant African and international experiences;
(vii) the finalisation of the "Guide on Enhancing Cross-border Cooperation", currently being prepared by the Commission; and
(viii) the application of specific arrangements to the situation of Island States.

On capacity building:

12 Aware of the critical importance of capacity building, we have identified the following priorities:

(i) the acceleration of the implementation of the provisions agreed upon during our Second Conference, in particular regarding the inventory of experts and research and training institutions on the continent dealing with border issues, networking of existing institutions, both among themselves and between them and similar institutions outside Africa, and development of curricula and training programmes on border issues;

(ii) the establishment by the Member States, which have not yet done so, of National Boundary Commissions;

(iii) the organisation of training workshops for African border institutions. In this regard, we request our international partners, particularly the German Government through the GIZ, the European Union (EU), the United Nations (UN) and other bilateral and multilateral partners, to provide the necessary support; and

(iv) the adoption by the Commission of a more integrated approach, considering the multidimensional nature of the AUBP.

On the popularisation of the AUBP:

13 To enhance the popularisation of the AUBP and consequently facilitate ownership at all levels, we have agreed as follows:

(i) the preparation of a communication and sensitisation plan to raise greater awareness about the AUBP and specify the respective roles of national, regional and continental partners; and

(ii) the adoption of practical measures by Member States to celebrate effectively the African Border Day.

On partnership and resource mobilisation:

14 We express our gratitude to the international partners that support the AUBP and whose assistance has enabled us to achieve significant results. We, particularly, welcome the support from the German Government through the GIZ. We also appreciate the support of the United Kingdom regarding the demarcation of the border between The Sudan and South Sudan.

15 To strengthen existing partnerships, we have agreed as follows:

(i) the continuation and intensification of interaction with the international partners concerned, in particular the GIZ, the EU, the UN, the Association of European Border Regions (AEBR) and other partners, to facilitate the exchange of experiences and mobilise their support;

(ii) the organisation, at the latest in December 2012, of the Conference on resource mobilisation to support the implementation of AUBP, to which the private sector shall be invited; and

(iii) the urgent establishment, pending the signing and entry into force of the AU Convention on Cross-Border Cooperation, of a Fund to support the activities of the AUBP. In this respect, we call upon the Member States to contribute significantly to the funding of the AUBP.

On the follow-up of this declaration:

16 We request the Executive Council to endorse this Declaration. We call upon Member States, RECs and other stakeholders concerned to take the necessary measures for the implementation of the provisions of this Declaration.

17 We call upon the Commission to ensure the follow-up to this Declaration. In particular, we urge the Commission to finalise, in consultation with Member States and other stakeholders concerned, the Strategic Plan for the implementation of AUBP for the period 2013 to 2017.

18 We agree to hold our next Conference in 2014 to consider the status of the implementation of the AUBP and take any necessary action.

ix AFRICAN UNION CONVENTION ON CROSS-BORDER COOPERATION (NIAMEY CONVENTION), EX.CL/726(XXI) ANNEX III, 17 MAI 2012

PREAMBLE

We, the Member States of the African Union,

Inspired by the objectives and principles enshrined in the Constitutive Act of the African Union, adopted in Lomé, Togo, on 11 July 2000, and the Treaty establishing the African Economic Community adopted in Abuja, Nigeria, on 3 June 1991;

Reaffirming our commitment to Resolution AHG/Res. 16(1) on the principle of the respect of borders existing at the time of accession to national independence, adopted by the 1st Ordinary Session of the Assembly of Heads of State and Government of the Organization of African Unity, held in Cairo, Egypt, from 17 to 21 July 1964;

Mindful of Resolution CM/Res.1069 CXLIV) on Peace and Security in Africa through Negotiated Settlement of Border Conflicts, adopted by the 44th Ordinary Session of the Council of Ministers of the Organization of African Unity held in Addis Ababa, Ethiopia, from21 to 26 July 1986;

Recalling the relevant provisions of the Memorandum of Understanding on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), adopted by the 38th Ordinary Session of the Assembly of Heads of State and Government of the Organization of African Unity, held in Durban, South Africa, on 8 July 2002;

Recalling further the Declarations on the African Union Border Programme, adopted by the Conferences of African Ministers in Charge of Border Issues, held respectively in Addis Ababa, Ethiopia, on 7 June 2007 and 25 March 2010, and in Niamey, Niger, on 17 May 2012;

Determined to give effect to the African Union decisions related to border issues, including Decisions EX.CL/370 (XI) and EX.CL/Dec.461 (XIV), adopted by the 11th and 14th Ordinary Sessions of the Executive Council of the African Union, held respectively in Accra, Ghana, from 25 to 29 June 2007, and in Addis Ababa, Ethiopia, from 29 to 30 January 2009;

Recalling the international initiatives on the delimitation and delineation of maritime borders and the provisions of the United Nations Convention on the Law of the Sea;

Convinced that a legal framework for cross-border cooperation would accelerate integration in Africa and enhance prospects for the peaceful resolution of border disputes between Member States;

Desirous to implement effective cross-border cooperation, necessary for the transformation of border areas into zones of trade and cooperation;

Have agreed as follows:

Article 1

Definitions

For the purposes of this Convention:

"**Border Area**" means a geographical area straddling the border of two or more neighbouring States;

"**Border Programme**" means the African Union Border Programme, as defined in the Declarations adopted by the Conferences of African Ministers in Charge of Border Issues, held in Addis Ababa, Ethiopia, on 7 June 2007 and 25 March 2010, and in Niamey, on 17 May 2012, and subsequently endorsed by the Executive Council of the African Union;

"**Commission**" means the African Union Commission;

"**Continental Border Consultative Committee**" means the Committee set up by the African Union Commission and comprising representatives of the Regional Economic Communities, as the implementation mechanism for cross-border cooperation at continental level;

"**Convention**" means the African Union Convention on Cross-Border Cooperation;

"**Cross-Border Cooperation**" means any act or policy aimed at promoting and strengthening good-neighbourly relations between border populations, territorial communities and administrations or other

stakeholders within the jurisdiction of two or more States, including the conclusion of agreements and arrangements useful for this purpose;

"**Local Border Consultative Committee**" means a local border territorial administration or authority recognised as such under the domestic law of State Parties;

"**Reaffirmation of Borders**" means the reconstruction of degraded beacons into their original locations, in conformity with international norms;

"**Regional Border Consultative Committee**" means the body that facilitates dialogue and consultation between regional, bilateral and local border territorial administrations or authorities across borders;

"**Regional Economic Communities**" mean the regional integration blocs of the African Union;

"**State Party" or "State Parties**" means any Member State of the African Union which has ratified, or acceded to, this Convention and deposited the instruments of ratification or accession with the Chairperson of the African Union Commission;

"**Territorial Communities or Authorities**" means communities, authorities, or bodies exercising local territorial functions and regarded as such under the domestic law of States Parties;

"**Union**" means the African Union.

Article 2

Objectives

The objectives of the present Convention are as follows:

1. facilitate the promotion of cross-border cooperation, at local, sub-regional and regional levels;
2. seize the opportunities arising from shared borders and address the related challenges;
3. facilitate the delimitation, demarcation and reaffirmation of inter-state borders, in conformity with mechanisms agreed upon by the parties concerned;

4 facilitate the peaceful resolution of border disputes;
5 ensure efficient and effective integrated border management;
6 transform border areas into catalysts for growth, as well as for the socio-economic and political integration of the continent; and
7 promote peace and stability through the prevention of conflicts, the integration of the continent and the deepening of its unity.

Article 3

Areas of cooperation

State Parties shall commit themselves to promote cross-border cooperation in the following areas:

1 mapping and geographical information, including survey;
2 socio-economic development, including transportation, communication, trade, agro-pastoral activities, handicrafts, energy resources, industry, health, sanitation, drinking water, education and environmental protection;
3 cultural activities and sports;
4 security, including combating cross-border crime, terrorism, piracy and other forms of crime;
5 demining of border areas;
6 institutional development in all areas covered by the present Convention, including identification, formulation and execution of projects and programmes;
7 any other areas agreed upon by the State Parties.

Article 4

Facilitation of cross-border cooperation

1 The State Parties shall endeavour to solve any legal, administrative, security, cultural or technical impediment likely to hamper the strengthening and smooth functioning of cross-border cooperation. In this respect, State Parties shall regularly consult with each other or with other interested parties.
2 State Parties shall, in accordance with the provisions of the present Convention, cooperate fully in the implementation of the Border Programme.

Article 5

Sharing of information and intelligence

1 Each State Party shall, as much as possible, provide information requested by another State Party, with a view to facilitating the performance by the requesting State of its obligations under this Convention.

2 Each State party shall take the necessary steps to encourage, promote and facilitate information and intelligence sharing, as may be requested by another State Party on matters relating to the protection and security of border areas.

Article 6

Competent authorities or bodies responsible for border matters

Each State Party shall, either at the time of ratification of, or accession to, this Convention, or as soon as possible, thereafter, communicate to the Commission the list of competent authorities or bodies responsible for border issues under its domestic law, which shall then serve as focal points.

Article 7

Harmonisation of domestic law pertaining to border issues

States Parties are encouraged to harmonise their domestic law with this Convention and to see to it that the local territorial administrations or authorities in border areas are duly informed of the opportunities available to them and their obligations under this Convention.

Article 8

Mechanisms for implementation of cross-border cooperation at the level of State Parties

3 State Parties shall commit themselves to apply the provisions of the present Convention and to endeavour to attain its objectives, particularly by:

(a) establishing cooperation mechanisms, including legal frameworks;

(b) taking into account domestication of the provisions of the Convention in the development of their national policies and strategies;
(c) submitting annual reports on the measures taken for the implementation of the present Convention.

2 Activities pertaining to cross-border cooperation shall be undertaken by local territorial communities or authorities as defined by the domestic law of State Parties.
3 The decentralised border territorial administrations or authorities established under the domestic law of State Parties shall exercise their powers, including the conclusion of cooperation agreements with decentralised border territorial administrations or authorities of neighbouring State Parties, in conformity with the domestic law of their respective States.
4 State Parties may establish Border Consultative Committees comprising representatives of competent bodies to assist, in an advisory capacity, the border communities and authorities in the consideration of cross-border cooperation matters.

Article 9

Mechanisms for implementation of cross-border cooperation at the level of the regional economic communities.

1 The Commission shall establish a framework for cooperation with the Regional Economic Communities on the implementation of the Border Programme, in conformity with the objectives of this Convention. In this regard, the Commission shall request the Regional Economic Communities to:
(a) encourage their Member States to sign, ratify, or accede to, this Convention;
(b) designate focal points for coordination, evaluation and monitoring of the implementation of the commitments enshrined in this Convention.

2 The Commission shall encourage each Regional Economic Community to establish a Regional Border Consultative Committee.
3 The Regional Border Consultative Committees, composed of nominees of Member States of the Regional Economic Communities, shall assist the latter, in an advisory capacity, in the consideration of cross-border cooperation matters.

4 The Regional Border Consultative Committee shall:
(a) assist in the formulation of policies and activities for the promotion of cross-border cooperation in administrative, cultural, socio-economic and security areas in their respective regions;
(b) prepare road-maps outlining the actions necessary for enhancing cross-border cooperation;
(c) coordinate all the activities, as well as the mobilisation of the required means for the attainment of the objectives stipulated in this Convention;
(d) facilitate dialogue and consultation between regional and local authorities located on either side of border areas, when requested by the State Parties concerned;
(e) recommend the adoption of best practices for the effective management and administration of border areas;
(f) examine the problems faced by border populations and suggest solutions thereto, when requested by the State Parties concerned;
(g) make recommendations on ways and means of promoting cross-border activities undertaken by the different entities located within border areas, when requested by the State Parties concerned.

Article 10

Mechanism for implementation of cross-border cooperation at the continental level

1 The Commission shall coordinate and facilitate the implementation of this Convention through the Border Programme. Accordingly, the Commission shall:
(a) act as the central coordinating structure for the implementation of this Convention;
(b) support State Parties in implementing this Convention;
(c) coordinate the evaluation of the implementation of the Convention with other appropriate organs of the Union, the Regional Economic Communities and competent national bodies;
(d) establish the Continental Border Consultative Committee;
(e) support the efforts of the State Parties for an effective sharing of information and intelligence.

2 The Continental Border Consultative Committee shall be composed of the representatives of the Regional Economic Communities and shall operate under the auspices of the Commission.
3 The Continental Border Consultative Committee shall be charged with the following tasks:
(a) advise the Commission on cross-border cooperation matters;
(b) consider and propose general guidelines to promote cross-border cooperation in administrative, security, socio-economic, cultural and other areas identified in this Convention;
(c) identify priority actions and resources needed for the implementation of these guidelines;
(d) promote best practices relating to the development of border regions;
(e) examine problems faced by border populations and propose recommendations, in coordination with, and approval of, the State Parties concerned.

Article 11

Border Programme Fund

1 A Border Programme Fund shall be established and managed in accordance with the AU Financial Rules and Regulations.
2 The resources of the Border Programme Fund shall be provided through:
(a) voluntary contributions of Member States; and
(b) miscellaneous income, including donations and grants, in conformity with the principles and objectives of the Union.

Article 12

Safeguard provisions

1 The provisions of this Convention shall not be interpreted in a manner that is inconsistent with the relevant principles of international law, including international customary law.
2 None of the provisions of this Convention shall affect more favourable provisions relating to cross-border cooperation contained in the domestic law of State Parties or in any other regional, continental or international agreement applicable in these State Parties.
3 In the implementation of this Convention, the specificities and special needs of island states shall be taken into account.

Article 13

Settlement of disputes

1 Any dispute relating to this Convention shall be amicably resolved through direct negotiations between the State Parties concerned.
2 Where the dispute is not resolved through direct negotiation, the State Parties shall endeavour to resolve the dispute through other peaceful means, including good offices, mediation and conciliation, or any other peaceful means agreed upon by the State Parties. In this regard, the State Parties shall be encouraged to make use of the procedures and mechanisms for resolution of disputes established within the framework of the Union.

Article 14

Signature, ratification and accession

This Convention shall be open to all Member States of the Union, for signature, ratification and accession, in conformity with their respective constitutional procedures.

Article 15

Entry into force

This Convention shall enter into force thirty (30) days after the date of the receipt by the Chairperson of the Commission of the African Union of the fifteenth (15th) instrument of ratification or accession.

Article 16

Amendment

1 Any State Party may submit proposals for the amendment or revision of this Convention.
2 Proposals for amendment or revision shall be submitted to the Chairperson of the Commission of the African Union, who shall transmit the same to State Parties within thirty (30) days of receipt thereof.
3 The Assembly of the Union, upon recommendation of the Executive Council of the Union, shall examine these proposals at its next session, provided all State Parties have been notified at least three (3) months before the beginning of the session.

4 The Assembly of the Union shall adopt the amendments in accordance with its Rules of Procedure.
5 The amendments or revisions shall enter into force in accordance with the provisions of Article 15 above.

Article 17

Depository

1 The instruments of ratification or accession shall be deposited with the Chairperson of the Commission of the African Union.
2 Any Member State acceding to this Convention after its entry into force shall deposit the instrument of accession with the Chairperson of the Commission of the African Union.
3 Any State Party may withdraw from this Convention by giving a written notice of one (1) year in advance to the Chairperson of the Commission of the African Union.
4 The Chairperson of the Commission of the African Union shall notify the Member States of any signature of this Convention, any deposit of an instrument of ratification or accession, as well as its entry into force. He shall also notify the State Parties of the requests for amendments or withdrawal from the Convention, as well as reservations thereon.
5 Upon entry into force of this Convention, the Chairperson of the Commission shall register it with the Secretary-General of the United Nations, in accordance with Article 102 of the Charter of the United Nations.
6 This Convention, drawn up in four (4) original texts in the Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic, shall be deposited with the Chairperson of the Commission who shall transmit a certified true copy of the Convention to each Member State of the African Union in its official language.

Section II

The implementation of policies

a REPORT OF THE MEETING OF EXPERTS ON THE BORDER PROGRAMME OF THE AFRICAN UNION, BP/EXP/3 (II), BAMAKO, MALI, 8 TO 9 MARCH 2007

I. INTRODUCTION

1 A meeting of experts on the Border Programme of the African Union (AU) was held in Bamako, Mali, from 8 to 9 March 2007. The meeting, which forms part of preparations for the Ministerial Conference now slated for early June in Addis Ababa, was attended by approximately fifty experts representing the Regional Economic Communities (REC), the Secretariat and some agencies of the United Nations, as well as research institutions and other relevant structures, including the Sahel and West Africa Club (SWAC).

II. OPENING

2 The meeting was opened by the Permanent Secretary of the Ministry of Territorial Administration and Local Government of Mali, on behalf of his Minister who was unable to attend due to the ceremonies marking the International Women's Day, and by a representative of the African Union Commission. Generally, and beyond the reaffirmation of the importance of the meeting and the context thereof (structural prevention of conflicts and promotion of regional integration, which is indeed a component of this structural prevention), the speakers laid emphasis on the two aspects underpinning

the Border Programme, namely delimitation and demarcation, on the one hand, and, on the other, cross-border cooperation.

III. SUMMARY OF THE DISCUSSIONS

3 After a brief presentation of the objectives of the meeting and the expected outcome, the discussions focussed on the following:

- the problem of borders in Africa – theoretical and practical aspects;
- cross-border cooperation as a tool for conflict prevention and for development;
- partnership and resource mobilisation for the implementation of the AU Border Programme; and
- preparation of the Ministerial Conference on the AU Border Programme.

(a) The problem of borders in Africa – theoretical and practical aspects

4 In discussing this item, participants took particular note of the paradoxical nature of borders: a possible factor of conflict, borders may and should also be a factor of cooperation and peace among States. The history of Europe is significant in this regard: whilst the period between the conclusion of the Treaty of Westphalia in 1648, which marked the birth of the European Nation States, and the end of the Second World War was characterised by numerous territorial disputes and wars, the period that followed 1945 was dominated by cooperation and a drastic reduction in border related conflicts.

5 The assertion that borders constitute an ambiguous reality, with both risks of conflicts and opportunities for cooperation, is particularly applicable in Africa. It is precisely to reduce the risk factors that African leaders, soon after independence, committed themselves to respecting the borders inherited from colonialism [Resolution AHG/Res16(I)) on Border disputes among African States adopted by the 1st Ordinary Session of the Assembly of Heads of State and Government held in Cairo (Egypt), in July 1964]. Nevertheless, Africa has grappled and continues to grapple with many border disputes. With the discovery of oil, mineral and other resources in the cross-border areas, there is a risk of an escalation of these conflicts. This is so not only for land borders, but also for maritime borders, on account of offshore oil discoveries. It should be pointed out that increase in the risk factors in terms of management of border problems is not only due to state players; but could also be the result of activities of local communities.

6 Against this background, there was a unanimous recognition of the need to delineate and demarcate African borders where such an exercise has not yet been conducted. The resolution adopted in Cairo in July 1964 should serve as a starting point in this exercise, but this may not be enough: some participants, citing their own experiences, pointed out that more often than not the documents or other elements of proof bequeathed by the colonial powers were incomplete, thus rendering the definition of African borders particularly difficult.

7 It is worth recalling that, in the Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), adopted by the OAU Summit in Durban in July 2002, the Heads of State and Government agreed to delineate and demarcate the African borders, where such exercise has not yet taken place by 2012, i.e., only five years to the set deadline.

8 Some participants were of the view that the objective was too ambitious, calling for an extension of the set deadline. The delimitation and demarcation process, they argued, is a long and exacting exercise on account of its delicate nature and the time needed to collect data (treaties, maps, etc.), as well as other relevant information. Other participants, while acknowledging that the objective was not easy to implement, stressed that the ten year timeframe for the delimitation and demarcation of African borders be maintained, more so as it would keep on the momentum and, in so doing, significant strides would be made in the remaining period.

