African Union

Border Governance in Africa: an African Union Strategy

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Border Governance in Africa:
an African Union Strategy

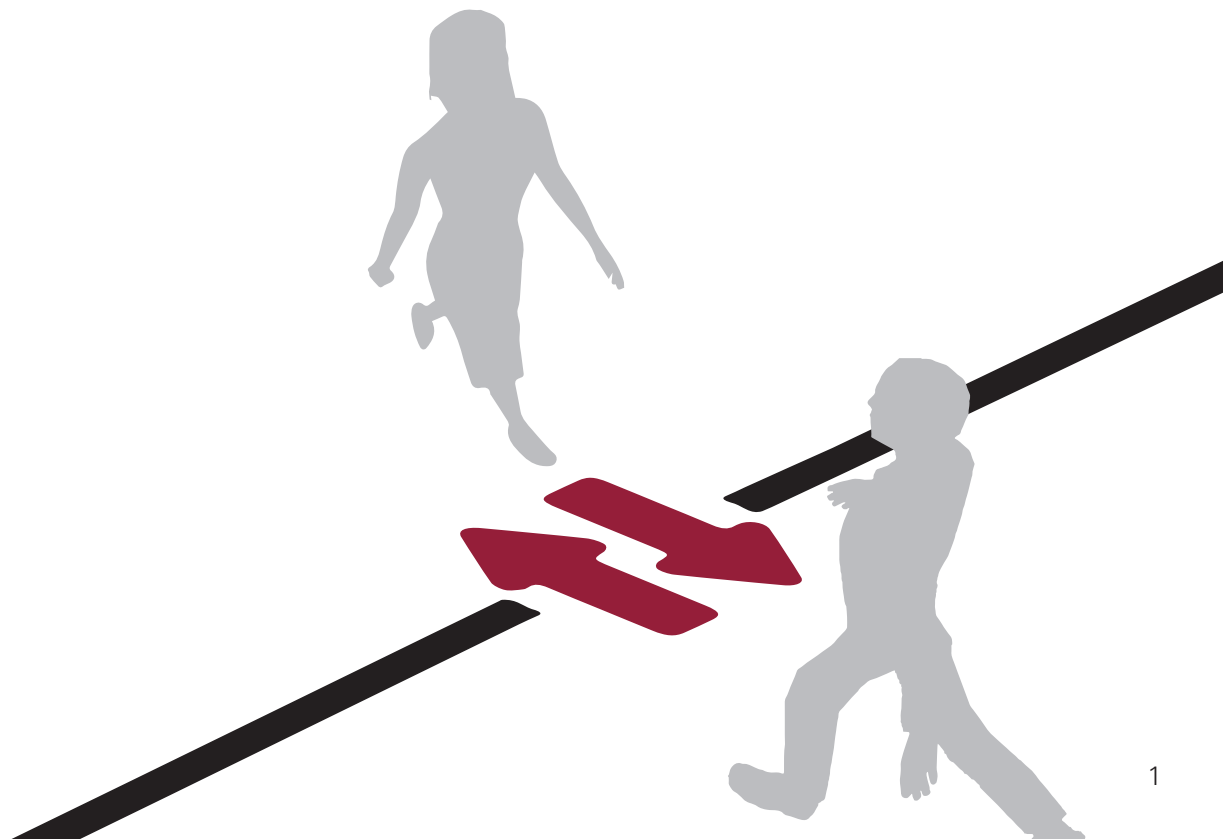One Africa, One Voice, One Message

SILENCING THE GUNS:

Creating Conducive Conditions for Africa's Development

A Flagship Project of

Agenda 2063

The Africa we Want

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FOREWORD

Since the creation of the OAU, the Heads of State and Government have paid special attention to the borders, as evidenced by the provisions contained in the Charter of the OAU and in the Constitutive Act of the AU. Subsequently, the decision-making bodies of our continental organisation have, without interruption, taken from the 1960s to the present day political and diplomatic measures and actions for peaceful resolution of border disputes. The launch of the implementation of the African Union Border Program (AUBP) in 2007 consolidates the role of borders in continental policies.

The AUBP promotes the joint governance of African interstate borders as instruments for conflict prevention and vectors of peace, security and stability. It also aims to serve as levers for strengthening the process of regional and continental integration and for the socio-economic development of the continent. It is on the basis of this strategic orientation that the Heads of State and Government have endorsed the recommendation of the African Ministers in charge of borders asking the AU Commission to develop an integrated border management strategy.

Following a participatory process involving experts from Member States, RECs and the AU Commission, **the African Union Strategy for Better Integrated Border Governance** was adopted by the 33rd Ordinary Session of the Assembly of Heads of States and

Photo: © African Union

Governments held on February 09 and 10, 2020 in Addis Ababa (Ethiopia).

The Strategy offers recommendations to African policymakers that enable them to align border governance with the objectives, values and principles of the AU. It proposes guidelines for the development of national and regional border policies.

The African Union Commission urges Member States and RECs to make use of the relevant recommendations of the Strategy. These recommendations will allow Member States and RECs to harmonise their border governance procedures and practices and thus strengthen cooperation and joint action. In this perspective and in order to facilitate a broad ownership of the strategy, this popular version is developed.

