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**CONFERENCE OF AFRICAN MINISTRIES
IN CHARGE OF BORDER ISSUES**

**PREPARATORY MEETING OF EXPERTS ON
THE AFRICAN UNION BORDER PROGRAMME**

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**REPORT OF THE MEETING OF EXPERTS ON THE BORDER PROGRAMME
OF THE AFRICAN UNION**

BAMAKO, MALI, 8 – 9 MARCH, 2007

Preventing conflicts, Promoting integration

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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 mobilization 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 characterized 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 therefrom. Even in situations where a legal body has delimited 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 mobilization 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 delimited borders, the delineated/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 recognize 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 therefrom 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 Dioulasso, 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 overemphasized. 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 mobilization for the implementation of the AU Border Programme**

22. It was emphasized, 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 center of the integration agenda of the African Union. ECOWAS example in this regard is noteworthy. As a matter of fact, the West African regional organization 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 mobilized.

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 decentralized 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 mobilization 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 on-going integration process but also enhance the peace efforts being deployed on the continent.