9 The issue of the cost of delimitation and demarcation was also discussed. Several examples were given by participants to show to what extent border demarcation could be a costly exercise. First, there is the recourse to the International Court of Justice (ICJ), which requires substantial resources. Second is demarcation whose modalities require resources that, often, are beyond the capabilities of Member States. Consequently, participants recommended that African States should try as much as possible to avoid legal procedures and recourse to the ICJ. With regard to demarcation, participants reflected on alternative solutions. In this connection, and based on the practices of the British colonial power concerning the creation of buffer zones between hostile groups, it was proposed that, rather than the conventional method of marking boundaries, trees could be planted instead. This will have dual advantage of demarcating the borders, but also of preserving and enhancing the environment.

10 Faced with the difficulties connected with the delimitation and demarcation of areas rich in resources, one possible solution is the joint exploration and exploitation of the resources in question and the sharing of the proceeds in mutually agreed proportions. This is the choice made by some African countries.

11 Irrespective of the approach chosen, one thing is certain: the countries concerned must show political will which, alone, makes it possible to overcome the difficulties inherent to the definition of a border and the territorial exchanges that may result thereof. Even in situations where a legal body has delimitated a border, that political will is necessary for demarcation purposes.

12 Among other recommendations, participants called for the acceleration of the process of delimitation and demarcation of African borders, it being understood that such an exercise should, as much as possible, be carried out by African countries themselves, taking into account the limited resources of the continent; the development of the border areas which are often among the least developed areas; the creation of national statutory bodies responsible for borders; the establishment of a structure within the Conflict Management Division of the AU Peace and Security Department responsible for the implementation of the AU Border Programme; the mobilisation of resources for the implementation of the Border Programme; and the training of the requisite personnel.

13 SWAC informed participants that a general diagnosis of the West African borders would soon begin, leading to the publication of a chapter of the Regional Integration Atlas in West Africa. The diagnosis will show on a map the delimitated borders, the demarcated borders and those that are the subject of disputes. This exercise could possibly serve as an example to the other African RECs.

(b) **Cross-border cooperation**

14 As indicated above, the second theme of the meeting focused on cross-border cooperation. Cross-border cooperation is necessary, more so as the delineation of African borders was not based on any objective criterion. The aim of this cooperation is to mitigate the negative effects resulting from the artificial nature of African borders and promote regional cooperation within the context of conflict prevention.

15 During the session devoted to the above theme, presentations and interventions were made, recounting very diverse experiences: management of river basins, development corridors involving heavy

investment, joint management of oil and gas resources, inter-States institutional processes and cross-border proximity projects. This obviously raises a problem of definition of cross-border cooperation. It was agreed to retain a broad definition of cross-border cooperation because any form of dialogue and cooperation involving two or several countries is likely to contribute to conflict prevention. It was also agreed to recognise the particularities and special potentials of cross-border proximity or local initiative cooperation, as shown by the West African experience.

16 The meeting reviewed several on-going experiences on the continent. Undoubtedly, it is in West Africa that the most significant progress has been made, at least in the area of local initiative cross-border cooperation. From this point of view, the concept of *pays-frontière* and the applications made thereof attracted the attention of participants. Needless to recall that the concept of *pays-frontière* corresponds to "geographical areas that lie across the boundary separating two or several neighbouring states, and are inhabited by people bonded by socio-cultural and economic links". The objective sought is not to remodel African borders but rather to transcend them through integration.

17 As part of the implementation of the ECOWAS Cross-Border Initiatives Programme (CIP), elaborated with the help of SWAC and which is based on the concept of *pays-frontière*, four pilot projects were launched in the region: the first pilot project was launched in the Sikasso region, in Mali, and in Bobo Dioualasso, in Burkina Faso, through a workshop that brought together local, private and public actors. The second project, which is on-going since October 2005, is aimed at "replicating the Sikasso process" in southern Senegambia in a context where cross-border cooperation is perceived as a panacea to the problems facing the region; the third project concerns the Kano/Katsina/Maradi region between Niger and Nigeria, and focuses on the prevention of food crises; the fourth project concerns the Karakoro basin between Mali and Mauritania. Furthermore, in 2005, ECOWAS prepared a draft convention on cross-border cooperation, which was tabled before a meeting of experts from member States in November 2006. These efforts have had a snowball effect in that the West African Economic and Monetary Union (UEMOA), the Inter-States Committee on Drought Control in the Sahel (CILSS) and the Liptako-Gourma Development Authority (ALG) have all launched cross-border cooperation initiatives. *L'Equipe Prospective – Dialogue politique* (DIAPOL) from the NGO ENDA TIERS MONDE is particularly active in the area of cross-border cooperation, carrying out activities in Southern Senegambia.

18 While welcoming these initiatives and hoping that they inspire similar ventures in other parts of the continent, participants dwelt on the English translation of the concept of "*pays-frontière*". "Borderlands" and "border regions" are the more familiar terms in the literature in English. The workshop eventually recommended the more technically neutral expression of "cross-border areas", which captures the French expression of "*pays frontière*" more effectively.

19 Other experiences worth mentioning are those gained by the Initiative for Central Africa (INICA) in Central Africa, which has set up an observatory of cross-border dynamics, as well as the specific development and reconstruction areas provided for within the context of the International Conference on the Great Lakes Region – twelve cross-border basins were identified in this regard. Worthy of note are the efforts deployed by the Economic Community of the Great Lakes Countries (CEPGL) made up of Burundi, the DRC and Rwanda, the initiatives in Southern and Eastern regions and the projects undertaken in the Maghreb.

20 Participants pointed out the elasticity of the areas that could serve as framework for cross-border cooperation. Indeed, the dynamics at the grass-root level, whether they concern cross-border trade or other areas of activity are, as it were, in constant movement, always delineating anew the contours of the areas concerned. As one of the participants pointed out, borders have a specific life resulting from their appropriation by the local populations. In fact, some people made a distinction between real spaces, corresponding to the areas of operation of local players, and statutory defined spaces, which are the product of political geography as determined by States.

21 That border spaces are structured by a number of dynamics, including cross-border trade, cannot be overemphasised. Based on the studies conducted at the Nigeria borders, *The Laboratoire d'analyse régionale et d'expertise sociale* (LARES) in Cotonou, Benin, noted three types of cross-border trade: opportunity trade linked to regulatory differences between Benin and Nigeria, cross-border community solidarity trade at the Nigeria/Niger border, which is conducted by communities living on both sides of a border, and competition trade. Irrespective of its nature, the countries concerned may be wary of this type of trade as it can be a way to circumvent State regulations, thereby impacting negatively on their fiscal revenue and security. The challenge therefore is to reconcile the legitimate concerns of States and the trade dynamics created by private players. Some speakers were of the view that the threats that this type

of activity could pose should not be exaggerated, especially since such an activity is not peculiar to the continent. The case of Europe was cited as an example.

(c) Partnership and resource mobilisation for the implementation of the AU Border Programme

22 It was emphasised, from the onset that partnerships and funding tools needed for the implementation of large-scale projects (joint management of river basins, dams, development corridors, etc.) are already known and feature in the tool kits of the international development cooperation and public/private partnerships. Such projects and tools should be multiplied.

23 That is why discussion here focused essentially on local initiative cross-border cooperation, which should make it possible to give a popular and broad base to the regional integration venture. More specifically, the meeting tried to identify various levels – local, national, regional and continental – likely to accompany the implementation of the Border Programme of the African Union, as well as programmes of support to the local initiative cross-border cooperation in the RECs.

24 The local players – the prime movers of local initiatives – are local representatives of States, elected representatives and the civil society in the broad sense of the word and, as such, should be the direct initiators of international cooperation projects, the originators of proposals and the actors as far as their implementation is concerned. The West African experience has amply demonstrated that more often than not these actors are the best experts possible to deal with problems concerning them.

25 In this connection, the meeting recommended that continental and regional associations of elected representatives in Government and the civil society in general should henceforth be closely involved in the reflection of the AU Border Programme and the programmes of support to local initiative cross-border cooperation within the different RECs.

26 The States have an essential role to play. Beyond the facilitation of local initiatives, it is incumbent on them to intervene upstream to give the necessary legitimacy to cross-border cooperation. In other words, for the local actors to be able to talk to each other across boundaries and cooperate among themselves, the States concerned should give them the go-ahead: the State is thus placed at the centre of a process of which it is the political engine. In this way,

local initiative cross-border cooperation strengthens the legitimacy of States in regional integration efforts, by getting the populations closely involved in the process set in motion by State actors.

27 Equally crucial is the role of the RECs, which are at the centre of the integration agenda of the African Union. The example of ECOWAS is noteworthy in this regard. As a matter of fact, the West African regional organisation recommended to its members the establishment of a Cross-Border Initiative Programme aimed at promoting the development of field pilot projects and endowing the West African region with a border cooperation legal framework. It was thanks to this initiative that some States of the region committed themselves to support the pilot projects and that funding, albeit modest, has been mobilised.

28 At the continental level, the AU has a strategic and political role to play. Indeed, the AU is the only structure capable of ensuring that cross-border cooperation features on the continent's priority agenda, given its primary relevance to the Union's area of primary concern: migration, peace, food security, etc. The AU will have a lot of advocacy work to do so that cross-border cooperation features prominently among the major international initiatives launched in favour of the continent.

29 To this end, the meeting recommended that the AU forge a genuine partnership with Europe, whose experience in terms of cross-border cooperation could be a source of inspiration for Africa. Initiated by the elected officials and authorities of border regions, the said experience led to the creation of the Association of European Border Regions (AEBR) and the launching of the INTEREG programme which provides assistance to the execution of cross-border development plans, and has become a major community programme whose budget for the period 2007 – 2012 amounts to about 8 billion Euros. The AU could, among other things, request that a cross-border cooperation component be included in the 10th European Development Fund (EDF).

30 The meeting debated at length the funding of cross-border cooperation. Two major obstacles were identified: on the one hand, the funds earmarked for the financing of regional cooperation are not, at least in their present form, designed to finance activities at the local level; on the other hand, funds administered by national authorities, for the financing of local activities, are restricted to the territories of the particular States.

31 To overcome these difficulties, participants recommended the creation of regional funds within the RECs, using the European example. In this respect, donors and development banks willing to embark

on this path should be encouraged to take into account the need to help the RECs to equip themselves with the necessary technical teams. Here, the African Development Bank (ADB) has a crucial role to play. It was also proposed to see to what extent the Nigeria experience could be replicated in other African countries: Nigeria has set up a National Boundary Commission with funds set aside for the development of structurally disadvantaged border regions.

32 Another scenario would be the promotion of pilot projects between European and African regions via the decentralised North/South cooperation. Pilot experiments could be launched with the help of European donors. The AU should champion this course, which apart from its direct interest to the African continent, would make it possible to bring the populations of the two continents closer together.

(d) Preparation of the Addis Ababa Ministerial Conference

33 The meeting underscored the importance of the Conference and the need to ensure its effective preparation. It was proposed that the preparatory meeting of experts from Member States be held for two days and the Ministerial Conference proper for only one day.

34 The experts' preparatory meeting, which would provide the opportunity to examine all the aspects of the AU Border Programme, would revolve around the following points:

- the problem of borders in Africa, both in its theoretical and practical aspects;
- delimitation and demarcation of African borders – in this connection, participants underscored the need for stock-taking and strongly recommended that the AU send a questionnaire to Member States requesting the latter to indicate the status of their borders in terms of delimitation and demarcation, thereby making it possible to determine the scope of the work to be accomplished in order to attain the objective set in the CSSDCA Solemn Declaration;
- cross-border cooperation in general as a factor of peace, stability and development: how to multiply projects and programmes of common interest to two or several African countries, which are factors not only for forging solidarity and good neighbourliness, but also for promoting local initiative cross-border cooperation – the West African and European experiences have proven that the cross-border local initiative provide a firm and solid basis which requires the backing of States, local initiatives, as well as the support of the RECs and the African Union;
- development of the required capacities; and

- partnership and resource mobilisation for the implementation of the AU Border Programme as well as regional programmes of support for the development of cross-border cooperation.

35 Participants recommended that each of these points be the subject of a general presentation and other more specific presentations highlighting special experiences.

36 The Ministerial Conference proper would have a light agenda focusing on the report of the experts' meeting and the adoption of a Declaration at the end of the deliberations. This Declaration would contain a Plan of Action that will guide the activities of the Commission, the Member States and the RECs in the years ahead.

IV. CLOSING

37 The meeting was closed by the Permanent Secretary of the Ministry of Territorial Administration and Local Government of Mali. The Permanent Secretary expressed satisfaction at the smooth conduct of the meeting and the hope that the dynamism created would be strengthened during the Ministerial Conference scheduled to take place in Addis Ababa. He said that there was no salvation for the continent without integration. The Border Programme, if properly and effectively implemented, would help not only to deepen the ongoing integration process but also enhance the peace efforts being deployed on the continent.

b REPORT OF THE PREPARATORY MEETING OF EXPERTS FOR THE CONFERENCE OF MINISTERS RESPONSIBLE FOR BORDER ISSUES, ADDIS ABABA, 4 TO 5 JUNE 2007, BP/EXP/RPT (II)

I. INTRODUCTION

1 The meeting of government experts preparatory to the Conference of African Ministers in Charge of Border Issues, scheduled for 7 June 2007, was held in Addis Ababa from 4 to 5 June 2007.

2 The meeting was attended by representatives of the following member States: Algeria, Angola, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Democratic Republic of Congo (DRC), Republic of Congo (Brazzaville), Comoros, Côte d'Ivoire, Djibouti,

Egypt, Equatorial Guinea, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sahrawi Arab Democratic Republic (SADR), Senegal, Seychelles, Sierra Leone, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

3 The following Regional Economic Communities (RECs) were also present: the East African Community (EAC) and the Intergovernmental Authority for Development (IGAD). Finally, the following organisations and institutions attended as observers: Niger Basin Authority (ABN), Economic Community of the Great Lakes Countries (CEPGL), *Organisation pour la mise en valeur du fleuve Sénégal* (OMVS), the United Nations Secretariat, including the United Nations Office for West Africa, UNHCR, the International Organisation for Migration (IOM), UNDP, the Economic Commission for Africa, the UN Regional Centre for Peace and Disarmament in Africa, the League of Arab States, the *Organisation internationale de la Francophonie* (OIF), as well as the African Wildlife Foundation and the NGO ENDA DIAPOL.

II. OPENING

4 The meeting was opened by Mr. Saïd Djinnit, Commissioner for Peace and Security at the African Union. In his speech, the Commissioner recalled that, since African States gained independence, borders inherited from colonisation have been a factor of recurrent conflicts, adding that most of these borders were ill-defined and undemarcated. He recalled the relevant provisions of the OAU Charter as well as resolution AHG/Res.16(I) on the respect of borders inherited from colonisation, which marked efforts by African leaders to mitigate border related risks of conflict.

5 The Commissioner underscored that a number of proposals were made in furtherance of these instruments, both with respect to the delimitation and demarcation of borders and the promotion of cross-border cooperation. Unfortunately, there was no follow-up to these proposals. Similarly, there was no concrete plan to facilitate the implementation of the Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa (CSSDCA) adopted in July 2002, which provided for the delimitation and demarcation of African boundaries, where such an exercise has not yet taken place, by 2012 latest.

6 In light of the foregoing, and after recalling the relevant provisions of the AU Constitutive Act, the Commissioner stated that it was time to develop and put in place an innovative and imaginative programme for the management of inter-African borders, aimed not only at promoting peace, security and stability, but also at facilitating the socio-economic integration and sustainable development of Africa. The AU Border Programme should be situated in this context. The aim of the Programme is not re-drawing the borders inherited from colonisation but rather striving to identify and demarcate them quickly, so as to mitigate their barrier effects and convert them into bridges, zones of sharing and solidarity that would cement the integration process underway in the continent.

III. ELECTION OF THE BUREAU

7 After the customary consultations within the various regions, the meeting elected its Bureau by acclamation as follows:

- Chairperson – Togo (West Africa)
- 1st Vice-Chairperson – Cameroon (Central Africa)
- 2nd Vice-Chairperson – Libya (North Africa)
- 3rd Vice-Chairperson – South Africa (Southern Africa)
- Rapporteur – Uganda (East Africa)

VI. ADOPTION OF PROGRAMME OF WORK

8 The meeting adopted the programme of work proposed by the Commission.

V. CONSIDERATION OF ITEMS ON THE AGENDA

Sessions I and II:

The Report of the meeting of experts held in Bamako, delimitation and demarcation of African borders

9 The meeting considered items for sessions 1 and 2 jointly. At these sessions, the meeting followed presentations on:

- the report of the meeting of experts organised by the Commission in Bamako, Mali, from 8 to 9 March 2007;
- the problem of borders in Africa – theoretical and practical aspects;
- delimitation and demarcation of African borders – legal aspects; and
- the draft questionnaire on the delimitation and demarcation of African borders.

10 While discussing this item, the meeting underscored the rather paradoxical nature of borders: potential factors of conflict, borders may and should also be a factor of peace and cooperation among States.

11 The meeting observed that the assertion that borders are an ambiguous reality, presenting both risks of conflict as well as opportunities for cooperation, is particularly applicable to Africa. It was precisely to reduce the risk of conflicts that, at the dawn of independence, African leaders undertook to respect the borders inherited from colonisation [Resolution AHG/Res.16 (II) on border disputes between African States, adopted at the 1st Ordinary Session of the Assembly of Heads of State and Government held at Cairo, Egypt, in July 1964]. The meeting also noted that, despite this decision, Africa has witnessed and continues to witness numerous border conflicts. With the presence of cross-border mineral and natural resources, there is a real risk of these conflicts escalating.

12 In this context, the meeting underscored the necessity to rapidly delimit and demarcate the African boundaries, including maritime boundaries, where this has not yet been done, expressing the wish that such exercise could be carried through within the time-frame prescribed by the Solemn Declaration on the CSSDCA. The resolution adopted in Cairo in July 1964 should be a starting point for this exercise. However, it was observed that, quite often, the documents and other elements of evidence inherited from the colonial era were incomplete and sometimes not readily accessible, and often are so numerous that it is difficult to know which one to apply. The meeting appealed to the former colonial powers to make available to African States concerned the documents and elements of evidence in their possession to facilitate the delimitation and demarcation of African borders.

13 The meeting recommended that States should engage in bilateral dialogue in delimiting and demarcating their borders. The issue of the effects of delimitation and demarcation on local populations was also raised. In this respect, the meeting urged the States concerned to take the necessary steps to protect the rights of the affected populations, notably where there is risk of loss of nationality, of real property, or of forced displacement.

14 The meeting further urged African States to use less costly procedures in demarcating their borders. In this respect, the meeting encouraged the exchange of experiences. It also noted with interest the experiences of some member States concerning the unitisation

and joint exploration and exploitation of resources in cross-border areas, which have enabled them to overcome difficulties in areas that await delimitation and demarcation.

15 The meeting underscored the need to conduct, as soon as possible, an exhaustive evaluation of the current status of African borders. In this regard, the meeting commended efforts being made by the Commission to prepare a questionnaire which will be sent to member States, requesting that the questionnaire be finalised as soon as possible, on the basis of the observations made.