H.E. Ambassador Smail Chergui
Commissioner for Peace & Security
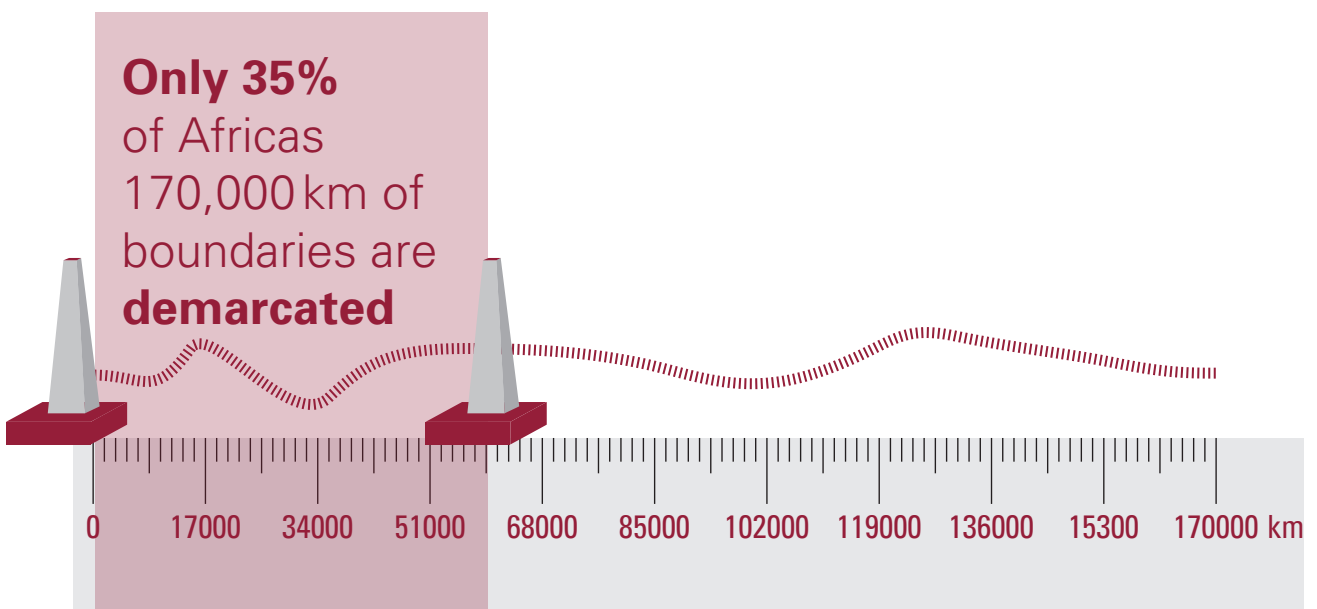**African Union (Commission)**

INTRODUCTION

Only a third of African borders are clearly delimited and demarcated. Ill-defined or unclear borders are a potential source of conflicts, particularly in relation to disputes over boundaries drawn to a great extent by colonial powers. The African Union (AU) commits to a progressive border agenda recognising the positive contribution of Border Governance to peace, security, integration, resource sharing, trade facilitation, as well as inclusive growth and sustainable development of borderlands.

This positive perception of borders is illustrated by the adoption of the African Union Border Programme (AUBP) in 2007; and whose implementation has demonstrated the strategic importance of continuous and sustainable measures conducted at the borders.

"[…] the African Union's Border Governance Strategy aims to provide the continent with a consensual vision of the role and place of interstate borders in the implementation of continental policies defined by the decision-making bodies of the African Union. On the one hand, they are synonymous with separation line, control and protection, but on the other hand, contact, junction and bridges. Borders are certainly the places where the joint and concerted operationalisation of the decisions of the Heads of State and Government finds an obvious anchoring ground. It is from this perspective that the strategy [...] proposes lines of action and practical guidelines that can inspire the sovereign choices of member states."

Opening address by H.E. Ambassador Smail Chergui, Commissioner for Peace and Security, African Union Commission, at the Meeting of Member States Experts for the Validation of the African Union Border Governance Strategy, Addis Ababa, Ethiopia, 6–8 November 2017.

Only 35% of Africas 170,000 km of boundaries are **demarcated**

| 0 | 17000 | 34000 | 51000 | 68000 | 85000 | 102000 | 119000 | 136000 | 15300 | 170000 km |

AUBP on the Ground

- In 2011, AUBP facilitated the signature of maritime delimitation agreements between the Union of the Comoros, the Republic of Mozambique, and United Republic of Tanzania.

- Following the demarcation of the common boundary between the Republic of Burkina Faso and the Republic of Mali, the Programme supported the installation of a cross border health center shared between the villages of Ouarokoy (Burkina Faso) and Wanian (Mali), in 2012.

- As of 2015, AUBP has accompanied the Republic of Botswana and the Republic of Namibia in the delimitation of their common boundary, which culminated in the signature of a boundary treaty in 2018.

- From 2016 to 2017, AUBP supported the Republic of Malawi and the Republic of Mozambique in the delimitation of Lake Malawi/Lake Nyassa.

