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EXECUTIVE COUNCIL
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Accra, GHANA

EX.CL/352 (XI)

REPORT OF THE CONFERENCE OF AFRICAN MINISTERS
IN CHARGE OF BORDER ISSUES, 4 TO 7 JUNE 2007,
ADDIS ABABA, ETHIOPIA

**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE
PROCEEDINGS AND OUTCOMES OF THE CONFERENCE OF
AFRICAN MINISTERS IN CHARGE OF BORDER ISSUES
4 TO 7 JUNE 2007, ADDIS ABABA, ETHIOPIA**

1. At the Tenth Ordinary Session held in Addis Ababa last January, I informed the Executive Council that the Commission had taken a number of initiatives to advance the African Union Border Programme, which constitutes one of the main components of the AU Plan of Action for 2004-2007, ensuing from its vision and mission as well as from the Strategic Framework, which were endorsed in principle by the 3rd Ordinary Session of the Assembly of the Union held in Addis Ababa in July 2004. For its part, the Assembly of the Union, at its Eight Ordinary Session held in Addis Ababa on 29 and 30 January 2007, encouraged the Commission to pursue its efforts at structural prevention of conflicts, including through the implementation of the AU Border Programme (Decision Assembly/AU/Dec. 145 (VIII)).

2. It should be recalled that the First Ordinary Session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU) adopted Resolution AHG/Res.16 (I) according to which all Member States pledged to respect borders existing on their achievement of national independence. The provisions should also be recalled of the Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa (CSSDCA), adopted by the Assembly of the Union in Durban, South Africa, in July 2002. Considering that border problems continue to pose a threat to peace and security in Africa, the Memorandum, in conformity with Resolution AHG/Res.16 (II) provides for the conclusion by 2012, with the assistance of the United Nations Cartographic Unit, where required, of the delineation and demarcation of borders between African States, where it has not been done.

3. The Border Programme was designed in furtherance of the above-mentioned decisions. Its aim is to work towards the delimitation and demarcation of African borders where such exercise has not yet taken place, as well as the strengthening of regional integration.

4. Within the framework of implementation of the above-mentioned decisions, the Commission organized in Bamako, Mali, from 8 to 9 March 2007, a meeting of experts on the African Union Border Programme, which was convened to assist the Commission to prepare a Meeting of Government Experts and a Conference of Ministers. Thereafter, a Meeting of Government Experts from AU Member States was organized in Addis Ababa, from 4 to 5 June 2007 by the Commission. The report features in Annex 1. The meeting was followed, on 7 June 2007, by the Conference of African Ministers in charge of Border Issues, which adopted the attached Declaration on the African Union Border Programme and its Implementation Modalities (Annex II). The Declaration deals with the following main points:

- justification of the African Union Border Programme;
- Objectives of the Border Programme;

- Implementation principles;
- Partnership and resource mobilization;
- Initial measures for the launch of the Border Programme and follow-up on the Declaration.

5. The Declaration is hereby submitted for approval by the Executive Council. Once a decision is taken in this respect, the Commission will take all the necessary steps for the implementation of the Declaration.

EX.CL/352 (XI)
Annex I

REPORT OF THE MEETING

Preventing conflicts, Promoting integration

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

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

**ADDIS ABABA, ETHIOPIA
4 - 7 JUNE 2007**

**BP/EXP/RPT(II)
Original: French**

REPORT OF THE MEETING

I. Preventing conflicts, Promoting integration

DRAFT MEETING REPORT

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 organizations 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 du Sénégal* (OMVS), the United Nations Secretariat, including the United Nations Office for West Africa, UNHCR, the International Organization 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 un-demarcated. He recalled the relevant provisions of the OAU Charter as well as resolution AHG/Res.16(I) on the respect of borders inherited from colonization, 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) |
| - 1 st Vice-Chairperson | - Cameroon (Central Africa) |
| - 2 nd Vice-Chairperson | - Libya (North Africa) |
| - 3 rd Vice-Chairperson | - South Africa (Southern Africa) |
| - Rapporteur | - Uganda (East Africa) |

IV. 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 organized 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 colonization [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 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 many 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 unitization 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 finalized 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;
- the Equatorial Guinea/Nigeria maritime boundary Treaty of September 2000, which contains a unitization 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 organizations 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 on-going experiences and to put in on-going place a mechanism for the exchange of good practices.

Session IV: Partnership, resource mobilization and capacity building

20. At this session, the meeting followed presentations on:

- partnership and the mobilization 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 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 Organization 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, private sector and other relevant structures in the implementation and monitoring of the AU Border Programme; and
- 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.
- mobilization 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 finalize the draft document in light of the observations that were made.

EX.CL/352 (XI)
Annex II

**DECLARATION ON THE AFRICAN UNION
BORDER PROGRAMME AND ITS IMPLEMENTATION
MODALITIES**

ADDIS ABABA, 7 JUNE 2007

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**DECLARATION ON THE AFRICAN UNION
BORDER PROGRAMME AND ITS IMPLEMENTATION
MODALITIES**

ADDIS ABABA, 7 JUNE 2007

II. Preventing Conflicts, Promoting Integration

**DECLARATION ON THE AFRICAN UNION BORDER
PROGRAMME AND ITS IMPLEMENTATION MODALITIES
ADDIS ABABA, 7 JUNE 2007**

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 issue: 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 mobilizing 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 sensitizing the international community on the need to mobilize 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 formalization 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 mobilization

6. We request the Commission of the African Union to coordinate and implement the Border Programme on the basis of an 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 mobilization process for the implementation of the AU Border Programme.

8. We recommend to institutionalize 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.

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