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**REPORT OF THE AU CONFERENCE OF MINISTERS IN CHARGE OF
BORDER ISSUES, NIAMEY, NIGER, 17 MAY 2012**

**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON
THE 3rd CONFERENCE OF AFRICAN MINISTERS IN CHARGE
OF BORDER ISSUES**

I. INTRODUCTION

1. The problem of borders has always been among the major concerns of the African Union (AU) and, before it, the Organization of African Unity (OAU). It could not have been otherwise. As a matter of fact, due to the conditions under which they were drawn, which date back to the colonial period, and their lack of precision, African borders have been a source of recurrent disputes and, sometimes, armed conflicts. Furthermore, the non-definition of borders constitutes an obstacle to the process of economic integration, which the Member States are striving to achieve.

2. It is at the junction of these two concerns that the Commission organized, in Addis Ababa, on 7 June 2007, the first-ever Conference of African Ministers in charge of Border Issues. That Conference adopted the Declaration on the AU Border Programme (AUBP), which was endorsed by the 11th Ordinary Session of the Executive Council held in Accra, Ghana, from 25 to 29 June 2007 [Doc.EX.CL/352 (XI) and Decision EX.CL/Dec.370(XI)]. The AUBP has a two-pronged objective: on the one hand, to contribute to the structural prevention of conflicts, through the delimitation and demarcation of African boundaries, where such an exercise has not yet taken place, so as to prevent them from becoming a source of conflict; and, on the other hand, to deepen the integration processes, for a well-demarcated and visible border can be opened without risk to the trade flow and movement of persons, while encouraging investments, particularly in water and energy resources.

3. The 2nd Conference of African Ministers in charge of Border Issues was held in Addis Ababa, on 25 March 2010. It considered the status of implementation of the AUBP, including the Draft Convention on Cross-Border Cooperation, on the basis of the outcome of the meeting of legal experts, held in Bamako, in November 2009. The Conference concluded with the adoption of a Declaration on the African Union Border Programme and the Modalities for the Pursuit and Acceleration of its Implementation. The report of the Conference was submitted to the 17th Ordinary Session of the Executive Council [EX.CL/585(XVII)], held in Kampala, Uganda, from 19 to 23 July 2010. The Council endorsed the Declaration [EX.CL/Dec.563 (XVII)].

4. The 17th Ordinary Session of the Assembly of the Union, held in Malabo, Equatorial Guinea, from 30 June to 1 July 2011, in its decision Assembly/AU/Dec. 369(XVII) on the Report of the Peace and Security Council on its Activities and the State of Peace and Security in Africa, welcomed the significant progress made in the implementation of the AUBP. Considering the numerous challenges still to be taken up and the recommendation made by the Commission, the Assembly decided to extend the 2012 deadline for the completion of the delimitation and demarcation of all African borders, where such an exercise has not taken place, as initially set by the Memorandum of Understanding on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) of July 2002, to 2017.

5. At its 18th Ordinary Session, held in Addis Ababa, from 29 to 30 January 2012, the Assembly of the Union, in decision Assembly/AU/Dec.409(XVIII) on the Report of the Peace and Security Council on its Activities and the State of Peace and Security in Africa, reiterated the importance it attaches to the implementation of the AUBP; welcomed the significant results achieved so far; and encouraged the Commission to pursue and intensify its efforts. In this regard, the Assembly called for the speedy finalization of the Draft Convention on Cross-border Cooperation, and requested Member States to facilitate this process by participating, at the appropriate level, in the ministerial conference to be organized for that purpose.

6. The present report gives an account of the proceedings and outcome of the 3rd Conference of African Ministers in charge of Border Issues, held in Niamey, Niger, on 17 May 2012. It concludes with recommendations on the way forward.

II. CONTEXT OF THE NIAMEY CONFERENCE

7. The Niamey Conference was held in a context of significant progress in the implementation of the AUBP. There is today, among the different stakeholders concerned, greater awareness about the importance of the AUBP. Similarly, Member States have taken numerous initiatives to implement the different aspects of the Programme. Substantive progress has been made in the areas of delimitation and demarcation, cross-border cooperation, including at local level, capacity building and the establishment of partnerships with international partners. On many scores, Africa is, today, one of the most proactive regions as regards the approach to border issues.