NORMATIVE FRAMEWORK & MILESTONES

The OAU and AU have adopted several conventions, resolutions and decisions, which either directly relate to the governance of borders on the continent or determine the norms and principles of the conduct of policy in Africa.

The **Agenda 2063** is the continent's strategic framework that aims to deliver on its goal for inclusive and sustainable development. The second aspiration of the AU Agenda 2063 is 'An integrated continent, politically united and based on the ideals of Pan Africanism and the vision of Africa's Renaissance'. The Agenda notably aspires to have *"world class integrative infrastructure that criss-crosses the continent"* and *"a continent of seamless borders, and management of cross-border resources through dialogue"*. It further envisions an action line on the "implementation of joint cross-border investments to exploit shared resources".

The African Border Governance Strategy serves as a guiding framework for the coordination of border policies at the continental, regional and national levels to create greater coherence. The Strategy provides guidelines for Member States to enable them to align their national border governance policies with the relevant provisions and recommendations of the AU on the matter. The specificities of the Member States and the respect of their international obligations obviously preside and frame this alignment.

Adoption of the border strategy

The African Union Strategy for Better Integrated Border Governance has been developed in a participatory manner. At different stages of the development process, the AUC interacted with Member States, in particular national experts on border issues and African Ministers in Charge of Borders. RECs, RMs and different Departments of the AUC commented and revised the draft strategy document. The Specialized Technical Committee on Defence, Safety and Security (STC DSS) adopted the consolidated version of the Strategy during its Ordinary Meeting held in Cairo (Egypt) on December 19, 2019. In its 36th Ordinary Session held from February 06 to 07, 2020 in Addis Ababa (Ethiopia), the Executive Council (EC) took note of the Declaration adopted by the STC DSS on December 19, 2019 and recommended it to the Assembly of the AU for adoption (EX.CL/Dec.1074 (XXXVI)). The Declaration was adopted by the 33rd Ordinary Session of the Assembly of the Union, held in Addis Ababa, Ethiopia on 9-10 February 2020 (Assembly/AU/Decl.754 (XXXIII)).
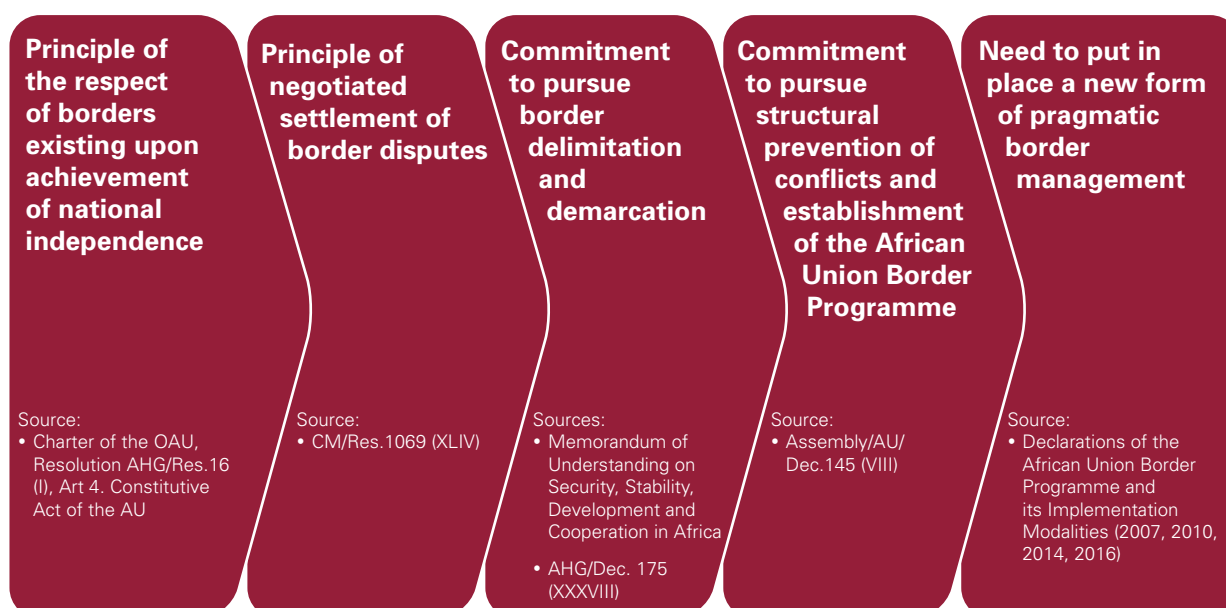
The **Constitutive Act of the African Union** sets out the codified framework under which the African Union is to conduct itself and specifies the objectives, principles, and organs of the AU. Articles 3(j) and 3(k) "promote sustainable development at the economic, social and cultural levels as well as the integration of African economies", […] in order to raise the living standards of African peoples".

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

Through joint border governance, States can achieve peaceful co-existence of people and secure their right to live in peace and security. Member States, RECs and the AU are encouraged to establish a strong benchmark for the peaceful settlement of conflicts, exercise preventive diplomacy, foster cross-border cooperation, and promote cross-border security.