Session III:
Cross-border cooperation

16 The meeting followed a presentation on cross-border cooperation as a tool for conflict prevention, based on the experience of West Africa, as well as on other ongoing experiences in cross-border cooperation in the continent, notably:

- development of transport corridors (Maputo Development Corridor);
- regional cooperation based on cross-border dialogue between local communities with a view to protecting wildlife and fragile ecosystems (African Wildlife Foundation/Zambezi Heartland based in Zimbabwe);
- development of river basins, with OMVS (Organisation de mise en valeur du fleuve Sénégal – Senegal River Development Authority);
- analysis of the functioning of borders and the dynamics found therein, based on studies conducted by the Cotonou, Benin, Regional Analysis and Social Expertise Laboratory (LARES);
- the process of the International Conference on the Great Lakes Region (CEPGL);
- the Equatorial Guinea/Nigeria maritime boundary Treaty of September 2000, which contains a unitisation clause for the joint development of resources found across the common boundary; and
- the activities of the NGO ENDA DIAPOL in West Africa.

17 The representatives of several other countries, international organisations and NGOs also presented papers on their border management experiences.

18 The meeting commended these different experiences and, more generally, acknowledged the importance of cross-border cooperation in mitigating the barrier effects of borders, preventing conflicts and fostering regional integration. It stressed the need to elaborate appropriate legal and financial instruments to facilitate the development of such cooperation.

19 Similarly, the deliberations highlighted the very diverse nature of the experiences in cross-border cooperation, be they local or large-scale initiatives. In this respect, the meeting requested the Commission to catalogue ongoing experiences and to establish a mechanism for the exchange of good practices.

Session IV:
Partnership, resource mobilisation and capacity building

20 At this session, the meeting followed presentations on:
- partnership and the mobilisation of resources required for the implementation of the AU Border Programme;
- capacity building for the implementation of the Border Programme.

21 Moreover, the meeting noted with interest the contribution of the United Nations Cartographic Section, which made a presentation on its experience and good practices, and gave information on the United Nations continued support for the promotion of cross-border activities.

22 Following these presentations, the meeting made the following recommendations:
- necessity for concrete capacity building at the national, regional and continental levels to ensure the sustainable implementation of the Border Programme;
- cataloguing of existing capacities within the continent and putting such capacities to use, including recourse to the African Organisation of Cartography and Remote Sensing (AOCRS);
- development of special training, education and research programmes on the management of border issues and making use of African structures and institutions, which should be strengthened;
- strengthening the Conflict Management Division of the Peace and Security Department of the AU, to enable it to provide necessary support for the implementation and monitoring of the Border Programme;
- raising the awareness of local populations so that they can own the Border Programme;
- involvement of parliamentarians, local governments, civil society, the private sector and other relevant structures in the implementation and monitoring of the AU Border Programme;
- building of partnerships with other regions of the world, particularly Europe, which has a wealth of experience in cross-border cooperation, through the Association of European Border Regions (AEBR) and the European Commission INTERREG Programme; and

- mobilisation of the resources required for the implementation of the Border Programme both within the continent and from AU partners.

Session V:
Consideration of the draft report and the draft declaration to be submitted to the Ministers

23 The meeting considered its draft report and made the necessary amendments. It equally considered the draft declaration to be submitted to Ministers for consideration. In this respect, it requested the Commission, with the assistance of the Bureau, to finalise the draft document in light of the observations that were made.

c INTERNATIONAL SEMINAR ON THE IMPLEMENTATION OF THE AFRICAN UNION BORDER PROGRAMME, DJIBOUTI, 1 TO 2 DECEMBER 2007

Opening

Address by the representative of the Commission

The workshop was held under the joint chairmanship of Mr. El Ghassim Wane, Head of the Conflict Management Division and Chairman of the Steering Committee and Mr. Sammy Kum Buo, Director of the Africa II Division, Department of Political Affairs of the UN General Secretariat.

In his opening address, the Head of the Conflict Management Division expressed thanks to the participants. He then reviewed the history of the African Union Border Programme (AUBP): the meeting of experts held in Bamako, Mali (8 to 9 March 2007); the meeting of government experts in Addis Ababa, Ethiopia (4 to 5 June 2007); and the Conference of African Ministers in Charge of Border Issues (7 June 2007). This conference led to the adoption of the Declaration on the Implementation of the AUBP. This Declaration was in turn approved by the Executive Council at its last session in Accra, Ghana. The Council Decision revolves around delimitation/demarcation of boundaries, cross-border cooperation and capacity building to better manage border issues. The objective of the workshop in Djibouti is to examine the pragmatic approach to implementing the AUBP at continental, regional and national levels including civil society.

The Director of the Africa II Division, Department of Political Affairs of the United Nations General Secretariat read a message from the UN Secretary-General to the workshop participants on the implementation of the AU Border Programme. His message could be summarised as follows: more than a century after the Berlin Conference, the delimitation/demarcation of African borders continues to be a problem and a source of conflicts; hence, the need for the African Union to take preventive measures against the outbreak of conflicts through its Border Programme. The objective of this Programme in this regard is to complete the delimitation/demarcation of the borders before the border problems result in conflicts. To achieve this, regional integration efforts and funding are required. In this context, this workshop is an opportunity to determine the extent of resources necessary for this purpose.

Session I:
Overview of the AU Border Programme

In introducing the general historic overview of the AU Border Programme, Professor A.I. Asiwaju (President of the African Regional Institute, AFRI) highlighted the following:

- The issue of borders as factors of conflicts in Africa is as old as the creation of states themselves.
- In the past, the emphasis has been on borders as factors of conflicts;
- The evolving view has been on borders as opportunities for international cooperation, as the AU is transforming from a Union of States to a Union of People.
- Since the inception of the OAU in 1963, a number of legal instruments have addressed the issue of borders, among which are the 1963 OAU Charter and the 1964 the 1964 Cairo Declaration.
- The AU Border Programme started with the Meeting of Experts held in March 2007 in Bamako, Mali, which defined the programme and its implementation modalities.
- Four main recommendations were made during the Bamako meeting, on which the AU Border Programme is based:
    - (i) Need to define and demarcate all borders in Africa as expeditiously as possible and in a cost effective manner, preferably by 2012, the deadline set by the AU Policy organs;
    - (ii) Need to promote cross-border cooperation and regional border development;
    - (iii) Need to focus on capacity building, research and train-

ing as well as ensure regional approaches at all levels, moving away from purely national approaches, so as to strengthen regional integration;

(iv) Need to define clear timetable and programme for the implementation of the Border Programme.

Professor Asiwaju recalled that the AU Border Programme was adopted by the first-ever meeting of African Ministers in Charge of Border Issues held in Addis Ababa, Ethiopia, in June 2007 and was endorsed by the policy organs of the Union in Accra, Ghana, in July 2007. He concluded by indicating that the way forward required that the necessary measures be put into place to ensure the effective implementation of the AU Border Programme.

To complete Professor Asiwaju's presentation, Ambassador Diarrah stressed that:

(i) while the boundaries may be sources of conflict, they may also constitute areas of solidarity, peace and regional cooperation;

(ii) The AU Border Programme does not seek to reshape the borders in Africa, but to identify and provide substantive means to strengthen cross-border cooperation.

Ambassador Diarrah concluded by recalling that the Programme's objectives were as follows:

- the completion of African border identification, delimitation and demarcation;
- the deepening of regional institutional integration;
- the implementation of local initiatives in cross-border cooperation programmes within the framework of the RECs and major regional cooperation initiatives, including through the creation of regional funds;
- the formulation of the legal frameworks necessary to facilitate cross-border cooperation in Africa;
- the establishment of continental or regional mechanisms for capacity building; and
- resource mobilisation both in Africa and with partners of the AU for the implementation of the Border Programme.

In the discussions that ensued, participants made observations and sought clarifications as follows:

- Need to ensure that the Regional Economic Communities play their role in the implementation of the AU Border Programme and to determine the responsibilities at continental, regional and sub-regional

levels;
- Need to undertake, in addition to delimitation and demarcation, reaffirmation of border activities;
- Need to take into account, in carrying out demarcation activities, the cultural characteristics of the local societies, and draw from lesson learned;
- Need to share experience in the implementation of the AU Border programme;
- Need for Member States to redefine the exercise of their sovereignty within cross-border areas and to demonstrate their strong political commitment to the delimitation and demarcation of borders;
- Need to promote the AU Border Programme at all levels and in particular, the grass-roots level.

Session II:
Consideration of measures to be taken for the implementation of the AU Border Programme

(a) Delimitation and demarcation

During this session the participants listened to the introductory remarks of Mr. Martin Pratt, Director of Research, International Boundaries Research Unit (IBRU) at the University of Durham, UK, Mr. Elias Mucombo, Director of Border Affairs of Mozambique, and Dr. Marie Trémolières, Director of OECD/SWAC, who had represented Mr. Laurent Bossard, to the AUBP steering committee.

Mr. Pratt made a presentation on the concept of delimitation and demarcation. He informed the participants that the concept was developed by Mr. Stephen B. Jones. Added to his model were the elements of maintenance, long-term management and recovery. The latter include the concepts of confirmation and reaffirmation of borders. The following ideas came out of his presentation.
- The real problem of delimitation/demarcation of African borders is that those who drew the boundaries delimited them on the basis of faulty geographic information, not knowing exactly the real location of land features, rivers or streams.
- Delimitation/demarcation of African borders was left incomplete due to a lack of documentation, leaving doubt as to how to delimit and demarcate borders accurately and precisely. Mr. Pratt gave the example of Saudi Arabia at the opposite end of the spectrum, where

the process of demarcating the border, while it was expensive, was completed accurately and precisely.
- The need to consider the impact of the delimitation/demarcation activities on local and cross-border structures.
- Since 25 % of global and African borders follow rivers, the natural processes resulting in rivers changing their original courses must be taken into consideration.
- As the incongruence between a boundary and changed river course can be a source of conflict, Europeans have chosen as borders rivers whose courses are not subject to abrupt changes.
- AU Member States must keep in mind their prior commitment to avoid engaging in disputes ensuing from delimitation and demarcation activities.
- A computerised information system for border management should be set up to store and share data and related materials.

Mr. Mucombo presented a model of a questionnaire that Member States could submit to the AU as an inventory of their territorial delimitations and demarcations, and maritime and river boundaries reflecting their length, area and the methodology used to construct them.

Dr. Marie Trémolières introduced a draft matrix for implementing the AUBP that focuses on the following six points:

1 monitoring and evaluation of the AUBP;
2 conveying the concept of popular ownership of the AUBP;
3 delimitation and demarcation of borders;
4 cross-border cooperation;
5 exchange of experience; and
6 engaging in partnerships and resource-sharing.

These presentations were followed by discussions that raised the following issues:

(i) Regarding the questionnaire and whether Member States should
- be required to specify the information system used for filling out the questionnaire;
- complete the questionnaire by adding a section on geographic information systems;
- complete the questionnaire promptly;
- propose using satellite positioning systems (GPS) to align the existing boundary. This methodology allows States to evaluate their mapping, and controls the costs associated with the delimitation

and demarcation process;
- indicate the sources and scale used in defining the boundary;
- specify available transboundary resources;
- convey a clear means to survey cross-border and migration issues;
- require another questionnaire for capacity building;
- use the questionnaire to inventory border area administration;
- have at their disposal a clear and streamlined questionnaire. The proposal was made to build all of the issues listed above into the questionnaire;
- ensure that the questionnaire would not be exploited by any Member State to defend their interest;
- the need to test the questionnaire on a number of countries before extending it to all AU Member States;
- the need to monitor that the data entered into questionnaire conforms with physical reality on the ground to meet the expectations of the AU;
- need to sensitise local border populations, who may not understand regional integration or who fear it might erase national identities;
- consider the refusal of some Member States to cooperate with the AUBP and non-AU States; and
- add a comment section to the questionnaire to identify successful experiences such as those between Nigeria and the neighbouring countries of Cameroon, Equatorial Guinea, and Sao Tome and Principe.

(ii) Regarding the matrix
- Consider broader AUBP oversight , adding the key stakeholders and all political components to the matrix.

Recommendations

- Ensure the training of staff involved in the Member States' delimitation and demarcation processes, drawing on the example of Nigeria, which currently provides staff training in the UK.
- Identify potential partners to fund the AU Border Programme.

- Seek the cooperation of the United Nations to access the necessary legal instruments related to delimitation and demarcation.
- Require Member States' agreement in advance to the principle of peaceful settlement of issues that may arise during the delimitation and demarcation process. In this respect, China and Russia provide an instructive example of default to a 50/50 territorial split when other means of achieving an equitable allocation of territory cannot be achieved.
- Anticipate that disagreements between States on delimitation and demarcation maps or texts may not constitute a source of conflict as the result of demographic interpretation.
- Create a database containing information that is absolutely neutral, with the assistance of the United Nations, which has a greater expertise in this matter.
- Engage the multinational corporations in the instances where the management of resources, such as oil, exceed national issues.

Experience of the Organization of the American States (OAS)

A representative of the OAS made a presentation on the experience of this organisation with boundaries matters. He noted two issues in the experience of the Americas:

(a) a history of disputes over territorial boundaries;
(b) collaboration in establishing practical confidence-building measures that include audits or inquiries into liaison offices.

The OAS established a Peace Fund, in 2000 to finance costs incurred in resolving territorial disputes, contingent upon the States being party to the Fund and that they accept and support the activities of Member States.

The OAS also plays a role in cross-border cooperation.

Following the comments by the OAS representative, the meeting participants decided to establish two sub-committees, one responsible for finalising the questionnaire, the other responsible for the matrix. They also decided to:

- organise by January 2008 a joint AU/UN meeting, funded by the AU to complete the questionnaire;
- establish a core team in collaboration with the UN to deal with data that will be collected from AU Member States through the questionnaire;

- organise, in collaboration with the United Nations, a meeting of experts from Member States on the delimitation and demarcation process, to discuss the system of information management in order to avoid errors in interpretation;
- create within the AU Commission a delimitation and demarcation issues database and establish confidence-building measures to support its Member States;
- allow three months for Member States to respond to the questionnaire; and
- hold a small meeting of experts from all African regions every two years, to learn about experiences implementing the AUBP.

(b) **Cross-border cooperation**

Cross-border cooperation is one of the tools for conflict prevention and management used by the African Union, and by extension, the African Regional Economic Communities (RECs). Keeping the goal of regional integration and socio-economic development in mind, the participants reflected on various experiences and issues and made a number of concrete proposals.

The experiences shared and the issues raised by the participants at the meeting brought to the fore the need to to achieve success in a cross-border initiative that will entail:

- political will of the states, in terms of decision-making and providing a conducive policy environment;
- partnership building from the beginning, either on a public-private sector basis, or between inter-governmental organisations or international organisations and donors/partners;
- sensitisation of the stakeholders in a cross-border initiative to help prepare them for their engagement in the project;
- coordination in the design of administrative and technical arrangements for the oversight of a cross-border initiative;
- provision of requisite capacity and infrastructure for the operation and management of cross-border initiatives;
- design and launching of cross-border initiatives woven around the common interests of neighbouring States; and
- laying the groundwork for sustaining a cross-border venture, including the incorporation of a user/payer/beneficiary principle.

Participants proposed, among others, the following concrete actions to jump-start cross-border cooperation:

- undertaking studies to take stock of the present situation on the ground on the African continent;
- establishing directories of offices dealing with border operations in neighbouring countries, including the establishment of border-crossing point offices;
- designing a pan-African legal framework for cross-border cooperation;
- facilitating local administrative councils operating in border areas to enter into agreements, and coordinating arrangements supportive of cross-border cooperation;
- providing capacity building for border operations, including measures to reduce the effects of linguistic barriers along border areas;
- promoting interstate cross-border cooperation initiatives;

The discussion emphasised the following in order to positively steer cross-border cooperation initiatives:

- popularisation of cross-border initiatives as the way to begin to draw the attention and participation of concerned stakeholders.
- involvement of concerned stakeholders in the border areas;
- injection of political support to cross-border initiatives;
- effective fulfilment of responsibilities by all parties involved in cross-border cooperation projects;
- stimulation of viable economic activities in the border areas;
- job creation as a direct benefit to local communities in border areas; and
- establishing from the beginning the principle of the long-term sustainability of cross-border cooperation ventures, particularly through the promotion of viable public-private partnerships as a framework for such ventures.

(c) **Partnership and resource mobilisation**

Finding the means to build partnerships and to mobilise resources is essential to make the implementation of the AUBP a reality. In order to succeed, Member States must demonstrate political goodwill, figure out how to set up networks of partnership and resource mobilisation, and make the AUBP an integral part of the African Union.

The AUBP will be included in the Capacity Building Programme of the United Nations. This should enable the AUBP to satisfy its mapping re-

quirements. Its success will require the creation of North-South as well as all-African partnerships in mobilising human resources.

Several possible means can be recommended to achieve these objectives:

- establishment of research centres on border issues;
- involvement of NGOs and associations facing border problems on a daily basis;
- solicitation of local administrations managing border problems in the implementation of the delimitation and demarcation process;
- organisation of a joint African Union – European Union seminar;
- establishment of a liaison between the African Union and NEPAD, whose programme has already raised concerns about the AUBP;
- establishment of a capacity-building partnership with the United Nations, where cooperation currently exists in the areas of:
  - strategic planning;
  - technical support (mapping, remote sensing, satellite images and maps); and
  - legal, logistics assistance

- Establish partnerships with other sectors
  - private sector/NGO
  - political organisations
  - administrative organisations
  - diplomatic communities

- Manage the African Union's coordination of efforts by creating a unit responsible for borders issues.

(d) **Steering and governance of the Border Programme**

Workshop Co-Chair Wane said that the aim of the workshop was to exchange views on the structures to be put into place to ensure the effective implementation of the AU Border Programme. In this regard, he made the following proposals:

- At the level of the AU Commission, appoint a team of three (3) to five (5) persons responsible for monitoring the implementation of the Program on a daily basis;
- Expand the Steering Committee to be representative of all regions of the AU and the diversity of experiences;
- Create a consultative structure, composed by the AU, Regional Economic Communities (RECs) and other initiatives like the Mozambique Corridor;

- Establish a forum that will ensure ongoing dialogue with partners to support the participating Member States in their implementation of the Programme.

Some participants made the following suggestions:

- The Commission should have a working session with institutions with experience in this field in order for the Commission to identify the expertise required to implement the Programme.
- Steps should be taken toward developing a Convention of the African Union Borders so that the principles contained in the Declaration adopted in July 2007 in Accra (Ghana) become obligatory for all Member States.
- The need to establish:
  - coordination mechanisms at the regional and national level for the facilitation of the Programme; and
  - efforts to involve civil society organisations in the implementation of the Programme.

At the end of the discussion, the meeting decided on:

- setting up a team to guide the Commission;
- expanding the Steering Committee;
- creating a structure composed of the Commission, the RECs, the Pan-African Parliament and other relevant institutions to assess the Programme's progress and direction;
- involving the partners in meetings; and
- establishing a timetable for the setting up the structures.

d COMMUNIQUÉ OF A TWO-DAY REGIONAL WORKSHOP FOR THE EASTERN AFRICA REGION ON THE IMPLEMENTATION OF THE AU BORDER PROGRAMME, KAMPALA, UGANDA, 25 TO 26 SEPTEMBER 2008

A two-day regional workshop for the Eastern Africa region on the implementation of the AU Border Programme concludes today in Kampala.

As part of the implementation of the African Union Border Programme (AUBP), the AU Commission, together with the East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA) and the Inter-governmental Authority on Development (IGAD), completed today, in Kampala, Uganda, a two-day workshop for the Eastern Africa Region. The workshop was opened yesterday, 25 September 2008, by the Minister for Internal Affairs of the Republic of Uganda, Hon. Ruhakana Rugunda, and closed by the Deputy Secretary-General of the EAC, Hon. Beatrice Kiraso. In attendance were experts of the countries of the region and the Regional Economic Communities (RECs), as well as AU partner organisations and other relevant institutions.