Principles relating to border governance

Principle of the respect of borders existing upon achievement of national independence	Principle of negotiated settlement of border disputes	Commitment to pursue border delimitation and demarcation	Commitment to pursue structural prevention of conflicts and establishment of the African Union Border Programme	Need to put in place a new form of pragmatic border management
Source: • Charter of the OAU, Resolution AHG/Res.16 (I), Art 4. Constitutive Act of the AU	Source: • CM/Res.1069 (XLIV)	Sources: • Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa • AHG/Dec. 175 (XXXVIII)	Source: • Assembly/AU/Dec.145 (VIII)	Source: • Declarations of the African Union Border Programme and its Implementation Modalities (2007, 2010, 2014, 2016)

The most recent normative milestone regarding African borders is the African Union Convention on Cross-Border Cooperation (Niamey Convention, 2014) which aims to "ensure efficient and effective integrated border management" and stipulates the principle and instrument of cross-border cooperation (CBC).

Other relevant AU instruments which touch the topic of borders are, among others, the African Peace and Security Architecture (APSA), the Agreement establishing the African Continental Free Trade Area (ACFTA), the Migration Policy Framework for Africa and Action Plan (2018-2030), the Protocol to the Treaty establishing the African Economic Community relating to Free Movement of Persons, Rights of Residence and Rights of Establishment (2018), the Revised African Convention on the Conservation of Nature and Natural Resources (2003), the Policy Framework for Pastoralism in Africa (2010), etc. Also, at the level of the RECs, there are various mechanisms that directly or indirectly concern the governance of borders: for example, the ECOWAS' Protocol on the Free Movement of Persons (adopted in May 1979) or the EAC's Protocol on the Establishment of the EAC Common Market that was adopted in 2009. These Protocols give persons the right of cross-border movement of; and allow the adoption of integrated border management; the removal of restrictions on movement of labour and services; and the right of establishment and residence.
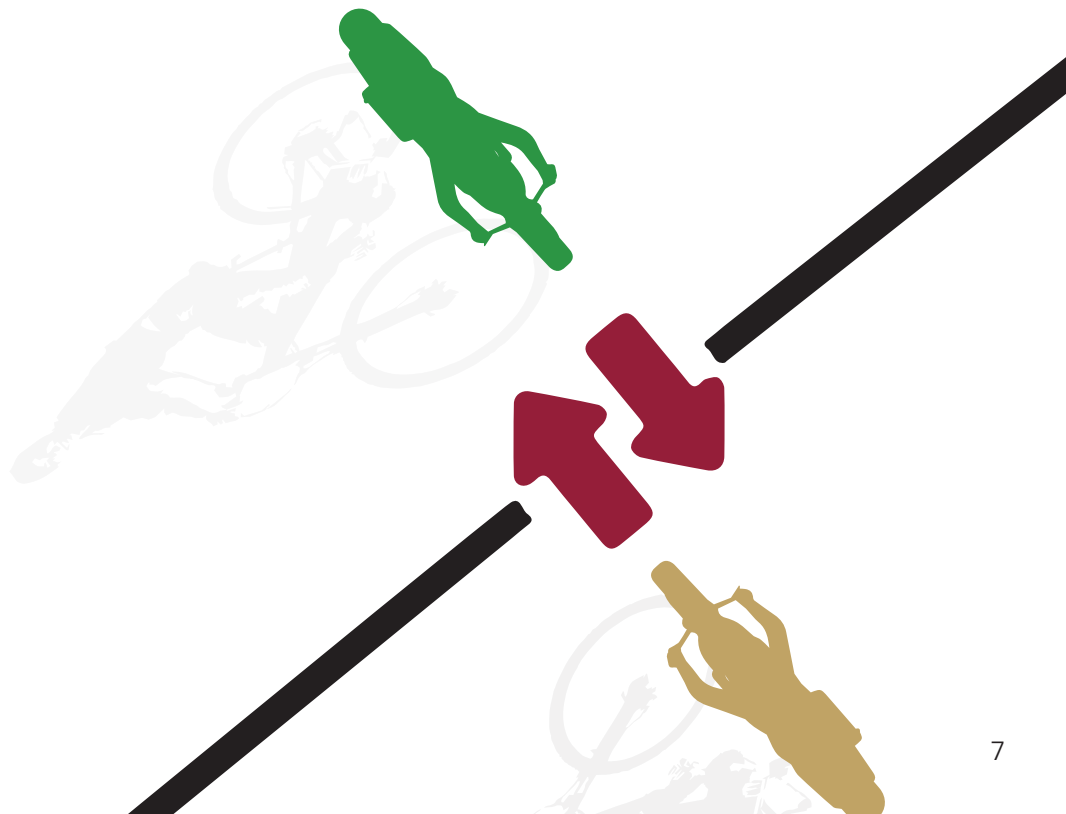
Vision

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

Mission

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

Objective

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

THE AFRICAN UNION STRATEGY FOR A BETTER INTEGRATED BORDER GOVERNANCE

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

The Strategy should be considered as an instrument of orientation, coordination and coherence of border policies at different scales: continental, regional, and national. It ultimately aims to bring borders out of the periphery and place them in the heart of public policies of the AU, RECs and African States. This strategy will contribute to achieving the objectives of the Agenda 2063, turning borders from merely demarcating the limits of the state sovereignty to multipliers of integrative opportunities of African States, economies, and communities. African governments must work jointly across their international boundaries in order to turn them from porous but thick to soft but well-governed borders and to develop border areas into spaces of peace, security and economic development.