The workshop provided an opportunity to discuss the various aspects of the AUBP, assess the progress made in the region regarding the implementation of the AUBP and identify the challenges ahead. In this respect, the workshop agreed on concrete steps to be taken at national and regional levels to further the implementation of the AUBP, in particular with respect to the delimitation and demarcation of borders where such an exercise has not yet taken place, the development of cross-border cooperation and capacity building for border management, as well as partnership and resource mobilisation.

Four other regional workshops are planned for the Northern, Central, Southern and Western regions between October 2008 and April 2009. In collaboration with the concerned RECs, these regional workshops are intended to popularise the AUBP and facilitate the elaboration of regional action plans.

It should be recalled that the Declaration on the AUBP and its Implementation Modalities was adopted by the Conference of African Ministers in Charge of Border Issues, held in Addis Ababa on 7 June 2007.

The Declaration, which was endorsed by the AU Executive Council in Accra, in June 2007, has as an overall goal, the structural prevention of conflicts and the promotion of regional and continental integration. More specifically, it aims at facilitating the delimitation and demarcation of African borders, promoting cross-border cooperation and building the capacity of the relevant African actors in the area of border management, including the development of special education and research programmes.

e CONCLUSIONS OF THE REGIONAL WORKSHOP FOR NORTHERN AFRICA ON THE IMPLEMENTATION OF THE AFRICAN UNION BORDER PROGRAMME ALGIERS, ALGERIA, 16 TO 17 OCTOBER 2008

1. As part of the follow-up to the Declaration on the African Union Border Programme (AUBP) and its Implementation Modalities as adopted by the Conference of African Ministers in Charge of Border Issues, held in Addis Ababa, Ethiopia, on 7 June 2007, and subsequently endorsed by the AU Executive Council at its 11th Ordinary Session held in Accra, Ghana, from 27 to 29 June 2007, a regional workshop for Northern Africa on the implementation of the AUBP was organised by the AU Commission in Algiers (at the headquarters of the African Centre for the Study and Research on Terrorism – ACSRT), Algeria, from 16 to 17 October 2008. The workshop was opened by the AU Commissioner for Peace and Security and the Director-General for Legal and Consular Affairs in the Algerian Ministry of Foreign Affairs on behalf of the host country, Algeria.
2. The workshop was attended by the following Member States of the Northern Africa Region: Algeria, Egypt, Libya, the Sahrawi Arab Democratic Republic (SADR) and Tunisia.
3. The following Regional Economic Communities (RECs) were also in attendance: CENSAD, COMESA, EAC, ECCAS and ECOWAS.
4. In addition, the United Nations Secretariat, the United Nations Economic Commission for Africa (UN-ECA), the Nigerian National Boundary Commission (NBC), GTZ and other organisations and NGOs were also represented at the workshop, as observers.
5. The workshop provided an opportunity to review the progress made in the overall implementation of the AUBP. In particular, the workshop focused its deliberations on the concrete steps being taken at the level of the North African region to follow-up on the specific

aspects of the AUBP as they relate to delimitation and demarcation, cross-border cooperation and capacity building, as well as other aspects of the Programme pertaining to popularisation, partnership and resource mobilisation.

6 At the end of its deliberations, the workshop reached the following conclusions:

(a) **Delimitation and demarcation**

7 The workshop welcomed the significant progress made by the countries of the region in the delimitation and demarcation of their borders, which, as stressed by the Declaration on the AUBP and its Implementation Modalities, depends primarily on the sovereign decision of the States, and commended all the States concerned for their efforts and commitment. In order to consolidate the progress achieved thus far, the workshop recommends that:

(i) the delimitation and demarcation of borders, where such an exercise has not yet taken place, be expedited, keeping in mind the deadline set by the African Heads of State and Government in the Memorandum of Understanding on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) adopted at the OAU Summit held in Durban, South Africa, in July 2002, and which provides for the completion of the exercise throughout the continent by 2012. The countries concerned are encouraged to regularly update the AU of the steps taken towards the realisation of this objective;

(ii) concrete steps be taken to densify boundary beacons where required and, to this end, that detailed plans, including the related financial costs, be worked out to facilitate the mobilisation of the necessary resources;

(iii) the Member States of the region which have not yet done so be encouraged to speed up the transmission to the AU Commission of the duly filled questionnaire on the status of African borders which was sent in April 2008. The Commission will re-send the questionnaire to facilitate the completion of this exercise by the end of 2008;

(iv) the contact details of the border agencies and other relevant institutions and experts of the countries of the region be communicated to the AU Commission, as part of the response to the above-mentioned question-

naire, to facilitate inter-African cooperation in the area of delimitation and demarcation, through exchange of experiences and availability of experts; and

(v) a technical meeting, bringing together relevant national boundary/cartographic/mapping/surveying bodies in Africa, be convened by 2009 to exchange experiences.

(b) **Cross-border cooperation**

8 The workshop noted with satisfaction the establishment by the countries of the region of mechanisms aimed at furthering cross-border cooperation in the region and between it and neighbouring countries in other regions. In this respect, the workshop highlighted both the on-going projects involving some of the countries of the region and other neighbouring States, including those relating to infrastructure, such as the Trans-Saharan Highway Project and the Trans-Saharan Gas Pipeline Project, as well as others dealing with health, trade, free movement of people, environment, civil defence, combating of illegal immigration, and security.

9 The workshop recommends that:

(i) a comprehensive inventory of existing cross-border cooperation initiatives and agreements in the region be undertaken, in order to popularise them, assess their state of implementation and make recommendations on how they could contribute further to the achievement of the objectives of the AUBP. In this respect, the countries of the region are encouraged to extend the necessary cooperation and support to the consultancy that the AU Commission is planning to undertake in due course, as part of the initial measures for the launching of the AUBP as spelt out in the Declaration adopted in Addis Ababa in June 2007;

(ii) the links between all on-going cross-border cooperation initiatives and the relevant provisions of the AUBP be highlighted, with the view to placing them under the umbrella of the Programme and sensitising all the actors involved about its objectives;

(iii) further steps be taken to deepen local cross-border cooperation initiatives, including the elaboration of appropriate legal instruments and the establishment of regional funds, as called for by the AUBP Declaration. On its part, the AU Commission should facilitate exchange of experi-

ences with other regions of the continent. As an initial step, the AU Commission will sponsor a field trip of North African experts to West Africa by the first half of 2009, to be followed by a visit of experts from other regions to North Africa;

(iv) where appropriate, joint management of resources, building on relevant experiences in the rest of the continent, be encouraged. The AU Commission should facilitate exchange of experiences in that regard; and

(v) cross-border cooperation in the area of prevention and combating of terrorism, as well as transnational crime, be strengthened. In this respect, the workshop requests the ACSRT to facilitate and support, as appropriate, such initiatives.

(c) **Capacity building**

10 The workshop stressed the critical importance of capacity building for the successful implementation of the AUBP, through, among others, training, exchange of experiences and research aimed at deepening the understanding of border-related issues on the continent and building a strong knowledge infrastructure, as well as collaboration with relevant structures outside Africa.

11 The workshop, therefore, recommends that:

(i) an inventory of all management, research and training institutions dealing with border issues in the Northern African region be undertaken. In this respect, the countries of the region are encouraged to extend the necessary cooperation and support to the consultancy that the AU Commission is planning to undertake in due course, as part of the initial measures for the launching of the AUBP as spelt out in the Declaration adopted in Addis Ababa in June 2007;

(ii) the development of networking amongst the relevant institutions in Northern Africa and with other similar institutions in the continent and outside Africa be encouraged. The countries of the region should update the AU Commission regularly on the steps taken in this respect;

(iii) the inclusion of cross-border cooperation curricula in the educational systems of the countries of the region, with emphasis on regional integration, be encouraged; and

(iv) with the support of the AU Commission and other relevant institutions, training and sensitisation workshops on the AUBP, including the environmental impact of cross-border projects, be organised for borderland authorities, to facilitate the implementation of the Programme.

(d) **Popularisation of the AUBP and follow-up with Member States**

12 The workshop stressed the need to effectively popularise the AUBP to ensure ownership at regional, national and local levels, as well as that of continued interaction between the Commission and Member States in the implementation process of the Programme. To this end, and as part of the public relations strategy being carried out by the AU Commission, the workshop recommends the following:

(i) the organisation by the Member States of the Northern African region, where possible by 2009, of national workshops bringing together all stakeholders, in order to sensitise them on the AUBP and its objectives;
(ii) the submission, where appropriate, of briefings on the AUBP and its implementation during meetings on cross-border projects and programmes;
(iii) (the use of national media and other relevant institutions to popularise the AUBP activities;
(iv) the encouragement of the appointment/designation by the Member States of the Northern Africa region of focal points for the AUBP; and
(v) the submission by the Member States of the Northern African region of regular reports relating to the implementation of the AUBP, in line with the decision adopted by the AU Executive Council in Accra in June 2007.

(e) **Partnership and resource mobilisation**

13 The workshop noted with satisfaction the steps taken by the AU Commission to build the necessary partnerships and mobilise the required resources for the implementation of the AUBP, in accordance with the initial measures identified in the Declaration for the launching of the Programme, and expressed its gratitude to the partners who have so far provided technical and/or financial support (Germany, through GTZ, Italy and the United Nations). The workshop encouraged the Commission to pursue these efforts in order to mobilise further support both from within and outside Africa.

14 The workshop expressed its deep appreciation to the Government of Algeria for having hosted this meeting and for its support, which contributed greatly to the success of this event.

f CONCLUSIONS OF THE 2ND INTERNATIONAL SYMPOSIUM ON LAND, RIVER AND LAKE BOUNDARIES MANAGEMENT, MAPUTO, MOZAMBIQUE, 17 TO 19 DECEMBER 2008, AUBP/EXP/3(VI)

1 As part of the follow-up to the Declaration on the African Union Border Programme (AUBP) and its Implementation Modalities, as adopted by the Conference of African Ministers in Charge of Border Issues, held in Addis Ababa, Ethiopia, on 7 June 2007, and subsequently endorsed by the Executive Council of the African Union (AU) at its 11th Ordinary Session held in Accra, Ghana, from 27 to 29 June 2007, the AU and the Government of Mozambique jointly organised the Second International Symposium on Land, River and Lake Boundaries Management, in Maputo, from 17 to 19 December 2008. The Symposium was opened by Honorable Benvinda Levy, Minister of Justice of the Republic of Mozambique, and Mr. El Ghassim Wane, Head of the Conflict Management Division (CMD) of the Peace and Security Department, on behalf of the AU Commission.

2 The Symposium was attended by the following Member States: Algeria, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Comoros, Republic of Congo, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Ethiopia, Ghana, Republic of Guinea, Kenya, Liberia, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Saharawi Arab Democratic Republic, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

3 The following Regional Economic Communities (RECs) were also in attendance: CENSAD, ECCAS and ECOWAS.

4 In addition, the United Nations Secretariat, the United Nations Economic Commission for Africa (UN-ECA), the Organization of American States (OAS), the World Bank, as well as the German Technical Cooperation (GTZ) and a number of experts from China, Finland, France, Germany, Thailand, United Kingdom, USA, the International Border Research Unit (IBRU) of the University of Durham and the University of Kent (United Kingdom), were also represented at the Symposium.

5 The Symposium, which featured a number of technical presentations in plenary sessions and discussions both in plenary and working groups, provided an opportunity for the sharing of ideas and experiences on issues relating to the delimitation, demarcation, reaffirmation and management of boundaries, as well as to cross-border cooperation.

6 At the end of the deliberations, the Symposium reached the following conclusions:

A. General considerations

7 The participants stressed the need for continued and sustained efforts by the AU Member States and Commission, the RECs and other stakeholders to ensure the effective implementation of the AUBP, which provides a framework for comprehensively addressing border issues, both with respect to delimitation and demarcation and cross-border cooperation, with the overall objective of contributing to the prevention of conflicts and the promotion of integration.

8 The participants also underlined the continued relevance of the conclusions of the First International Symposium on Land and River Boundary Demarcation and Maintenance in Support of Borderland Development, held in Bangkok, Thailand, from 7 to 9 November 2006.

9 The participants agreed as follows:

(i) the centrality of the principle of the respect of borders existing on achievement of national independence, as enshrined in the Charter of the Organization of African Unity (OAU), resolution AHG/Res.16(I) on border disputes between African States, adopted by the 1st 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, to the continent's efforts to define its boundaries;

(ii) boundary problems in Africa are not uniquely African. Thus, valuable lessons can be learned from delimitation and demarcation experiences in other parts of the world. Best practices in Africa can usefully be shared among African countries and with other continents;

(iii) boundaries may be perceived by borderland populations as imposed barriers which do not reflect local realities. Strategies need to be developed by Governments to sensitise and involve borderland populations in the mark-

ing of borders, to ensure that clearly delimitated and appropriately demarcated boundaries are seen as a valuable foundation for borderland development rather than a threat to local communities. Borderland populations could also be involved in the development and implementation of effective border management strategies;

(iv) effective delimitation and demarcation take time. 2012 is the date set by African leaders for the completion of delimitation and demarcation of Africa's boundaries where such an exercise has not yet taken place [Memorandum of Understanding on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) adopted by the OAU Assembly of Head of States and Government held in Durban, South Africa, in July 2002]. Recognizing that the achievement of this objective will require more sustained efforts, participants stressed the need for the AU Member States to do whatever is in their power in order, as much as possible, to meet the time-limit set out by the Declaration on the CSSDCA;

(v) delimitation, demarcation, mapping and management are essential steps towards creating peaceful and prosperous borderlands, but on their own they will not achieve these goals. Hence, the need for sustained efforts to promote cross-border cooperation and set targets to be achieved within a specific period of time, including the establishment of joint border management mechanisms between Member States. Reaffirmation of boundaries (e.g. erection of intermediate markers) and their maintenance will facilitate the achievement of this objective;

(vi) states engaged in boundary reaffirmation should, where necessary, consider agreeing on Protocols to existing delimitation and demarcation instruments;

(vii) rivers and lakes boundaries create special challenges in terms of (a) delimitation and demarcation; and (b) the management of shared water and other resources. The sharing of experiences and best practices in these areas is particularly important;

(viii) some States face particular challenges in boundary demarcation due to the presence of landmines in border areas. The international community should support these countries to clear mined areas in order to facilitate demarcation exercises and other cross-border activities;

(ix) differing interpretations of terms used in the definition of boundaries can lead to disagreements over delimitation and demarcation of boundaries. The development of a multi-language lexicon of relevant terms should be a goal of the AUBP; and

(x) the implementation of the AUBP requires continued collaboration between the AU, Member States, RECs and other partners. Early completion of the questionnaire on the status of African borders (sent to Member States in April 2008) would be a valuable contribution to the implementation of the AUBP.

B. Specific recommendations

10 The participants made the following recommendations:

(i) the establishment, by the AU Commission, of a working group to prepare a practical handbook on delimitation and demarcation in Africa, highlighting best practices in/ guidelines for delimitation, demarcation, maintenance and of African boundaries reaffirmation, as well as recovery of boundary marks. This working group could also be charged with preparing a lexicon of relevant terms as highlighted above;

(ii) the launching, by the AU Commission, of a consultancy to: (a) identify options for enhancing boundary delimitation and demarcation research and training capacity in African universities and technical agencies (e.g. national survey authorities), and (b) map African capacity needs in delimitation, demarcation, reaffirmation and maintenance and source for assistance from development partners;

(iii) the implementation, by the AU Commission, of steps aimed at facilitating the communication by the former colonial powers of all information in their possession concerning the delimitation and demarcation of African boundaries, in line with paragraph 5 (a - iii) of the Declaration on the AUBP and its Implementation Modalities;

(iv) the reinforcement of the human resource capacity of the AUBP Unit of the AU Commission, in order to assist Member States in the acquisition of documents relevant to boundary delimitation and demarcation exercise from colonial archives;

(v) the convening, by the AU, of an international Symposium in Africa focusing on border management, cross-border cooperation and borderland development;
(vi) parties to border disputes and conflicts should be encouraged to initiate and pursue bilateral negotiations on all problems relating to the delimitation, demarcation and maintenance of their borders with, where appropriate, the support of the AU and other African regional institutions;
(vii) the promotion of an "African Border Day", to highlight the importance of the AUBP and encourage further efforts towards its implementation, particularly with respect to delimitation, demarcation and management, as well as cross-border development and cooperation; and
(viii) the establishment by Member States, as soon as possible, of National Boundary Commissions or similar agencies (where they do not exist), and legal bilateral arrangements to handle boundary matters between them.

g REPORT OF THE COMMISSION ON THE IMPLEMENTATION OF THE AFRICAN UNION BORDER PROGRAMME (AUBP), EXECUTIVE COUNCIL, 29 TO 30 JANUARY 2009, ADDIS ABABA, ETHIOPIA, EX.CL/459 (XIV)

I. INTRODUCTION

1 At its 11th Ordinary Session held in Accra, Ghana, from 25 to 29 June 2007, the Executive Council endorsed the Declaration on the African Union Border Programme (AUBP) and its Implementation Modalities, as adopted by the Conference of African Ministers in Charge of Border Issues, held in Addis Ababa, on 7 June 2007. The Council requested the Chairperson of the Commission and Member States to take all necessary steps for the implementation of the AUBP and submit regular reports thereon to the AU policy organs.

2 The present report first recalls the context in which the AUBP was adopted and the key elements of the Programme. It then proceeds to provide an update on the steps taken so far towards the implementation of the AUBP, since June 2007. The report concludes with observations on the way forward.

II. BACKGROUND

3 Since African countries gained independence, the borders – which were drawn during the colonial period in a context of rivalries between European countries and their scramble for territories in Africa – have been a recurrent source of conflicts and disputes in the continent. Most of the borders are poorly defined. The location of strategic natural resources in cross-border areas poses additional challenges.

4 This challenge was taken up early enough by African leaders who were inspired by the conviction that the achievement of greater unity and solidarity among African States and peoples requires the reduction of the burden of borders separating them. They were thus convinced that by transcending the borders as barriers and promoting them as bridges linking one State to another, Africa can boost the ongoing efforts to integrate the continent, strengthen its unity and promote peace, security and stability through the structural prevention of conflicts.

5 It is against this background that the Member States adopted a number of political and legal instruments to guide their efforts in the management of border issues. In this respect, the following are worth mentioning:

- the principle of the respect of borders existing on achievement of national independence, as enshrined in the Charter of the Organization of African Unity (OAU), Resolution AHG/Res.16(I) on border disputes between African States, adopted by the 1st 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 AU Constitutive Act;
- the principle of negotiated settlement of border disputes, as provided for in Resolution CM/Res.1069(XLIV) on peace and security in Africa through negotiated settlement of boundary disputes, adopted by the 44th Ordinary Session of the Council of Ministers of the OAU, held in Addis Ababa, in July 1986; and
- the Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa (CSSDCA), adopted by the OAU Assembly of Heads of State and Government held in Durban, South Africa, in July 2002 [Decision CM/Dec.666(LXXVI)], which provides for the delineation and demarcation of inter-African borders by 2012, with the assistance of the UN Cartographic Unit where required.

6 During the 8th Ordinary Session of the Assembly of the Union, held in Addis Ababa from 29 to 30 January 2007, the Commission was encouraged to pursue its efforts with regard to the structural prevention of conflicts, including through the implementation of the AUBP [Decision Assembly/AU/Dec.145 (VIII)]. As a follow-up to this decision, the Commission convened, in Addis Ababa, on 7 June 2007, the first-ever Conference of African Ministers in Charge of Border Issues. The Conference adopted a Declaration on the AUBP and its Implementation Modalities, which, as indicated above, was endorsed by the Executive Council in Accra.

7 As spelt out in the Declaration, the AUBP aims at:

- addressing the issue of border delimitation and demarcation;
- consolidating the gains made in the regional integration process, as demonstrated by the existence of the Regional Economic Communities (RECs) and of numerous large-scale cooperation initiatives; and
- facilitating the development of cross-border integration dynamics sustained by local stakeholders.

8 In their Declaration, the Ministers stressed that the implementation of the AUBP should be effected at several levels – national, regional and continental – and that the responsibility of each of these levels should be determined on the basis of the principle of subsidiarity and respect for the sovereignty of States. In this regard, the Declaration specifies the respective roles to be played by Member States, RECs and the AU with respect to the various components of the AUBP, namely border delimitation and demarcation, local cross-border cooperation and capacity building.

9 With respect to resource mobilisation and partnership, the Ministers requested the Commission to coordinate and implement the AUBP on the basis of an inclusive governance involving the Member States, the RECs, parliamentarians, locally elected representatives and civil society, as well as the European border movement, particularly the Association of European Border Regions (AEBR), the United Nations and other AU partners having experience in cross-border cooperation.

10 In order to launch the AUBP, the Ministers identified a number of initial measures to be taken by the Commission. These are the following:

- launching of a Pan-African survey of borders, through a questionnaire to be sent to all Member States, in order to facilitate the delimitation and demarcation of African borders;

- identification of pilot regions or initiatives for the rapid development of regional support programmes on cross-border cooperation, as well as support for the establishment of regional funds for local cross-border cooperation;
- working out modalities for cooperation with other regions of the world to benefit from their experiences and to build the necessary partnerships;
- initiating an assessment with regard to capacity building;
- preparation of a continental legal instrument on cross-border cooperation; and
- launching of a partnership and resource mobilisation process for the implementation of the AUBP.

III. STATUS OF IMPLEMENTATION OF THE AUBP

11 As a follow-up to the Accra Decision, the Commission, with the financial support of the German Technical Cooperation (GTZ), organised a workshop in Djibouti, on 1 and 2 December 2007, to assist it in elaborating a three-year plan of action for the implementation of the AUBP. The workshop brought together representatives of RECs and other African integration organisations, including river basin institutions, the African Development Bank (AfDB), the UN Secretariat and other UN institutions, the European Union (EU), the Organization of American States (OAS) and a number of specialised institutions and experts.

12 The workshop made it possible for the Commission to elaborate an implementation matrix, which covers a number of areas: capacity building; popularisation; delimitation and demarcation, including the survey of African borders, the mobilisation of resources and exchange of experiences; cross-border cooperation, including the elaboration of the required legal frameworks and the establishment of regional funds; partnership and resource mobilisation.

13 In pursuance of the Accra Decision and based on this implementation matrix, the Commission has undertaken the following activities:

a) Pan-African Survey of Borders

14 As indicated above, the Declaration on the AUBP and its Implementation Modalities requested the Commission to launch a Pan-African survey of borders, through a questionnaire to be sent to all Member States, in order to facilitate the delimitation and demarcation of African borders. As a follow-up to this Declaration, the Commission

prepared the requested questionnaire, which covers issues relating to the status of Member States' continental and maritime boundaries, as well as the contact details of the institutions responsible for border issues.

15 On 15 April 2008, my predecessor, Chairperson Alpha Oumar Konaré, wrote to all Ministers of Foreign Affairs/External Relations of Member States, to forward the questionnaire, highlighting its importance in the overall implementation of the AUBP. At the time of finalising this report, ten Member States had responded to the questionnaire. These are:

(i) Algeria;
(ii) Burkina Faso;
(iii) Cameroon;
(iv) Mali;
(v) Mauritius;
(vi) Mozambique;
(vii) Namibia;
(viii) Niger;
(ix) Sudan; and
(x) Tunisia.

16 I urge all the Member States that have not yet done so to complete the questionnaire. This will make it possible to have a comprehensive view of the status of African borders and facilitate the mobilisation of the financial, technical and human resources needed for their delimitation and demarcation.

b) Establishment of a Boundary Information System

17 In order to facilitate the utilisation of the information received in response to the questionnaire, the Commission has taken steps to establish a Boundary Information System (BIS). The core functions of the BIS will be to provide an overview of the status of all African borders based on the questionnaire returns. This will facilitate the monitoring of progress towards their delimitation and demarcation. Other functions of the BIS will include a database of African border experts and cross-border cooperation initiatives in the continent. On 15 July 2008, the Commission organised, in Addis Ababa, a technical meeting on the establishment of the BIS, which brought together experts from the RECs, the UN, GTZ and relevant African and international institutions. Based on the recommendations of that meeting, the Commission is currently mobilizing the required

expertise, as well as acquiring the IT equipment needed to facilitate the operationalisation of the BIS.

c) Sensitisation on the AUBP

(i) Regional workshops on the AUBP

18 The effective implementation of the AUBP requires that the Programme be adequately popularised, so that the various stakeholders are given ownership of it. Within this framework, and on the basis of the recommendations of the Djibouti workshop of December 2007, my predecessor wrote, on 11 April 2008, to all the Chief Executives of the RECs. In the letters, he informed the RECs of the intention of the Commission to organise five regional workshops aimed at sensitising the various stakeholders on the AUBP and mobilising their support for its implementation, as well as assisting the RECs in elaborating regional action plans within the framework of the implementation of the Programme.

19 Following a preparatory meeting with the RECs, which took place in Addis Ababa on 14 July 2008, the key parameters and agenda of the proposed regional workshops were laid down. In this respect, the following was agreed upon regarding the dates and venues of these workshops:

- East Africa: in September 2008, in Kampala, Uganda;
- North Africa: in October 2008, in Algiers, Algeria;
- Central Africa: in February 2009, in Libreville, Gabon;
- Southern Africa: in March 2009, in Windhoek, Namibia; and
- West Africa: in April 2009, in Ouagadougou, Burkina Faso.

20 It was also agreed that these workshops would be organised based on the following generic agenda:

- status of the implementation of the AUBP;
- consideration of specific aspects of the AUBP (delimitation, demarcation and reaffirmation of African borders, response to the AU questionnaire on the status of African borders, cross-border cooperation, capacity building and resource mobilisation);
- Boundary Information System for the AUBP;
- outreach strategy for the AUBP; and
- elaboration of regional action plans.

21 The first regional workshop took place in Kampala, from 24 to 25 September 2008, under the joint auspices of the AU and the EAC.

The workshop was attended by the following members of the Eastern Africa region: Comoros, Djibouti, Ethiopia, Kenya, Mauritius, Seychelles, Somalia, Sudan, Tanzania and Uganda. Other participants included CENSAD, COMESA, ECCAS, ECOWAS and IGAD, the United Nations, GTZ and other partner organisations.

22 The workshop made a number of recommendations. Regarding delimitation and demarcation, the workshop encouraged the countries of the region to: establish, where appropriate, national boundary institutions and joint bodies with neighbouring States; expedite the completion of the AU questionnaire on the status of African borders; and share their experiences among themselves, as well as with other regions in the continent and outside Africa. On cross-border cooperation, the workshop, among others, recommended the appointment of focal points at RECs and member States levels; the inventory of all cross-border initiatives in the region; and the establishment of an informal coordinating mechanism that would bring together COMESA, EAC and IGAD, as well as other regional initiatives, to coordinate all efforts relating to cross-border cooperation.

23 The second regional workshop took place in Algiers, for the Northern African Region, from 16 to 17 October 2008. Algeria, Egypt, Libya, SADR and Tunisia participated in the workshop. Other participants included representatives of CENSAD, COMESA, EAC, ECCAS and ECOWAS, as well as the UN, GTZ and other institutions.

24 The workshop welcomed the significant progress made by the countries of the region in the delimitation and demarcation of their borders. In order to consolidate the progress thus far achieved, the workshop recommended notably that concrete steps be taken to densify boundary beacons where required, to expedite the transmission to the AU Commission of the duly filled questionnaire on the status of African borders, and to forward the contact details of the border agencies and other relevant institutions and experts of the countries of the region, to facilitate inter-African cooperation in the area of delimitation and demarcation.

25 Regarding cross-border cooperation, the recommendations made include undertaking a comprehensive inventory of existing cross-border cooperation initiatives and agreements in the region; the deepening of local cross-border cooperation initiatives, including through the elaboration of appropriate legal instruments and the establishment of regional funds; the encouragement of the joint management of resources in border areas, where appropriate; and the strengthening of cross-border cooperation in the prevention

and combating of terrorism, as well as transnational crime. Other recommendations were made with respect to capacity building, popularisation of the AUBP and partnership and resource mobilisation.

26 The three other regional workshops will be held in the first quarter of 2009. Based on the arrangements agreed to with the concerned RECs, the workshop for Central Africa will take place in Libreville from 19 to 20 February 2009; the one for Southern Africa in Windhoek, in mid-March 2009; and the one for West Africa, in Ouagadougou, in April 2009. At the time of finalizing this report, practical arrangements were being made with ECCAS for the holding of the regional workshop for Central Africa.

(ii) Publication of a brochure on the AUBP

27 In mid-August 2008, the Commission, with the assistance of UNHCR, published in a booklet format the Declaration on the AUBP and its Implementation Modalities. This booklet was circulated to all diplomatic missions in Addis Ababa, as well as to a number of institutions in the continent and outside Africa. It has also been posted on the AU website. Plans are also underway to publish a book on the AUBP entitled: "From barriers to bridges – Overview of AU's efforts to address border issues in Africa". This book will be a compilation of all relevant OAU/AU documents on border issues and will bring to a wider audience the initiatives and steps taken to date at the continental level to address border-related issues.

(iii) Elaboration of an Outreach Strategy

28 The Commission has also elaborated an outreach strategy, whose goal is to create awareness of, and support for, the AUBP among Member States and other actors, including civil society organisations and border communities. More specifically, the strategy aims at building a sustainable dialogue with key stakeholders and facilitating the implementation of the AUBP by highlighting its benefits. In this respect, steps will be taken to brand the AUBP as a Programme that seeks to transform borders from barriers to bridges. The objective is to make the AUBP easier to recognise and understand, so as to ensure a connection between the Programme and the different target groups. The outreach strategy is envisaged as a multi-year, multi-media and multi-level strategy campaign. It will thus be implemented in phases, using a variety of media channels

to take into account the different profiles of the target groups and working at different levels: continental, regional and national.

29 In the coming months, the Commission will embark on the implementation of the pan-African aspects of the strategy. Among other activities, it is planned to feature articles and place adverts in in-flight magazines of major African airlines, especially given their role in connecting the African countries and allowing exchanges between nations; carry out specific activities with pan-African TV broadcasters; and work with existing African film festivals to introduce awards for film making competitions on border issues.

c) Capacity building

30 In the Declaration on the AUBP, the Ministers stressed the need to carry out an inventory of African Institutions that offer training in border related issues, explore avenues for collaboration with relevant training centres outside Africa and, on the basis of the above, design a capacity building programme. In this respect, the Commission intends to launch, in the first quarter of 2009, a consultancy that would aim at making concrete recommendations on the knowledge infrastructure (educational institutions, funds and scholarship schemes) that would sustainably support the AUBP. This will involve the identification of Centres of Excellence and the elaboration of educational curricula.

31 The Ministers also requested the Commission to take the necessary steps for the enhancement of the capacity of the Conflict Management Division of the Peace and Security Department of the Commission to enable it to play the role expected of it. I am pleased to report that two experts on border issues have been recruited to follow-up on the implementation of the AUBP. Other recruitments will be made in the coming months, particularly in order to speed up the operationalisation of the BIS and to support cross-border cooperation initiatives.

32 In order to provide the Commission with all the expertise required for the elaboration and implementation of the AUBP, a Steering Committee, made up of African experts, was put in place in November 2006. The Steering Committee has made a valuable contribution to the efforts of the Commission, providing the requisite support for the convening of the various meetings organised in the run-up to the Ministerial Conference on Border Issues and the activities that were undertaken subsequently. On 10 and 11 July 2008, the Steering Committee met in Addis Ababa to review the status of imple-

mentation of the AUBP and prepare a programme for 2009. Steps are underway to review the composition of the Steering Committee and its role in light of the current human resources capacity of the Commission.

33 Similarly, the Commission has taken steps to encourage AU partners to support relevant African institutions. Following consultations with the Commission, GTZ has extended technical and financial support to the Nigeria-based African Regional Institute (AFRI), which is specialised on border issues. This support relates to the organisation of cross-border workshops, training programmes for border administration authorities and institutional support to AFRI.

d) Partnership and resource mobilisation

34 In their above-mentioned Declaration, the Ministers requested the Commission to coordinate and implement the AUBP on the basis of an inclusive governance involving the member States, the RECs, parliamentarians, locally elected representatives and civil society, as well as the European border movement, particularly the AEBR, the UN and other AU partners having experience in cross-border cooperation. More specifically, the Commission was tasked to launch a partnership and resource mobilisation process for the implementation of the AUBP. I am pleased to report that the Commission has been able to mobilise significant support for the implementation of the AUBP, and is building close relationship with a number of partners, both bilateral and multilateral.

(i) Germany

35 On 13 February 2008, the German Minister for Foreign Affairs, Dr. Frank-Walter Steinmeier, wrote to my predecessor to offer the technical and financial support of his country to the AUBP. In his letter, the Minister stressed the importance of the delimitation and demarcation of African borders, as well as the promotion of cross-border cooperation, for the overall efforts aimed at preventing conflicts and ensuring the economic development of the continent. The Minister also indicated that Germany was prepared to work with individual AU Member States in the implementation of activities related to the AUBP.

36 On 5 March 2008, Chairperson Konaré wrote to Dr. Steinmeier to express AU's gratitude for the support of his country and to indicate that the Commission would work with GTZ to finalise the modalities of that support. Subsequently, the Commission and GTZ agreed on a

support package revolving around the following:

- financial and technical support for the development of the BIS;
- financial support for the enhancement of the human resource capacity of the Commission;
- support for the development of a handbook covering methodology and best practices in the area of delimitation and demarcation;
- financial support for the convening of meetings and workshops relating to the AUBP; and
- financial and technical support to relevant African institutions and individual AU member States for the implementation of the AUBP.

37 For 2008, the German Government, through GTZ, has made available about 3.35 million Euros to support AUBP related activities; out of this amount, 800,000 Euros were directly allocated to the AU. These resources were used to support the convening of the following activities: the preparatory meeting with the RECs, held in Addis Ababa on 13 and 14 July 2008; the technical meeting on the BIS held in Addis Ababa on 15 July 2008; the two regional workshops held in Kampala and Algiers; and the 2nd International Symposium on Land, River and Lake Boundaries Management, held in Maputo from 17 to 19 December 2008. GTZ has also provided equipment and financial support for the payment of salaries of the staff working on the implementation of the AUBP. The German Government is planning to allocate additional funds in 2009.

38 Furthermore, the German Government, through GTZ, is also providing direct support to individual AU member States. In this respect, GTZ has supported the demarcation of parts of the Mali/Burkina Faso boundary, as well as activities relating to the delimitation and demarcation of Mozambican borders with some of its neighbours. On cross-border cooperation, GTZ has also supported initiatives in West Africa.

(ii) Italy

39 As part of the implementation of the Italian-African Peace Facility (IAPF), the Italian Government has committed itself to funding some components of the AUBP to an amount of about US$1.8 million. An exchange of letters to this effect took place, on 30 June 2008, on the margins of the sessions of the Executive Council and the Assembly of the Union in Sharm El Sheikh, Egypt, in June 2008. The Commission is awaiting the disbursement of the pledged funds.

(iii) United Nations

40 The Commission is also working closely with the UN, which, through its Cartographic Section, has an extensive experience on delimitation and demarcation. Significantly, the Solemn Declaration on the CSSDCA referred to above, which provides for the delimitation and demarcation of African borders, where such an exercise has not yet taken place, by 2012, stipulates that the assistance of the UN Cartographic Section will be sought where required. The UN has taken part in all the meetings organised so far by the AU with respect to the implementation of the AUBP. As part of the establishment of the BIS, the Commission is planning to send some of its staff to New York to learn more about the UN experience in recording, storing and using boundary data. Other collaborative actions are being contemplated.

(iv) European Union

41 In elaborating the AUBP, the AU, from the onset, examined the European model of cross-border cooperation as it could be a source of inspiration for initiatives on the continent. It is worth recalling here that cross-border cooperation initially developed spontaneously in Europe before being absorbed by the official integration policies. The INTEREG programme, which forms part of the EU's Cohesion Policy, is one of the main EU instruments to foster cross-border cooperation. For the period 2007 to 2013, the Community budget has allocated a total amount of about 8 billion Euros for cross-border cooperation. About 120 European regions implement cross-border cooperation programmes, and most of them are members of the AEBR, which, in the past few years, has shown interest in cross-border cooperation activities in Africa. The AEBR has, among others, participated in the preparatory meeting of experts that preceded the Ministerial Conference on Border Issues.

42 It is in this context that, during the 6th meeting of the bi-annual Joint EU-AU Task Force, held in Brussels on 17 and 18 September 2007, the two Commissions discussed extensively how best to work together towards the successful implementation of the AUBP. It was agreed that the focus should be on the following: invitation to each others' meetings; exchange of experiences and best practices, including the elaboration of legal instruments for cross-border cooperation and capacity building; and twining arrangements between European and African border regions. The issue was also discussed

during the 7th meeting of Joint EU-AU Task Force held in Addis Ababa on 17 and 18 April 2008. In the meantime, the EC participated in the Djibouti workshop. The Commission intends to pursue actively the cooperation initiatives with the EU, in view of the latter's wealth of experience in cross-border cooperation.

(v) Organization of American States

43 Latin America has developed a rich experience in dealing with border and territorial disputes. Hence, the Commission has endeavoured to build a cooperative relationship with the OAS, with the view to benefiting from the experience of Latin America in the implementation of the AUBP. During the meeting between the OAS and the AU on the theme "Promoting Democracy in Latin America and Africa – from Rhetoric to Reality", held in Washington from 10 to 12 July 2007, the two parties agreed to exchange and cooperate on issues relating to demarcation and cross-border cooperation. Since then, the OAS has participated in two AU meetings, sharing its own experience, namely the Djibouti workshop and the International Symposium that took place in Maputo in December 2008.

(e) International Symposium on Land, Lake and River Boundaries Management in support of Borderland Development

44 As part of the efforts to implement the AUBP, in particular in its components pertaining to capacity building and partnership, the Commission supported the convening of the Second International Symposium on Land, Lake and River Boundary Management, which took place in Maputo, Mozambique, from 17 to 19 December 2008. It is to be recalled that the First International Symposium on Land and River Boundaries Demarcation and Maintenance was held in Bangkok, Thailand, in November 2006. At the Bangkok Symposium, the Republic of Mozambique offered to host in Maputo, in 2008, the Second International Symposium. It should further be recalled that, during the Conference of African Ministers in Charge of Border Issues, the Head of the Mozambican delegation, Dr. Eduardo Koloma, Deputy Minister for Foreign Affairs and Co-operation, invited all AU Member States to attend this important event.

45 This Symposium had, among others, the following objectives:
- promote exchange of experiences and best practices among countries regarding the management of international land, lake and river boundaries;
- facilitate the elaboration of guidelines on processes, methodologies and technologies for the management of land, lake and river boundaries, taking into account international experience and best practices;
- strengthen partnerships and cooperation between government representatives in charge of border issues and experts in academic institutions; and
- incorporate the management of boundaries in international assistance programmes.