Properly governed, border areas are not part of the problem or peripheries outside of the purview of state and laws, but their populations become part of the solution towards human rights and human security.

From this point of view, borders, considered as membranes of the policies implemented, are, on the one hand, a point of contact, junction, gateway and bridges, and, on the other hand, have a function of separation, control and protection.

Function of Contact, Junction and Bridge: one of the core purposes of the Strategy is to allow the realisation of a border governance in a manner that facilitates formal as well as informal cross-border trade. The enhancement of cross-border cooperation and integrative opportunities through various methods and sharing of mutual resources for border services is crucial for integration, prosperity, trade and cross-border relations and exchanges.

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

The assumption of the Strategy is that all strategic priorities are interrelated and that the enhancement of border governance on the continent requires all of them to be addressed. A special emphasis must be put on promoting the legitimate and free movement of persons, goods, and services, to deepen continental integration and to create wealth. Decisive actions need to be undertaken for the socioeconomic development of border zones and borderlands to strengthen human security and address humanitarian issues. To be successful, these efforts require the full participation of communities and the development of the capabilities of public authorities to respond effectively.

20% of the planet's total land area **is covered by Africa**

Coastline of Africa including its islands = **40,036 km**

African countries:
Total 55
Landlocked 16
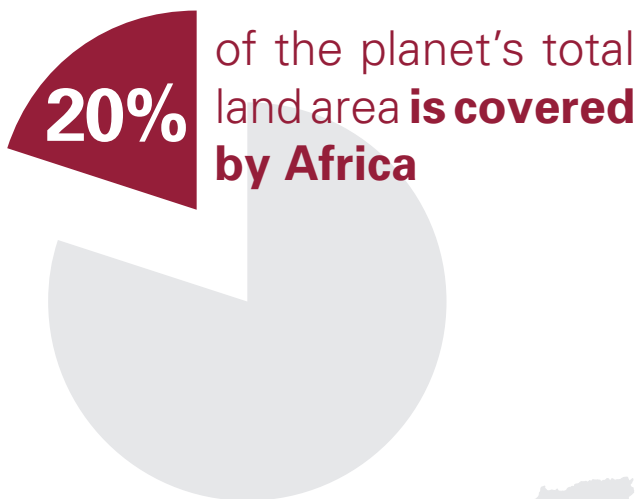
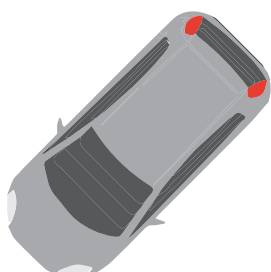**Grande Barrière / Petite Barrière (DRC/Rwanda)**

The cities of Goma (DRC) and Rubavu (Rwanda) are connected by two principal checkpoints: the Grande Barrière, recently converted into a One Stop Border Post (OSBP) known as La Corniche, and the Petite Barrière. Petite Barrière is a crossing point with high levels of foot traffic – it facilitates the movement of an estimated 50,000 people per day. Grande Barrière was transformed into an OSBP to ensure the efficient movement of persons and goods by combining border functions in a shared space to facilitate exiting one country and entering another. As an OSBP, La Corniche relies on intelligence-led controls based on information obtained at borders and shared between states to not only identify cross border crimes but assist in their prosecution. It demonstrates one function of borders: as points of control, separation and protection. Petite Barrière, alongside La Corniche, represents the second function of borders: as a bridge that has facilitated the free movement of persons and goods between the DRC and Rwanda.

The Strategy is based on the following five pillars that serve as anchors to its vision and mission:

African Union Border Governance Strategy

Pillar 1	Pillar 2	Pillar 3	Pillar 4	Pillar 5
Development of Capabilities for Border Governance	Conflict Prevention and Resolution, Border Security & Transnational Threats	Mobility, Migration &Trade facilitation	Cooperative Border Management	Borderland Development and Community Engagement
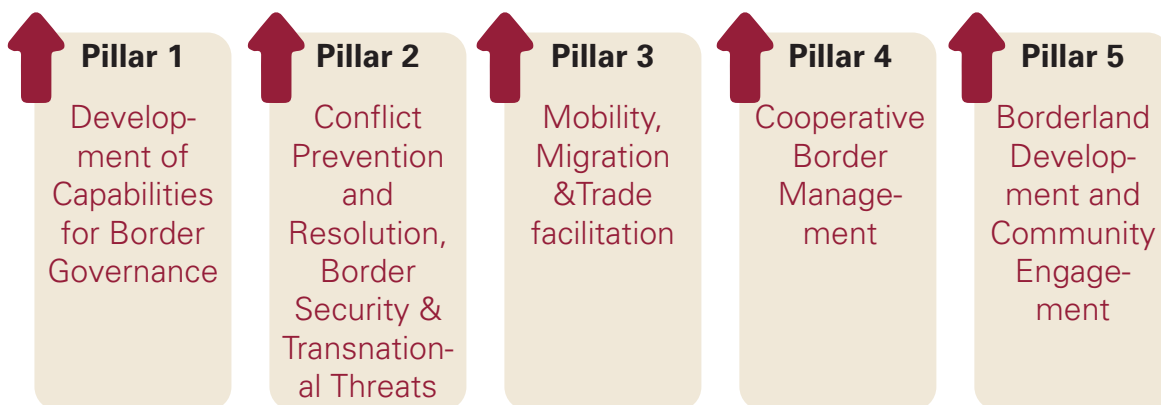
STRATEGIC OBJECTIVES