46 The Symposium was opened by Dr. Benvinda Levy, Minister of Justice of the Republic of Mozambique, and a representative of the Commission. It was attended by the following Member States: Algeria, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Comoros, Republic of Congo, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Egypt, Ethiopia, Ghana, Republic of Guinea, Kenya, Liberia, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Nigeria, Saharawi Arab Democratic Republic, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe. The following RECs were also in attendance: CENSAD, ECCAS and ECOWAS. In addition, the UN Secretariat, UN-ECA, the OAS, the World Bank, as well as GTZ and a number of international experts were also represented at the Symposium.

47 The Symposium, which featured technical presentations in plenary sessions and discussions both in plenary and working groups, provided an opportunity for the sharing of ideas and experiences on issues relating to cross-border cooperation, the delimitation, demarcation, reaffirmation and management of boundaries. Having stressed the need for continued and sustained efforts by the AU member States and Commission, the RECs and other stakeholders to ensure the effective implementation of the AUBP, the participants agreed as follows:
- boundary problems in Africa are not uniquely African. Thus, valuable lessons can be learned from delimitation and demarcation experiences in other parts of the world;
- boundaries may be perceived by borderland populations as imposed barriers which do not reflect local realities. Strategies need

to be developed by Governments to sensitise and involve borderland populations in delimitation and demarcation exercises to ensure that clearly delimited and appropriately demarcated boundaries are seen as a valuable foundation for borderland development rather than a threat to local communities. Borderland populations also have much to contribute to the development and implementation of effective border management strategies;

- AU Member States need to intensify their efforts, as much as possible, in order to meet the time-limit set out by the CSSDCA Declaration for the delimitation and demarcation of African borders;
- States engaged in boundary reaffirmation should, where necessary, consider agreeing on Protocols to existing delimitation and demarcation instruments which define the boundary;
- rivers and lakes boundaries create special challenges in terms of (a) delimitation and demarcation and (b) the management of shared water and other resources. The sharing of experiences and best practices in these areas is particularly crucial;
- some States face particular challenges in boundary demarcation due to the presence of landmines in border areas. Efforts should be made by concerned Member States with the support of the international community to clear mined areas to facilitate delimitation and demarcation exercises, as well as other cross-border activities; and
- differing interpretations of terms used in the definition of boundaries can lead to disagreements over delimitation and demarcation of boundaries. The development of a multi-language lexicon of relevant terms should be a goal of the AUBP.

48 More specifically, the participants made the following recommendations:

- the establishment by the AU Commission of a working group to prepare a practical handbook on delimitation and demarcation in Africa, highlighting good practice in/guidelines for delimitation, demarcation, maintenance, reaffirmation and recovery of boundary marks. This working group could also be charged with preparing a lexicon of relevant terms as highlighted above;
- the launching by the AU Commission of a consultancy to: (a) identify options for enhancing boundary delimitation and demarcation research and training capacity in African universities and technical agencies, (b) map African capacity needs in delimitation, demarcation, reaffirmation and maintenance and source for assistance from development partners;

- the implementation by the Commission of steps aimed at facilitating the communication by the former colonial powers of all information in their possession concerning the delimitation and demarcation of African boundaries;
- the convening by the AU of an international Symposium in Africa focusing on border management, cross-border cooperation and borderland development;
- the promotion of an "African Border Day" to highlight its importance and encourage further efforts towards its implementation; and
- the establishment by Member States, as soon as possible, of National Boundary Commissions or similar agencies (where they do not exist), and bilateral arrangements to handle boundary matters between them.

IV. OBSERVATIONS

49 As stated by one expert on European borders: "Spatial boundaries have ambiguous features: they divide and unite, bind the interior and link it with the exterior, are barriers and junctions, walls and doors, organs of defence and attack and so on. Frontier areas (borderlands) can be managed so as to maximise any of these functions. They can be militarised, as bulwarks against neighbours, or be made into areas of peaceful interchange". By adopting the AUBP, African leaders have clearly expressed their commitment to maximise the junction and bridge aspects of the African borders and ensure that they are managed in such a manner to contribute to the achievement of two key objectives of the AU, namely the structural prevention of conflicts and the deepening of the ongoing integration processes.

50 As indicated above, the inviolability of the borders inherited from colonisation is considered a principle for Africa, and their demarcation a priority. However, the decision made by African leaders to retain the inherited borders was not predicated on a desire to confine each country within its own designated territory. On the contrary, it means that border delimitation and demarcation is a condition for successful integration. A non-defined border is susceptible to being a source of contention, and even conflict. Border delimitation and demarcation, in a way, removes its potential nuisance; it opens the door rather than closes it; it allows for a healthy process of cooperation and integration.

51 Nearly half a century after the political liberation of the Continent, the delimitation and demarcation of the borders inherited from

colonisation still face major technical and financial problems. Subject to the completion of the survey being currently carried out by the Commission, it is estimated that less than a quarter of African borders have been defined. This shows the magnitude of the work that African States have to accomplish in order to attain the objective set out in the CSSDCA Solemn Declaration, which is the delimitation and demarcation of those African borders that have not yet been defined by 2012, at the latest.

52 Clearly, this situation is fraught with risks. Indeed, the lack of definition of borders gives rise to "undefined zones" within which the application of national sovereignty poses problems. In these zones, a simple contention between two communities can lead to inter-State tensions. When these zones have natural resources (water, forest, petroleum, mineral or any other resource), their management could prove to be difficult and be a source of misunderstanding. The prevailing state of affairs also constitutes a real obstacle to the acceleration of the integration process. Indeed, it is a concrete obstacle to the facilitation of customs and police procedures necessary for the regional free movement desired by African States, which, apart from the central role it plays in regional integration, also contributes to the structural prevention of conflicts. Without a clear definition of the borders between two national territories, it is technically difficult to put in place, for example, joint control posts.

53 In line with the Declaration on the AUBP, border delimitation and demarcation should go hand-in-hand with cross-border cooperation. The objective here is to strengthen the institutional integration dynamics within the framework of the RECs and other wide-scale regional initiatives, such as the river basin management organisations and transport corridors, but also to provide the requisite legal frameworks and appropriate financial instruments, as well as the much-needed political support, to the cross-border initiatives ushered in by local actors in areas as varied as security, health, education and trade.

54 The importance of local cross-border cooperation and the contribution it can make to the overall effort at conflict prevention and integration hardly need to be emphasised. From a political point of view, such efforts contribute largely to regional integration, confidence-building, good neighbourliness, as well as to the implementation of the principles of subsidiarity and partnership. In institutional terms, their added value lies in the active participation of citizens, local government authorities and social groups on both sides of a border. Finally, from an economic point of view, they make possible

the mobilisation of home-grown development potential, additional development in border areas, and sustainable improvement in territorial development and regional policies.

55 Over the past one year and a half, significant progress has been made in the implementation of the AUBP. The sensitisation of the various stakeholders is underway; there is today a much greater awareness of the need to speed up the delimitation and demarcation of African borders; numerous cross-border cooperation initiatives are ongoing; steps have been initiated to contribute to the enhancement of African capacity; and AU partners are showing increasing interest in the AUBP, with some of them already making significant contribution to the funding of the Programme.

56 At the same time, it is clear that further efforts are required, for the challenges to be met are both numerous and daunting. In the coming months, the Commission intends to intensify its sensitisation efforts through the completion of the series of regional workshops it has initiated jointly with the RECs and the implementation of critical components of the outreach strategy for the AUBP.

57 Efforts will also focus on the development of a legal framework for cross-border cooperation in Africa, with the convening of a meeting of legal experts sometimes in October 2009, as well as the launching of a consultancy on cross-border cooperation. Sustained attention will continue to be given to the issue of the enhancement of African capacity in the management of border issues. The Commission will also endeavour to facilitate exchange of experiences among AU Member States and with other regions outside Africa both on border delimitation and demarcation and on cross-border cooperation. Furthermore, the Commission will continue engaging Africa's partners to mobilise further resources and technical support for the AUBP. Given the cross-cutting nature of the AUBP, the Commission intends to convene a meeting bringing together all relevant Departments and Regional Offices to ensure greater synergy. Finally, the Commission is planning to convene the second Conference of African Ministers in Charge of Border Issues in November this year, to review the status of implementation of the AUBP Declaration and agree on the way forward.

58 It is crucial that Member States fully play the role expected of them in the implementation of the AUBP. In line with the Declaration on the AUBP, this requires that the Member States take the necessary steps to facilitate and accelerate the process of delimitation and demarcation of African boundaries where such an exercise has not yet taken place, including undertaking or pursuing bilateral negotiations

on all problems related to this issue; support local cross-border co-operation initiatives; and contribute to the enhancement of African capacity, in particular by facilitating exchange of experiences and collaboration between relevant African bodies.

59 I would like to commend the German Government for its invaluable support, which allowed the Commission to implement a number of activities and to build the minimum capacity required for the effective follow-up and implementation of the AUBP. I urge other AU partners to extend assistance to the AUBP. I also appeal to AU Member States in a position to do so to contribute financially to the implementation of the Programme.

h CONCLUSIONS OF THE REGIONAL WORKSHOP FOR WEST AFRICA ON THE IMPLEMENTATION OF THE AFRICAN UNION BORDER PROGRAMME, OUAGADOUGOU, BURKINA FASO, 23 TO 24 APRIL 2009

1 As part of the implementation of the Declaration on the African Union Border Programme (AUBP) and its Implementation Modalities as adopted by the Conference of African Ministers in Charge of Border Issues, held in Addis Ababa, Ethiopia, on 7 June 2007, and subsequently endorsed by the AU Executive Council at its 11th Ordinary Session held in Accra, Ghana, from 27 to 29 June 2007, a regional workshop for West Africa on the implementation of the AUBP was jointly organised by the AU Commission and ECOWAS in Ouagadougou [LAICO OUAGA 2000 (Ex Sofitel)], Burkina Faso, from 23 to 24 April 2009. The Workshop was opened by the Honourable Minister of Territorial Administration and Decentralization of Burkina Faso. Statements were also delivered by the Head of the Conflict Management Division of the Peace and Security Department of the AU Commission and the Director for Free Movement of the Economic Community of West African States (ECOWAS).

2 The Workshop was attended by the following Member States of the West Africa Region: Benin, Burkina Faso, Côte d'Ivoire, The Gambia, Ghana, Liberia, Mali, Niger, Nigeria, Sierra Leone, Senegal and Togo.

3 The following Regional Economic Communities (RECs) also attended: CEN-SAD, COMESA, EAC, ECCAS, ECOWAS and IGAD.

4 In addition, the following institutions and structures working in the field of cross-border cooperation and mechanisms also participated

in the Workshop: African Academy of Languages (ACALAN), African Wildlife Federation, ENDA¬DIAPOL, Ethiopia-Sudan Joint Border Development Commission, Liptako-Gourma Development Authority, Mano River Union, NEPAD, Niger Basin Authority, Permanent Inter-State Committee for Drought Control in the Sahel (CILSS) and the Sahel and West Africa Club/OECD. The following local cross-border cooperation initiatives: SeneGambia, Sikasso-Bobo-Khorogo, Karakoro and Kano-Katsine-Maradi also participated in the Workshop.

5 The Workshop provided an opportunity to review the progress made in the overall implementation of the AUBP. In particular, the workshop focused its deliberations on the concrete steps being taken at the level of West Africa to follow-up on the specific aspects of the AUBP as they relate to delimitation and demarcation, cross-border cooperation and capacity building, as well as to other aspects of the Programme pertaining to its popularisation, partnership and resource mobilisation.

6 At the end of its deliberations, the workshop reached the following conclusions:

a) Delimitation and demarcation

7 The workshop welcomed the significant progress made by the countries of the region in the delimitation and demarcation of borders (including the delimitation of maritime borders and efforts made towards the determination of the continental shelf) both within the region and between the countries of the region and other neighbouring countries, and commended all the States concerned for their efforts and commitment. In order to consolidate the progress achieved thus far, the Workshop made the following recommendations:

(i) Member States to expedite the delimitation and demarcation of borders where such an exercise has not yet taken place, keeping in mind the deadline set by the African Heads of State and Government in the Memorandum of Understanding on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) adopted at the OAU Summit held in Durban, South Africa, in July 2002, which provides for the completion of the exercise throughout the continent by 2012. In this regard, ECOWAS and the countries concerned are encouraged to regularly update the AU of the steps taken towards the realisation of this objective;

(ii) concrete steps be taken to regularly maintain and, where required, densify boundary beacons so as to make them more visible such that risks of disputes are reduced. To this end, Member States should work out detailed plans, including the related financial costs, to facilitate the mobilisation of the necessary resources for the exercise;

(iii) urge Member States that have not yet done so to hasten the completion and transmission to the AU Commission of the questionnaire on the status of African borders which was sent in April 2008. The Commission will resend the questionnaire to facilitate the completion of this exercise before the end of 2009;

(iv) urge Member States to communicate the contact details of their border agencies and other relevant institutions and experts to the AU Commission, as part of the response to the above-mentioned questionnaire, to facilitate inter-African cooperation in the area of delimitation and demarcation, through exchange of experiences and availability of experts;

(v) in cases of border disputes, Member States should explore all options available, including recourse to African legal processes and conflict resolution mechanisms;

(vi) encourage Member States to endeavour to acquire up to date mapping and cartographic information, as well as survey equipment, to facilitate accurate delimitation and demarcation exercises; and

(vii) encourage Member States to undertake research in their respective Colonial archives to retrieve records relating to their boundaries.

b) Cross-border cooperation

8 The Workshop noted with satisfaction the initiatives aimed at furthering cross-border cooperation with the region and between it and other neighbouring countries. The Workshop further appreciated the depth of the cross-border experiences and the dynamism of the civil society actors in the region, who view borders as a resource. In this respect, the Workshop highlighted the local cross-border cooperation initiatives involving some of the countries of the region and other neighbouring States relating to the joint exploitation and management of trans-boundary resources and other issues such as illegal migration, cross-border crime, trade, health and education.

9 The Workshop recommended the following:

(i) undertake a comprehensive inventory of existing cross-border cooperation initiatives and agreements in the region, in order to popularise them, assess their state of implementation and make recommendations on how they could contribute further to the achievement of the objectives of the AUBP. In this respect, the countries of the region will extend the necessary cooperation and support to the consultancy that the AU Commission is planning to undertake in due course, as part of the initial measures for the launching of the AUBP as spelt out in the Declaration adopted in Addis Ababa in June 2007. The Workshop welcomed the initiative by ECOWAS to convene a coordination meeting of all cross-border cooperation agencies of West Africa;

(ii) highlight the links between all on-going cross-border cooperation initiatives with the relevant provisions of the AUBP, with the view to placing them under the umbrella of the Programme and sensitising all the actors involved about its objectives;

(iii) take further steps to deepen local cross-border cooperation initiatives, including through the elaboration of appropriate legal instruments and establishment of regional funds, as called for by the AUBP Declaration of June 2007. On its part, the AU Commission should facilitate exchange of experiences with other regions within the continent and beyond, particularly Europe, for capacity building and resource mobilisation. As an initial step, the AU Commission should sponsor a field trip to other African RECs to facilitate exchange of experiences;

(iv) encourage, where appropriate, joint management of resources, building on relevant experiences in the rest of the continent. The AU Commission should facilitate exchange of experiences in that regard;

(v) strengthen cross-border cooperation in the area of prevention and combating of terrorism, as well as transnational crime; and

(vi) the use of common African languages as working languages in addition to other official languages, as well as the use of African socio-cultural values to promote cross-border cooperation and regional integration with the support of institutions such ACALAN.

c) Capacity building

10 The Workshop stressed the critical importance of capacity building for the successful implementation of the AUBP, through, among others, training, exchange of experiences and research aimed at deepening the understanding of border related issues on the continent and building a strong knowledge infrastructure, as well as collaboration with relevant structures in- and outside of Africa. The Workshop took note of the existence of the African Regional Institute, Imeko, Nigeria, and its training programme and publications in support of the AUBP. The Workshop further welcomed the decision by ECOWAS Commission to establish, along with UNESCO, a West African Institute for Regional Integration in Cape Verde.

11 The Workshop recommended the following:

(i) inventory of all management, research and training institutions dealing with border issues in West Africa. In this respect, the countries of the region will extend the necessary cooperation and support to the consultancy that the AU Commission is planning to undertake in due course, as part of the initial measures for the launching of the AUBP as spelt out in the Declaration adopted in Addis Ababa in June 2007;

(ii) networking amongst the relevant institutions in West Africa and with other similar institutions in the continent and outside Africa. The countries of the region should update the AU Commission regularly on the steps taken in this respect;

(iii) development of boundary studies and border management curricula in the educational system, especially higher educational institutions of the countries of the region, with emphasis on regional integration;

(iv) organisation, with the support of the AU Commission and other relevant institutions, of training workshops for border authorities, to sensitise them on the AUBP and facilitate its implementation; and

(v) develop appropriate African jurisprudence in the area of boundary disputes settlement between Member States, by using local, national and regional mechanisms for resolving such disputes.

d) Popularisation of the AUBP and follow-up with Member States

12 The Workshop stressed the need to effectively popularise the AUBP to ensure ownership at regional, national and local levels, as well as that of continued interaction between the Commission and Member States in the implementation process of the Programme. To this end, and as part of the public relations strategy being carried out by the AU Commission, the Workshop recommended the following:

(i) organisation by the Member States of the West Africa region, by 2009, of national workshops bringing together all stakeholders, in order to sensitise them on the AUBP and its objectives;

(ii) submission of briefings on the AUBP and its implementation during meetings on cross-border projects and programmes;

(iii) use of national media and other relevant institutions to popularise the AUBP activities, including the translation of the Declaration on the AUBP into some African languages;

(iv) appointment/designation by the Member States of the West Africa region of focal points for the AUBP, by the end of 2009; and

(v) submission by the Member States of the West Africa region of regular reports relating to the implementation of the AUBP. The first reports should be submitted by the end of 2009.

e) Partnership and resource mobilisation

13 The Workshop noted with satisfaction the steps taken by the AU Commission to build the necessary partnerships and mobilise the required resources for the implementation of the AUBP, in accordance with the initial measures identified in the Declaration for the launching of the Programme, and expressed its gratitude to the partners who have so far provided technical and financial support (notably Germany, through GTZ). The Workshop encouraged the Commission to pursue these efforts in order to mobilise further support both from within and outside Africa.

14 The Workshop expressed its deep appreciation to the Government of Burkina Faso for having hosted this meeting and for its support, which contributed greatly to the success of this event.

i CONCLUSIONS OF THE REGIONAL WORKSHOP FOR CENTRAL AFRICA ON THE IMPLEMENTATION OF THE AFRICAN UNION BORDER PROGRAMME AND ON THE ECCAS BORDER PROGRAMME, LIBREVILLE, GABON, 21 TO 23 MAY 2009

1 As part of the follow-up to the Declaration on the African Union Border Programme (AUBP) and its implementation modalities, as adopted by the Conference of African Ministers in Charge of Border Issues, held in Addis Ababa, Ethiopia, on 7 June 2007, and subsequently endorsed by the Executive Council of the African Union (AU) at its 11th Ordinary Session held in Accra, Ghana from 27 to 29 June 2007, a regional workshop for Central Africa on the implementation of the AUBP was jointly organised by the AU Commission and the Economic Community of Central African States (ECCAS), in Libreville (LAICO OKOUME PALACE), Gabon, from 21 to 23 May 2009. The workshop was opened by His Excellency the Minister Delegate to the State Minister of Foreign Affairs, Cooperation, Francophonie and Integration. Statements were also made by the Head of the AUBP from the Conflict Management Division of the Peace and Security Department of the AU Commission and the Deputy Secretary-General of the Department of Human Integration, Peace, Security and Stability of the Economic Community of Central African States (ECCAS).

2 The Workshop was attended by the following Member States of the Central Africa Region: Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, and São Tomé and Príncipe.

3 The following Regional Economic Communities (RECs) and regional organisations also attended: Economic Community of West African States (ECOWAS), Intergovernmental Authority on Development (IGAD), Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC), Economic Community of the Great Lakes Countries (CEPGL), Lake Chad Basin Commission (LCBC), the International Conference on the Great Lakes Region (ICGLR), the Commission Internationale du Bassin Congo-Oubangui-Sanga (CICOS), the United Nations Economic Commission for Africa (ECA).

4 In addition, GTZ, the World Customs Organization (WCO), and the Association of European Border Regions (AEBR) were also represented at this workshop.

5 The Workshop provided an opportunity to review progress in the implementation of the AUBP in the Central Africa Region. Discussions focused in particular on the concrete actions taken at the level of Central Africa to monitor aspects of the AUBP related to delimitation and demarcation, cross-border cooperation and capacity building, regional security and to other aspects of the Program on its outreach, partnership, capacity building and resource mobilisation.

a) ECCAS Border Programme (ECCAS-BP)

6 The participants welcomed the initiative of the General Secretariat of ECCAS to establish a Border Programme within the framework of the AUBP and to implement its objectives, taking into account specificities of Central Africa. They noted the relevance of the programme proposed by the General Secretariat, stressing the need to ensure that its implementation is carried out in synergy and complementarity with the actions undertaken by the RECs and similar initiatives across ECCAS.

7 On this basis, the Workshop reached the following recommendations:

b) Delimitation and demarcation

8 The workshop highlighted the need to accelerate the delimitation and the demarcation of land, river and maritime boundaries, both between countries in the region between them and neighbouring countries, stressing the need to delimitate and demarcate in priority areas rich in natural resources. In this context, the Workshop:

(i) calls on Member States of ECCAS to accelerate the process of delimitation and demarcation of borders that have not yet been, taking into account the time set by the Heads of State and Government of the continent in the Protocol Agreement of the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), adopted at the OAU Summit held in Durban, South Africa, in July 2002, which provides for the completion of this operation on the continent by 2012. The General Secretariat of ECCAS and the countries concerned are encouraged to take the AU regularly informed of measures taken by them in achieving this objective;

(ii) urges Member States of ECCAS that have not yet done so to accelerate the transmission to the AU Commission the

completed questionnaire on the status of African borders that have been sent in April 2008. The Commission will send back the questionnaire to facilitate the completion of this operation by the end of 2009;

(iii) encourages Member States to create structures in charge of borders and other border agencies and to transmit to the AU Commission their contact details, as well as those from borders experts of the region, within the framework of the response to above-mentioned questionnaire, in order to facilitate inter-African cooperation in the field of delimitation and demarcation of borders, through the exchange of experiences and the provision of experts;

(iv) calls on Member States to explore all options, including the use of African legal mechanisms and processes of conflict resolution, in case of border dispute;

(v) encourages Member States to acquire up-to-date maps and map information, as well as modern survey equipment to facilitate the process of delimitation and demarcation;

(vi) encourages Member States to set up joint boundary commissions with their neighbours for the delimitation and demarcation of their borders and seek in the colonial archives the records in respect of their borders;

(vii) encourages the General Secretariat of ECCAS to make a detailed inventory of internal and external borders of Member States and to transmit the results to the AU; and

(viii) encourages the General Secretariat of ECCAS to become involved in the implementation of technical equipment, including the establishment of a permanent GPS station in the sub-region, in conformity with the African Geo-Reference System to assist in the delimitation and demarcation, and encourage each Member State to set up its own station.

c) Cross-border cooperation

9 The Workshop noted the need to encourage the Central African States to actively promote local initiatives for cross-border cooperation as well as large scale regional as a means of deepening the integration process.

10 On this basis, the Workshop recommended the following:

(i) adoption of measures for the implementation of local cross-border cooperation initiative, including through the development of appropriate legal instruments, the creation of regional funds, as advocated by the Declaration on the AUBP in June 2007, and the encouragement of decentralised cross-border cooperation. Meanwhile, the AU Commission should facilitate the exchange of experiences with other African and world regions, especially Europe, to work towards capacity building and resource mobilisation;

(ii) the promotion and development of areas of economic, social and cultural contacts in cross-border areas. Member States are encouraged to establish joint Commission for the management of common resources; and

(iii) encouraging, where appropriate, joint management of trans boundary natural resources, drawing on relevant experiences in the rest of the continent. The AU Commission should facilitate the exchange of positive experiences in this regard.

d) Capacity building

11 The Workshop stressed the importance of capacity building for successful implementation of the AUBP in Central Africa and the ECCAS-BP through, amongst others, training, exchange of experience and research to deepen understanding of issues related to borders and create a solid knowledge base, and through collaboration with relevant bodies outside the continent.

12 The Workshop recommended:

(i) that an inventory of research and training institutions dealing with borders in central Africa be undertaken. In this regard, the countries of the region and the General Secretariat of ECCAS are encouraged to provide the cooperation and support to the consultancy the AU Commission intends to undertake, in due course, as part of initial steps to launch the AUBP as set forth in the Declaration adopted at Addis Ababa in June 2007;

(ii) networking of institutions in Africa, both among themselves and with other similar institutions outside the continent. The countries of the region and the General Secretariat of ECCAS should regularly inform the AU Commission of measures taken in this regard; and

(iii) the development of curricula and training in border management in the academic and training centres for State's civil servants, police and military of the region. The General Secretariat of ECCAS is invited to facilitate the development of curricula for this purpose.

e) Popularisation of the AUBP and follow-up with Member States

13 The workshop stressed the need for an effective popularisation of the AUBP to facilitate ownership at regional, national and local levels, as well as continuous interaction between the AU Commission and Member States in the process of implementation of the Programme. To this end, and as part of the communication strategy being implemented by the AU Commission, the Workshop recommended the following:

(i) organisation by Central Africa States, as soon as possible of national workshops bringing together all stakeholders to raise awareness on the AUBP and its implementation within the ECCAS-BP;

(ii) the organisation, with the support of the AU Commission and other agencies, of training workshops and awareness raising on the AUBP and ECCAS-BP to the authorities and populations of borderland areas in order to facilitate the implementation of the Programme;

(iii) the use of national media and other institutions to popularise the activities undertaken under the AUBP, including the translation of papers in some African languages;

(iv) the appointment/designation by the Central African States of focal points for the AUBP and ECCAS-BP before the end of 2009; and

(v) the submission by Central African States of regular reports on the implementation of the AUBP and ECCAS-BP. The first reports should be submitted before the end of 2009.

f) Partnership and resource mobilisation

14 The Workshop noted with satisfaction the measures taken by the AU Commission to build the necessary partnerships and to mobilise the resources required for implementation of the AUBP, in accordance with the initial measures identified by the Declaration in order

to launch the programme. It expressed its gratitude to the partners who provided technical and/or financial support (notably Germany, through GTZ). The workshop encouraged the Commission to continue its efforts and pledged to mobilise even greater support in both Africa and outside the continent.

15 The Workshop expressed its appreciation to the European Union, through the PAPS project, for supporting the launch of the ECCAS-BP. It urged the EU to continue its support for the implementation of the ECCAS-BP under the 10th European Development Fund.

g) Regional security

16 The workshop provided the opportunity to assess the challenges to security in the Central Africa region. It stressed that the ECCAS-BP will significantly help to reduce insecurity in the region which constitutes a major obstacle to cross-border cooperation and regional integration. The Workshop also noted that improving the security situation in the region requires concerted action of Member States of ECCAS and neighbouring countries, which belong to all of the RECs.

17 The Workshop made the following recommendations:

(i) the organs of the AU, RECs, organisations and regional groupings, and Member States should actively pursue their advocacy work to establish lasting political stability in the Central Africa region;

(ii) cooperation between Central African countries and between them and neighbouring countries should be strengthened in the field of prevention and fight against local transboundary crime; and

(iii) the efforts of ECCAS should be expanded and strengthened, in cooperation with regional bodies, such as the Gulf of Guinea Commission, the Lake Chad Basin Commission and the neighbouring RECs and their Member States, in order to implement comprehensive and collective initiatives to establish maritime safety in the Gulf of Guinea. The AU could assist in this process by organising a conference on security in the region.

18 The Workshop expressed its deep gratitude to the Government of the Republic of Gabon for hosting this meeting and for their support which has greatly contributed to the success of this event.

j CONCLUSIONS OF THE REGIONAL WORKSHOP FOR SOUTHERN AFRICA ON THE IMPLEMENTATION OF THE AFRICAN UNION BORDER PROGRAMME, WINDHOEK, NAMIBIA, 22 TO 23 OCTOBER 2009

1. As part of the implementation of the Declaration on the African Union Border Programme (AUBP) and its Implementation Modalities as adopted by the Conference of African Ministers in Charge of Border Issues, held in Addis Ababa, Ethiopia, on 7 June 2007, and subsequently endorsed by the AU Executive Council at its 11th Ordinary Session held in Accra, Ghana, from 27 to 29 June 2007, a regional workshop for Southern Africa on the implementation of the AUBP was jointly organised by the AU Commission and SADC in Windhoek (SAFARI Hotel), Namibia, from 22 to 23 October 2009. The Workshop was opened by the Right Honorable Alpheus G. !Naruseb, Minister of Lands and Resettlement of the Republic of Namibia. Statements were also delivered by Ambassador Aguibou Diarrah, Head of the AUBP unit of the Peace and Security Department of the AU Commission and Mr. Habib Kambanga, Senior Analyst, Political and Security Threats (SADC).
2. The Workshop was attended by the following Member States of the Southern African Region: Angola, Botswana, Lesotho, Malawi, Mozambique, Mauritius, Namibia, Zambia and Zimbabwe.
3. The following Regional Economic Communities (RECs) were also in attendance: Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC), Economic Community of Central African States (ECCAS), Economic Community of West African States (ECOWAS), Inter-Governmental Authority on Development (IGAD) and Southern African Development Community (SADC).
4. In addition, the following institutions and structures working in the field of cross-border cooperation and mechanisms also participated in the Workshop: African Wildlife Foundation, Maputo Corridor Logistics Initiatives, ECA, EU and GTZ.
5. The Workshop provided an opportunity to review the progress made in the overall implementation of the AUBP. In particular, the workshop focused its deliberations on the concrete steps being taken at the level of Southern Africa to follow-up on the specific aspects of the AUBP as they relate to delimitation and demarcation, cross-border cooperation and capacity building, as well as to other

aspects of the Programme pertaining to its popularisation, partnership and resource mobilisation.

6 At the end of its deliberations, the workshop reached the following conclusions:

a) Delimitation and demarcation

7 The workshop welcomed the significant progress made by the countries of the region in the delimitation and demarcation of borders (including the delimitation of maritime borders and efforts made towards the determination of the continental shelf) both within the region and between the countries of the region and other neighbouring countries, and commended all the States concerned for their efforts and commitment. In order to consolidate the progress achieved thus far, the Workshop made the following recommendations:

(i) Member States to expedite the delimitation and demarcation of borders where such an exercise has not yet taken place, keeping in mind the deadline set by the African Heads of State and Government in the Memorandum of Understanding on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) adopted at the OAU Summit held in Durban, South Africa, in July 2002, which provides for the completion of the exercise throughout the continent by 2012. In this regard, ECOWAS and the countries concerned are encouraged to regularly update the AU of the steps taken towards the realisation of this objective;

(ii) Member States to make adequate budgetary provisions for the delimitation and demarcation activities as well as mobilise funds from development partners;

(iii) concrete steps be taken to regularly maintain and, where required, densify boundary beacons so as to make them more visible such that risks of disputes are reduced. To this end, Member States should work out detailed plans, including the related financial costs, to facilitate the mobilisation of the necessary resources for the exercise;

(iv) urge Member States that have not yet done so to hasten the completion and transmission to the AU Commission of the questionnaire on the status of African borders which was sent in April 2008. The Commission will resend the questionnaire to facilitate the completion of this exercise before the end of 2009;

(v) urge Member States to jointly endeavour, where necessary with the assistance of development partners, to clear landmines in order to facilitate and accelerate delimitation and demarcation exercises;
(vi) in cases of border disputes, Member States should explore all options available, including recourse to African legal processes and conflict resolution mechanisms;
(vii) encourage Member States to endeavour to acquire up to date mapping and cartographic information, as well as survey equipment, and develop the necessary human capacity to facilitate accurate delimitation and demarcation exercises; and
(viii) encourage Member States to undertake research in their respective colonial archives to retrieve records relating to their boundaries.

b) Cross-border cooperation

8 The Workshop noted with satisfaction the initiatives aimed at furthering cross-border cooperation within the region and between it and other neighbouring countries. The Workshop further appreciated the depth of the cross-border experiences especially in the transport, wildlife and river management sectors and the dynamism of the stakeholders, local investors and civil society actors in the region, who view borders as a resource. In this respect, the Workshop highlighted the local cross-border cooperation initiatives involving some of the countries of the region and other neighbouring States relating to the joint exploitation and management of trans-boundary resources and other issues such as illegal migration, cross-border crime, trade, health and education.

9 The Workshop recommended the following:

(i) undertake in collaboration with SADC a comprehensive inventory of existing cross-border cooperation initiatives and agreements in the region, in order to popularise them, assess their state of implementation and make recommendations on how they could contribute further to the achievement of the objectives of the AUBP. In this respect, the SADC countries will extend the necessary cooperation and support to the AU Commission for the continental convention on cross-border cooperation and other related activities;
(ii) highlight the links between all on-going cross-border cooperation initiatives with the relevant provisions of the

AUBP, with the view to placing them under the umbrella of the Programme and sensitizing all the actors involved about its objectives;

(iii) take further steps to deepen local cross-border cooperation initiatives, including through joint planning, inter-services cooperation, and establishment of regional funds, as called for by the AUBP Declaration of June 2007;

(iv) the AU Commission to facilitate exchange of experiences with other regions within the continent and beyond, particularly Europe, for capacity building and resource mobilisation; and

(v) encourage, where appropriate, joint management of resources, building on relevant experiences in the rest of the continent. The AU Commission should facilitate exchange of experiences in that regard.

c) Capacity-building

10 The Workshop stressed the critical importance of capacity building for the successful implementation of the AUBP, through, among others, training, exchange of experiences and research aimed at deepening the understanding of border related issues on the continent and building a strong knowledge infrastructure, as well as collaboration with relevant structures in and outside of Africa. The Workshop took note of the existence of the African Regional Institute, Imeko, Nigeria, and its training programme and publications in support of the AUBP, as well as the Centre for Studies on Regional Integration of the Eduardo Mondlane University, Maputo, Mozambique, established with the support of the ECA.

11 The Workshop recommended the following:

(i) inventory of all management, research and training institutions dealing with border issues in Southern Africa. In this respect, the countries of the region will extend the necessary cooperation and support to the consultancy that the AU Commission is planning to undertake in due course, as part of the initial measures for the launching of the AUBP as spelt out in the Declaration adopted in Addis Ababa in June 2007;

(ii) promotion of partnerships and networking amongst the relevant institutions-NGOs-the private sector and partners in Southern Africa and with other similar institutions

in the continent and outside Africa. The countries of the region should update the AU Commission regularly on the steps taken in this respect;

(iii) development of boundary studies and border management curricula in the educational system, especially higher educational institutions of the countries of the region, with emphasis on regional integration;

(iv) organisation, with the support of the AU Commission and other relevant institutions, of training workshops for border authorities and other stakeholders, to sensitise them on the AUBP and facilitate its implementation; and

(v) develop appropriate African jurisprudence in the area of boundary disputes settlement between Member States, by using local, national and regional mechanisms for resolving such disputes.

d) Popularisation of the AUBP and follow-up with Member States

12 The Workshop stressed the need to effectively popularise the AUBP to ensure ownership at regional, national and local levels, as well as that of continued interaction between the Commission and Member States in the implementation process of the Programme. To this end, and as part of the public relations strategy being carried out by the AU Commission, the Workshop recommended the following:

(i) submission of briefings on the AUBP and its implementation during meetings on cross-border projects and programmes;

(ii) use of national media and other relevant institutions to popularise the AUBP activities;

(iii) appointment/designation by SADC and the Member States of the Southern African region of focal points for the AUBP, by the end of December 2009;

(iv) SADC Secretariat to establish a Unit in charge of cross-border cooperation and along with Member States convene a stakeholders workshop to articulate a regional cross-border cooperation Plan of Action by March 2010; and

(v) submission by the Member States of the West Africa region of regular reports relating to the implementation of the AUBP. The first reports should be submitted by June 2010.

e) Partnership and resource mobilisation

13 The Workshop noted with satisfaction the steps taken by the AU Commission to build the necessary partnerships and mobilise the required resources for the implementation of the AUBP, in accordance with the initial measures identified in the Declaration for the launching of the Programme, and expressed its gratitude to the partners who have so far provided technical and financial support (notably Germany, through GTZ). The Workshop encouraged the Commission to pursue these efforts in order to mobilise further support both from within and outside Africa.

14 The Workshop expressed its deep appreciation to the Government of Namibia for having hosted this meeting and for its support, which contributed greatly to the success of this event.

k REPORT OF THE SECOND CONFERENCE OF AFRICAN MINISTERS IN CHARGE OF BORDER ISSUES EX.CL/585(XVII)

1 The Second Conference of African Ministers in charge of Border Issues took place in Addis Ababa, Ethiopia, on 25 March 2010. This Conference was preceded by a meeting of Governmental Experts also held in Addis Ababa, from 22 to 23 March 2010.

2 The Conference was opened by Ambassador Ramtane Lamamra, Commissioner for Peace and Security, and by the Honorable Trasizio Thomie Gowelo, Deputy Minister of Lands, Housing, Physical Planning and Surveys of the Republic of Malawi, the country chairing the AU. The Deputy Minister also presided over the deliberations of the Conference.

3 The Conference discussed the status of implementation of the AU Border Programme and considered the Report of the Meeting of Governmental Experts. Furthermore, the Conference discussed and adopted a Declaration on the African Union Border Programme and the Modalities for the Pursuit and Acceleration of its Implementation.

4 The report of the meeting of Governmental Experts and the Declaration are herewith attached.

Annex 1

REPORT
SECOND CONFERENCE OF AFRICAN MINISTERS IN CHARGE OF BORDER ISSUES PREPARATORY MEETING OF EXPERTS, ADDIS ABABA, ETHIOPIA, 22-25 March 2010 AUBP/EXP-MIN/6(II)

I. INTRODUCTION

1 The meeting of government experts preparatory to the Second Conference of African Ministers in charge of Border Issues, scheduled for 25 March 2010, was held in Addis Ababa from 22-23 March 2010.

II. PARTICIPATION

2 The meeting was attended by representatives of the following member States: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Comoros, Democratic Republic of Congo (DRC), Republic of Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, The Gambia, Kenya, Lesotho, Liberia, Libya, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Sahrawi Arab Democratic Republic (SADR), Sao Tome and Principe, Senegal, Seychelles, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

3 In addition to the Commission of the African Union (AU), including relevant Departments and structures, the following Regional Economic Communities (RECs) and other organizations and institutions were also in attendance: the Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC), Economic Community of Central African States (ECCAS), the Intergovernmental Authority for Development (IGAD), the International Conference on the Great Lakes (ICGL), Organisation pour la mise en valeur du fleuve du Sénégal (OMVS), the United Nations Secretariat, the United Nations Economic Commission for Africa, the League of Arab States, the International Organisation of Francophonie (OIF), the European Union (EU), the Association of European Border Regions (AEBR) and GTZ.