PILLAR 1 — Development of Capabilities for Border Governance

Context

Insecurity related to borders has two major causes: the first is the occurrence of disputes over territory, boundaries or transboundary resources between states or communities; The second is the existence of threats and crimes that transcend borders and thus affect border areas, countries and entire regions. Both forms and causes of insecurity can be interrelated, e.g. when unclear boundaries and their poor governance cause vacuums of law enforcement, leaving the terrain to criminal organisations, who in turn may use the profits of the illegal activities to finance violent groups that are challenging states and threatening populations. Both causes need to be addressed at the same time, but require distinct responses.

Objective(s)/Approach

To build the capability of all stakeholders for improved Border Governance

- To promote capabilities at the regional, national and local level following the principles of subsidiarity and partnership, e.g. through joint trainings for border staff to enhance confidence-building, information exchange, the efficient use of resources and an enhanced understanding of the tasks, responsibilities and needs of other border management agencies
- To equip decision makers, border practitioners and border populations with solid knowledge of border governance and cross-border cooperation, e.g. by enhancing the participation in international training events and workshops, study visits and exchange programmes
- To develop a comprehensive research and training agenda as well as harmonised regional and continental standards for border officials, e.g. with a special focus on gender and/or on receiving migrants and refugees

PILLAR 2

Conflict Prevention and
Resolution, Border Security
& Transnational Threats

Context

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

Objective(s)/Approach

**To prevent and peacefully resolve border
conflicts and to address cross-border threats,
crime and insecurity**

- To prevent, manage and resolve border conflicts by
  adopting the AU's and the RECs' relevant peace and
  security instruments and implement them on the ground
- To delimitate, demarcate and reaffirm all terrestrial
  and maritime boundaries by implementing the various
  provisions made in the different declarations on AUBP
- To manage conflicts linked to transboundary resources,
  e.g. by initiating, adopting and implementing agreements
  on cross-border cooperation at regional, bilateral and local
  levels to regulate the joint use of transboundary resources
- To improve border security management by applying
  the principles and measures of Cooperative Border
  Management and ensuring that agencies in charge
  of border management have the relevant mandates,
  technical capacities and resources necessary for the
  implementation of adopted policies
- To enhance community involvement and borderland
  security by sensitising border communities to prevent
  threats and crimes and involving them in community
  security schemes
- To enhance bilateral, regional and international cooperation
  on security, threats and crime by adopting the Niamey
  Convention and other legal instruments on fighting
  transnational organised crime, such as terrorism, piracy
  and smuggling
- To tackle maritime insecurity, piracy, the dumping of toxic
  waste, illegal fishery and the illegal exploitation of shared
  resources by ratifying, domesticating and implementing
  the international maritime legal instruments

PILLAR 3

Mobility, Migration &
Trade Facilitation

Context

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

Objective(s)/Approach

To turn borders from barriers into bridges by facilitating legal cross-border mobility, migration and trade

- To facilitate inter-regional, continental and international trade by implementing joint investment programmes, the CFTA, promoting joint border facilities, such as One-Stop Border Posts (OSBPs), and adopting relevant international standards
- Regularise informal small scale cross border trade by reducing the transaction costs for small scale traders through the establishment and full implementation of simplified trade regimes and by supporting the establishment/strengthening of Cross-Border Traders Associations (CBTAs)
- To facilitate legal migration and cross-border mobility through the implementation of the AU Migration Policy Framework and the Free Movement Protocol
- To establish safe borders in order to ease restrictions for mobility and interaction between borderland communities e.g. by providing adequate and accessible information about the requirements, challenges and opportunities of migration for the population in general, and for potential labour migrants in particular

PILLAR 4 Cooperative Border Management

Context

Often, border management lacks coherence, harmonised institutional and legal frameworks and procedures, exhibits low levels of accountability and oversight, and is characterised by insufficient resources including infrastructure and manpower, a poor working environment and lack of expertise. Far from just affecting regular mobility, borders also create opportunities for illegal activities. Corrupt practices at borders do not only undermine the rule of law, national security and sovereignty, but negatively impact policy choices, revenue collection and economic growth.

Objective(s)/Approach

To balance the easy and legal movement of humans and goods across borders and the prevention of illegal activities and insecurity through effective and efficient joint arrangements

- To enhance intra-service cooperation in border agencies by developing clear and comprehensive national policies on border management and ensuring adequate organisational structures and effective implementation of tasks and efficient intra-service communication
- To enhance inter-service cooperation between border agencies by clearly defining the responsibilities of all agencies concerned with border management and security
- To enhance bilateral and international cooperation between border actors by concluding bilateral intergovernmental conventions and bilateral agreements with the administrations of the neighbouring countries, such as bilateral committees or joint patrols/trainings
- To enhance cooperation with the private sector and border communities by engaging the social responsibility of private companies, in particular through jobs creation and the provision of services in borderlands

PILLAR 5 — Borderland Development & Community Engagement

Context

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

Objective(s)/Approach

To enhance human security by ensuring the participation of borderland communities in Border Governance

- To foster peace, good-neighbourly relations and investment through cross-border cooperation by developing national and regional CBC initiatives in the areas of socioeconomic development including transportation, communication, trade, agro-pastoral activities, handicrafts, energy resources, industry, health, sanitation, drinking water, education, environmental protection, cultural activities, sports, etc.
- To transform borders through the engagement of border communities and the development of borderlands by strengthening the capacities of national associations and local civil society to manage/participate in Cross-Border Cooperation projects and participate in the governance of borderlands.
- Develop and preserve coastal areas, maritime borders and island states by encouraging AU Member States to claim their maritime boundaries, territorial waters and Exclusive Economic Zones in compliance with United Nations Convention on the Law of the Sea and other international legal instruments
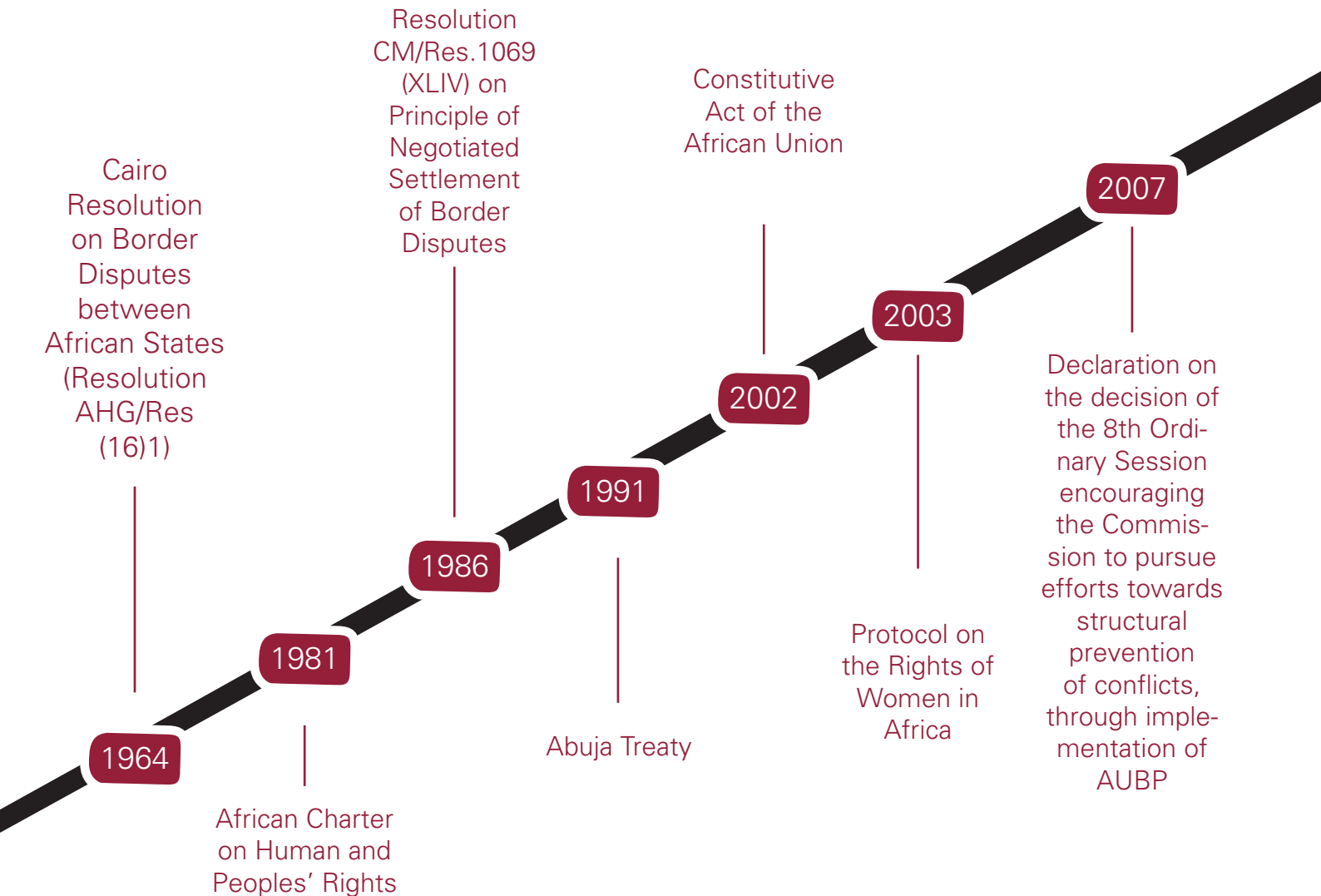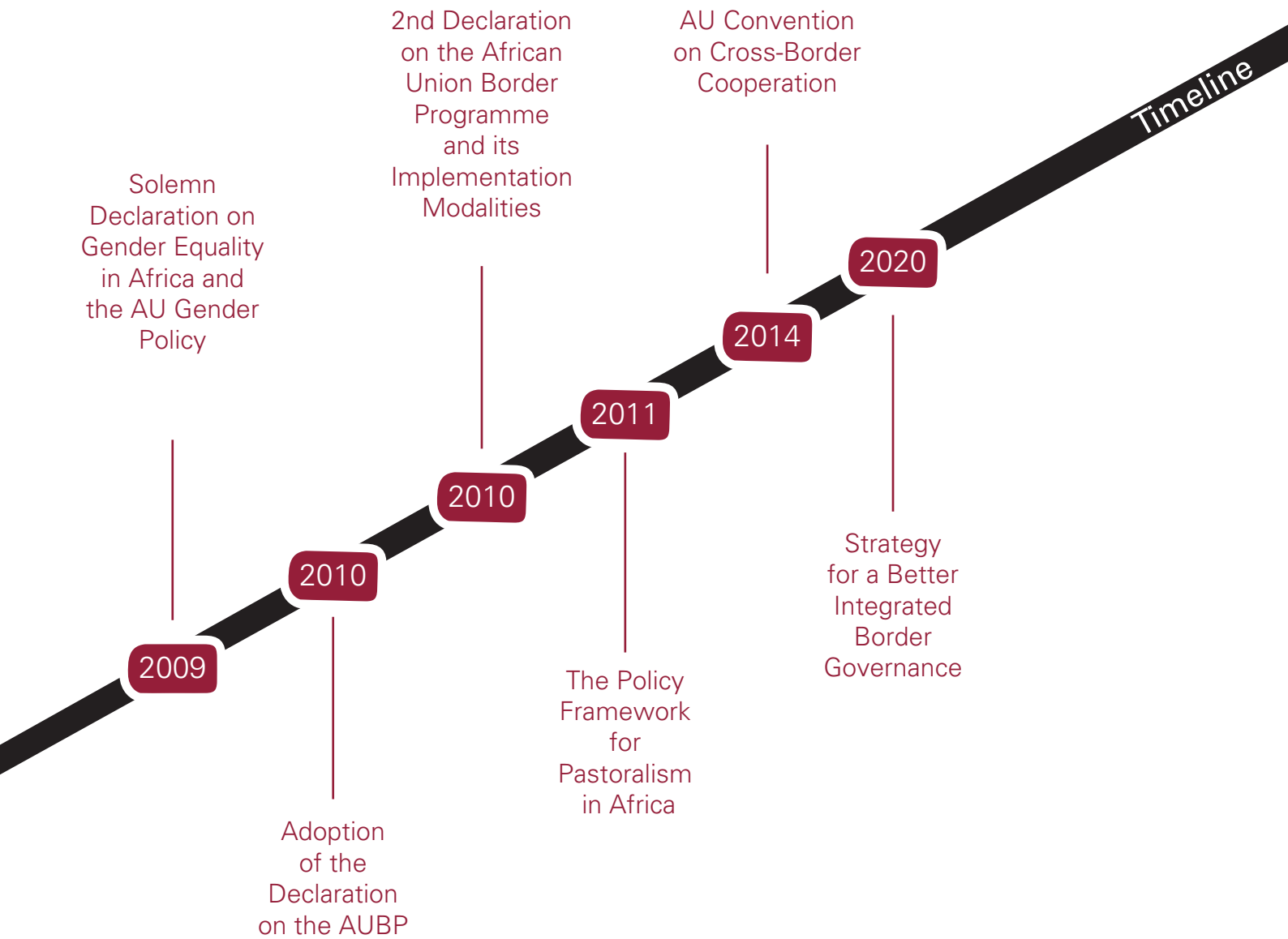
STRATEGY IMPLEMENTATION & ROLE OF STAKEHOLDERS