III. OPENING

4 The meeting was opened by Mr. El Ghassim Wane, Acting Director, Peace and Security Department of the Commission of the African Union. In his statement, the Acting Director gave an overview of the activities undertaken within the framework of the African Union Border Programme (AUBP) since the 1st Ministerial Conference, in June 2007, highlighting the results achieved and the challenges ahead. He indicated that the Conference was convened to, among others, review the progress made in the implementation of the AUBP and identify practical steps to further its objectives.

5 On her part, the representative of the Republic of Malawi, the Chair of the AU, Ms. Senzani Tressa Rosie, stressed the need for continued efforts by AU Member States and other stakeholders to ensure the effective implementation of the AUBP. She recalled the key objectives of the Programme, which revolve around the following: delimitation and demarcation of African borders where such an exercise has not yet taken place, cross-border cooperation, and capacity building. She expressed the hope that the meeting will come up with concrete recommendations on the way forward.

IV. ELECTION OF THE BUREAU

6 After the customary consultations within the various regions, the meeting elected its Bureau by acclamation as follows:

- Malawi: Chairperson;
- Burundi: 1st Vice Chairperson;
- Egypt: 2nd Vice Chairperson;
- Djibouti: 3rd Vice Chairperson; and
- Togo: Rapporteur

7 Thereafter, formal transfer of the chairmanship of the meeting was done between the representative of Republic of Togo (Chairperson of the First Conference) and the representative of Republic of Malawi.

V. ADOPTION OF PROGRAMME OF WORK

8 The meeting adopted the programme of work proposed by the Commission, with amendments.

VI. CONSIDERATION OF THE AGENDA AND DISCUSSION

9 In general, the meeting noted with satisfaction the significant progress made in the implementation of the AUBP, including the various workshops and meetings organized by the AU Commission, and the steps taken towards the delimitation and demarcation of African borders, the development of cross-border cooperation, as well as capacity building. At the same time, it was observed that there is still much to be done in order to translate into reality the commitments enshrined in the Declaration of June 2007 and contribute effectively to the realization of the objectives of the AUBP, namely the structural prevention of conflicts and the deepening of the integration processes on the continent.

a) Delimitation and demarcation of African boundaries

10 The meeting received presentations on the following topics:

(i) Border delimitation and demarcation and links with cross-border cooperation and regional integration;
(ii) Technical challenges in the delimitation and demarcation of African borders;
(iii) Litigation of African borders at the International Court of Justice;
(iv) Survey of the status of African Borders and the Boundary Information System.

11 In the discussions that ensued, the participants reiterated the need for renewed efforts to expedite the delimitation and demarcation of African borders, including maritime boundaries, where such an exercise has not yet taken place, it being understood that this exercise depends primarily on the sovereign decision of the States concerned, which must take the necessary steps to facilitate the process, while respecting, as much as possible, the time-limit set in the Memorandum of Understanding on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), which provides for the completion of this exercise by 2012.

12 More specifically, the meeting made a number of recommendations, including:

(i) the transmission, to the AU Commission, by Member States which have not yet done so, at the latest in June 2010, of the questionnaire duly filled on the status of African borders sent to them in April 2008. On the basis of the responses received and other relevant factors, the Commission should submit to the relevant organs of the

AU, at the latest in January 2011, recommendations on the extension of the 2012 deadline or on the granting of individual exemptions;

(ii) the creation, where appropriate, by Member States of structures in charge of borders and other relevant institutions and transmission to the Commission of their particulars, as well as those of the national experts, in order to facilitate inter-African cooperation in the area of boundary delimitation and demarcation;

(iii) the adoption of measures to regularly maintain and, where required, densify boundary markers, in order to make them more visible so as to reduce the risks of disputes;

(iv) the need for Member States, in case of border dispute, to explore all the possible peaceful options, including negotiations, mediation, conciliation and recourse to legal mechanisms, based on mutual agreement;

(v) the acquisition by Member States of up-to-date mapping and cartographic information, as well as modern survey equipment, in order to facilitate the delimitation and demarcation processes;

(vi) a sustained interaction with the former colonial powers in order to facilitate access to colonial documents relating to borders;

(vii) the development by Member States of strategies to sensitize border populations on the purpose of delimitation and demarcation exercises, so that clearly defined and demarcated borders are seen as a valuable tool for peace, stability and development of border areas.

b) Cross-border cooperation

13 The meeting followed presentations on local cross-border cooperation initiatives and other aspects of large scale cross-border cooperation. The meeting also had exchanges on the Draft AU Convention on Cross-Border Cooperation.

14 In order to further cross-border cooperation, the meeting recommended the following:

(i) the launching by all the RECs and other relevant regional initiatives, before the end of 2010, of comprehensive inventories of existing cross-border cooperation initiatives and agreements in the various regions;

(ii) the strengthening of cross-border cooperation in the area of the prevention and fight against terrorism and cross-border crime;
(iii) the adoption of additional measures for local initiative cross-border cooperation, including the preparation of appropriate legal instruments and the speeding up of the creation of Regional Funds;
(iv) the encouragement, where necessary, of joint management of natural cross-border resources;
(v) the elaboration and production by the AU Commission of a Handbook on cross-border Cooperation for the benefit of the different stakeholders.

15 Regarding the Draft Convention on Cross-Border Cooperation, the meeting recommended the convening of another meeting of governmental experts by May 2010 to finalize this document, for submission to the next Ordinary Session of the relevant AU organs in Kampala, in July 2010.

c) Capacity building

16 The meeting followed presentations on human resources development for the effective implementation of the AUBP. It reiterated the importance of capacity building for the successful implementation of the AUBP, and agreed on a number of steps on the way forward, including:
(i) the inventory of the experts, as well as of research and training institutions which deal with border issues in Africa;
(ii) the networking amongst the relevant institutions in Africa, as well as between themselves and other similar institutions outside the continent; and
(iii) the development of curricula and programmes on border studies and training in management of borders.

d) Partnership and resource mobilization

17 The meeting followed presentations on the efforts by the Commission to mobilize additional resources and support for the AUBP, as well as presentations by GTZ, the European Union (EU), and the Association of European Border Regions (AEBR) on their support and experiences.

18 After in-depth discussions, the meeting encouraged the Commission to vigorously pursue its efforts in order to mobilize further support within and outside the continent, and to undertake specific activities in this respect, including the organization of a Conference for the mobilization of resources to support delimitation and demarcation efforts on the continent, as well as cross-border cooperation; and the intensification of exchanges with the various international actors, particularly the EU, the United Nations, the Association of European Border Regions and other partners who have experience in the area of cross-border cooperation; and the allocation, by Member States, of sufficient budgetary resources for delimitation/demarcation and cross-border cooperation.

e) Popularization of the AUBP and follow up with Member States

19 The meeting also had in-depth exchanges on the issue of the popularisation of the AUBP and the follow-up of its implementation with Member States. It stressed the importance of this question and made recommendations on the practical steps to be taken to this effect.

(a) the organization, with the support of the AU Commission and other relevant institutions, of training and sensitization workshops on the AUBP for authorities and populations of border areas;
(b) the recourse to the national media and other relevant institutions to popularize the activities undertaken in pursuance of the AUBP;
(c) the submission by Member States of regular reports on the implementation of the AUBP; and
(d) the institution of an “African Day” of borders.

VII. DRAFT MINISTERIAL DECLARATION

20 On the basis of the above discussions, the meeting adopted, for consideration by the Ministers in charge of Border issues of the Member States of the AU, the draft Declaration on the AU Border Programme and the Modalities for the Pursuit and Acceleration of its Implementation.

m THIRD CONFERENCE OF AFRICAN MINISTERS IN CHARGE OF BORDER ISSUES PREPARATORY MEETING OF GOVERNMENT EXPERTS, NIAMEY, NIGER, 14-16 MAY 2012

REPORT

I. INTRODUCTION

1 The preparatory meeting of Government Experts, for the Third Conference of African Ministers in charge of Border Issues, was held in Niamey, Niger, from 14 to 16 May 2012. The list of Member States, regional and international organisations and other participants is attached as an annex to this report.

II. OPENING CEREMONY

2 The opening ceremony was chaired by Mr. Abdou Labo, Minister of State for Interior, Public Security, Decentralisation and Religious Affairs of Niger. In his statement, the Minister recalled the importance of the African Union Border Programme (AUBP) in the promotion of peace and security, as well as in the regional integration and socio-economic development of the continent. He expressed the commitment of his country to support all the initiatives aimed at attaining the objectives of the AUBP. In conclusion, he expressed the hope that the Niamey Conference would set a new stage in the implementation of the AUBP and the attainment of its overall objectives.

3 On his part, the Director of the Peace and Security Department of the Commission of the African Union (AU), Mr. El-Ghassim Wane, after thanking the authorities of Niger for their decision to host the meeting, highlighted the achievements made in the AUBP. He also stressed the important challenges that remained to be addressed, and the need for continued mobilisation of the AU Member States as well as a strengthened partnership with the different international stakeholders.

III. COMPOSITION OF THE BUREAU

4 The meeting put in place the following bureau:

- Benin (West Africa), Chairman
- Uganda (East Africa), 1st Vice Chairman

- Tunisia (North Africa), 2nd Vice Chairman
- South Africa (Southern Africa), 3rd Vice Chairman; and
- Central African Republic (Central Africa), Rapporteur

IV. ADOPTION OF THE PROGRAMME OF WORK

5 The meeting of Government Experts adopted the programme of work proposed by the Commission, whose different items are enumerated in the following paragraphs.

V. PROJECTION OF THE DOCUMENTARY FILM

6 The Government Experts watched the documentary film on the AUBP entitled "African Borders: From Barriers to Bridges". The film showed the results obtained in the implementation of the delimitation/demarcation and cross-border cooperation aspects of the AUBP through concrete examples in the different regions of the continent.

VI. CONSIDERATION OF AGENDA ITEMS

7 On the basis of the programme of work adopted by the meeting, the following items were considered:

Delimitation and Demarcation of African Borders

8 Introducing the item, the Commission presented the status of African borders, on the basis of the responses from Member States to the questionnaire sent to them within the framework of the survey of African borders. To date, thirty two Member States had responded to the questionnaire. These responses reflected that 35% of the African borders had been delimited and demarcated. The presentation of the Commission also focused on the process for the establishment of a Border Information System (BIS). Fed with the responses to the questionnaire and other data, this System would enable Member States to easily access information relating to their borders. Finally, the Commission reported on the action it carried out on the ground in support of the land and maritime border delimitation and demarcation operations.

9 The representatives of Member States then took the floor to give an overview of the status of delimitation and demarcation as well as the reaffirmation of their respective borders. It emerged there

from that many initiatives were ongoing or being considered, which reflected greater ownership of the AUBP by the African States. The experts highlighted the challenges and difficulties they faced at the political, technical, financial and logistic levels.

10 After an in-depth exchange of views, the participants agreed on the following:

(i) the finalisation, at the latest by July 2012, of the survey of African borders with the submission by the Member States, which had not yet done so, of their responses to the questionnaire sent by the Commission;

(ii) the submission to the Commission by each Member State of an annual report on the progress made in the demarcation of their borders;

(iii) the acceleration by Member States of the delimitation and demarcation process of their boundaries, where such an exercise has not yet taken place, and implementation of all necessary measures so as to comply with the new deadline of 2017 set by the Assembly of the Union for the completion of these operations;

(iv) the speedy settlement of existing border disputes by peaceful means;

(v) the adoption of concrete measures to maintain regularly and, if necessary, densify the boundary pillars so as to make them more visible and reduce the risks of dispute and conflict;

(vi) the speedy finalisation of the Guide on best practices in border delimitation and demarcation under preparation;

(vii) the demining operations in the border areas that still have landmines.

Cross-Border Cooperation and Regional Integration

11 The Commission underscored the activities carried out on the ground as well as other initiatives it envisaged to launch in support of cross-border cooperation (including the publication of a manual of good practices, a documentary on cross-border activities, a strategic document on the use of cross-border resources, exchange of experiences between regions and countries).

12 Presentations were also made on the different aspects of cross-border cooperation, includingcooperation of local communities, cross-border crimes and fight against terrorism, joint management of cross-border resources and development of river basins. The

different presentations enabled the Government Experts to take note of the progress made in the area of cross-border cooperation and the diverse sectors it covered. They noted an increased affirmation of ownership of the concept of cross-border cooperation by the Member States. The progress made in the institutionalisation of cross-border cooperation in some countries engaged the attention of the meeting.

13 In order to attain the objectives of the AUBP in cross-border cooperation, the meeting agreed to the following:

(i) the effective implementation by the AU and Regional Economic Communities (RECs) of an exchange programme between African States and the other actors concerned;

(ii) the preparation of a plan of action aimed at encouraging and supporting cross-border cooperation of local communities;

(iii) enhancement of cross-border cooperation in the field of prevention and fight against terrorism and other forms of cross-border crimes;

(iv) the implementation and adoption, if necessary, by the Member States, of measures to reduce the transit time and other non-tariff barriers at the borders so as to facilitate trade and movement of persons;

(v) the encouragement of joint management of cross-border resources on the basis of relevant African and international experiences; and

(vi) the finalisation of the Guide on cross- border cooperation, under preparation by the Commission, taking due account of the specificities of island states.

Draft Convention of the African Union on Cross-Border Cooperation

14 The Commission presented the draft AU Convention on Cross-border Cooperation that had been thoroughly considered by the meeting of experts, held in Bamako, in November 2009, and the Conference of Ministers in Addis Ababa in March 2010. It had then been agreed that the draft Convention should be finalised on the basis of some proposed amendments which had been proposed before further consideration. At its Ordinary Session of January 2012, the Assembly of the Union stressed the importance of the urgent adoption of the Convention, once it has been signed.

15 Within this framework, the meeting stressed that its mandate was not, strictly speaking, to reconsider the Convention but rather to ensure that the few amendments proposed in 2010 had been adequately taken into account. It was on that understanding that the meeting agreed to consider a limited number of amendments, with the understanding that they should not call into question the general contents of the document for finalisation before submitting it to the Conference of Ministers.

Capacity Building for the Implementation of the AUBP

16 This item was presented by the Commission and by the different resource persons. The meeting unanimously stressed that without adequate human and technical capacities, it was impossible to effectively implement the different components of the AUBP.

17 In order to take up the challenges, the meeting identified the following activities as priority actions:

(i) an inventory of experts and research and training institutions of the continent dealing with border issues, creating networks of existing institutions and development of curricula and training programmes on border issues;

(ii) establishment by the Member States, which have not yet done so, of National Boundary Commissions, as stressed in the previous Declarations on the AUBP;

(iii) organisation of training workshops for African structures and staff concerned;

(iv) promotion of an inter-departmental approach in the Commission, considering the multidimensional nature of the AUBP.

Partnership and Resource Mobilisation for the Implementation and Popularisation of the AUBP

18 The meeting stressed that partnership and resource mobilisation constituted an essential element of the AUBP. It welcomed the close relations established with the Government of the Federal Republic of Germany through the GiZ, which is the main financial contributor to the AUBP, as well as with other bilateral and multilateral partners. The participants recognised the urgent need to strengthen and diversify these partnerships. The issue of durable financing of the programme and the need for significant contributions from Member States was thoroughly discussed.

19 In a more specific manner, the meeting agreed on the following:

(i) continuation and intensification of interaction with international stakeholders;

(ii) organisation, at the latest by December 2012, of the Conference on Resource Mobilisation to support the implementation of the AUBP;

(iii) earmarking of specific resources by Member States for the implementation of the AUBP.

20 On the issue of the popularisation of the AUBP, the meeting requested:

(i) the preparation of a communication and sensitization plan aimed at making the AUBP better known;

(ii) the adoption of practical measures by the Member States to effectively celebrate the African Border Day.

VII. INTEGRATED BORDER MANAGEMENT STRATEGY

21 The consideration of the different agenda items highlighted the interrelation between delimitation and demarcation, cross-border cooperation, capacity building, and partnerships and resource mobilisation. This calls for a new paradigm based on an integrated approach to border management, which should optimise the complementarity of the different components of the AUBP. In other words, it is a matter of adequately taking into account the interdependent aspects of security and development in the border areas. The meeting requested the Commission, within this framework, to finalise, as soon as possible, its integrated border management strategy.

22 The meeting requested the Commission to incorporate fully this new approach to border management in the Strategic Plan of Action 2013-2017.

VIII. PREPARATION OF THE CONFERENCE OF MINISTERS

23 The meeting resolved to submit its report and the draft Declaration to the Conference of Ministers for consideration and adoption.

IX. CLOSING OF THE MEETING

24 The closing ceremony of the meeting of Government Experts took place in the afternoon of 16 May 2012. During the ceremony, the participants thanked the Commission for supporting the smooth proceedings of the meeting. They also thanked the people and government of Niger for their warm hospitality.

Conclusion:

Strategic goals, genuine progress

The African Union Border Programme, which is the focus of this publication, states three strategic objectives. Although defined on two distinct geographical scales, these objectives are complementary:

- To assist and encourage African Governments in the delimitation and demarcation of their land and maritime borders in order to prevent conflicts and tensions at the borders.
- To assist and encourage African Governments in strengthening their cross-border cooperation through border populations' joint efforts, and States in order to strengthen regional integration within the Regional Economic Communities and other larger initiatives.
- To develop pan-African capacity-building mechanisms and undertake research and trainings on issues related to boundaries.

Already, the Programme can claim significant experience:

- Completion of demarcation works of the Burkina Faso/Mali boundary.
- Completion of the delimitation of the maritime borders between the Comoros, Mozambique, Tanzania and the Seychelles.
- Completion of the Malawi/Zambia boundaries' densification exercise.

- Ongoing densification exercise between Mozambique and Tanzania, and between Malawi and Mozambique;
- Launch of the delimitation and demarcation exercise between Mali and Senegal, the Gambia and Senegal, and between Guinea and Senegal.

Also to be noted is the construction of a Cross-Border Health Centre between Burkina Faso and Mali, the establishment of community radio stations, promotion of gender equality, and the creation of a network to support cross-border cooperation in Western Africa.

The Programme is moving forward and the number of States involved is increasing.

Among the remaining challenges are:
- Meeting the deadline of 2017 for the completion of the Programme;
- Resource mobilisation, including financial resources;
- The multiplication and dissemination of cross-border projects;
- The dissemination of information about the Programme, including among cross-border populations and media.

The "African Border Day", that should be celebrated regularly every 7 June, will symbolically mark the progress of the Programme, especially in 2014 on the occasion of the fiftieth anniversary of the 1964 Resolution of Cairo.

In this regard, the AUBP is a significant building block of the African Union's commitment to peace and security. Its historical role is to contribute to resolving pending disputes around our common borders. The objective is still to strengthen peaceful relationships between the States.

Hence, there is an urgent need to overcome the vision of boundaries as barriers and to highlight their bridging function for the benefit of both States and populations. Genuine continental development rests upon its real integration. This is a major common interest.

For the very first time, this book presents all the founding instruments and legal frameworks related to the issue of international borders on the African continent. It provides insight into reports, communications, and the conclusions of successive stages of policy implementation.

The Charter of 1963, and the supporting Resolution AHG/Res. 16(I) of 1964, were approved by the African States themselves and these documents are emblematic of the continental consensus to respect the existing African borders. This consensus remains the cornerstone of African unity, peace and security.

The African Union, with its objectives for the next fifty years, and the Border Programme share the same aspirations of growth, development and security in Africa. A clearly delimited, demarcated and well-managed border facilitates not only greater security but also cultural and economic exchange, which is the foundation of prosperity for peoples and States.

Our vision is *a united and integrated Africa with peaceful, open and prosperous borders*. Our mission therefore is to resolve and prevent boundary disputes, and to promote regional and continental integration through cross-border cooperation.

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