The implementation of the Strategy will be aligned with Agenda 2063.

The first Implementation Period will be aligned to the first 10 Year Action Plan (2013-2023) of Agenda 2063. Its implementation will be continued and programmed in close connection with the other four subsequent plans of Agenda 2063. To this end, the Strategy will be built on priority implementation roadmaps focused on the needs and capabilities of Member States in all regions.

Cairo Resolution on Border Disputes between African States (Resolution AHG/Res (16)1)

Resolution CM/Res.1069 (XLIV) on Principle of Negotiated Settlement of Border Disputes

Constitutive Act of the African Union

2007

2003

2002

1991

1986

1981

1964

Declaration on the decision of the 8th Ordinary Session encouraging the Commission to pursue efforts towards structural prevention of conflicts, through implementation of AUBP

Protocol on the Rights of Women in Africa

Abuja Treaty

African Charter on Human and Peoples' Rights

2nd Declaration on the African Union Border Programme and its Implementation Modalities

AU Convention on Cross-Border Cooperation

Timeline

Solemn Declaration on Gender Equality in Africa and the AU Gender Policy

2020

2014

2011

2010

2010

2009

Strategy for a Better Integrated Border Governance

The Policy Framework for Pastoralism in Africa

Adoption of the Declaration on the AUBP

FURTHER INFORMATION

For more information on the African Union Strategy for a Better Integrated Border Governance, please contact us at the address below:

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