8. Nevertheless, there is still a long way to go to attain the ambitious objectives of the AUBP and to translate fully into concrete action the hope raised by its launch. Within this framework, the Niamey Conference afforded an opportunity to consolidate the achievements made and open new prospects to the AUBP, by:

- (i) giving a new impetus to the definition of African borders. Indeed, on the basis of the data collected by the Commission, through the questionnaire sent to Member States, only a little more than one third of African borders have been delimited and demarcated. Only five years are left to carry out successfully this exercise before the deadline of 2017, set by the Heads of State and Government at the Malabo Summit, in July 2011;
- (ii) deepening cross-border cooperation, be it a local level or within the framework of large scale integration projects. In this context, the adoption of the Draft Convention on Cross-border Cooperation was to facilitate a leap forward as demanded by the situation;
- (iii) building African capacities or rather by harnessing them in a more effective manner because, in truth, Africa has huge reservoirs of skills and experience which only need to be developed in an optimal manner; and

- (iv) strengthening and diversifying the partnerships established to take advantage of other experiences and mobilize increased resources for the implementation of the AUBP, on the understanding that the search for external support should not relieve Africa of the obligation to contribute significantly to the financing of the Programme.

9. The Niamey Conference also took place against the backdrop of the emergence of new security challenges, particularly in the Sahelo–Saharan region. Beyond the issue of the delimitation and demarcation of borders, these challenges exposed the problem of the control by the Member States of their territories. The objective, in other words, is to prevent armed groups, terrorists and/or rebels, from finding a haven from where they carry out activities which threaten national and regional security. This issue, which brings to the fore the sovereign function of the State, must be effectively addressed by the AUBP, particularly, the development of enhanced cooperation based on a pooling of resources and implementation of innovative solutions.

10. On the other hand, the problem of the “thickness” of African borders also needs urgent attention. At a time when Africa is in a rising economic trajectory, everything must be done to enhance this momentum. However, the procedures at the African borders and the transit time are such that they constitute a barrier to trade and the movement of people, which, it should be added, contribute to alleviating poverty. It is, therefore, hardly surprising that intra-African trade, compared to other regions, is the lowest in the world. More flexible borders will make it possible to address this problem and to take into account the far-reaching transformations taking place on the ground, especially the urbanization of the Continent and the intensification of the resulting flows of all types, including in the transport corridors.

III. PROCEEDINGS AND OUTCOME OF THE NIAMEY CONFERENCE

11. The Niamey Conference was preceded by a preparatory meeting of government experts. 42 Member States, Regional Economic Communities (RECs) and other African organizations as well as partner institutions, particularly the German Technical Cooperation (GiZ) and the United Nations, were represented at the Conference.

12. The opening ceremony was chaired by the Minister of State, Minister of Interior, Public Security, Decentralization and Religious Affairs of Niger, Mr. Abdou Labo. The government experts considered the different items on the agenda of their meeting, namely: the delimitation and demarcation of African borders; cross-border cooperation and regional integration; the draft AU convention on cross-border cooperation; building African capacity for the implementation of the AUBP; partnership, resource mobilization and popularization of the AUBP; strategy of integrated management of border spaces. The summary of their deliberations and recommendations they made are contained in the report they adopted (Annex I).

13. The Ministerial Conference itself was opened by President Mahamadou Issoufou, in the presence of several members of the Government of Niger, as well as by the AU Commissioner for Peace and Security, Ramtane Lamamra. The closing ceremony was

marked by statements made by the Prime Minister of Niger, Rafini Brigi, the AU Commissioner for Peace and Security, the Minister of Interior and Public Security of the Republic of Benin, Benoit Assouan Degla, representing the current Chairman of the AU, and the Head of the UN Office to the AU, Zachary Muburi-Muita. Minister Assouan Degla chaired the deliberations of the Conference.

14. The Conference adopted the Declaration on the AUBP attached hereto (Annex II). The Ministers welcomed the gradual ownership of the AUBP by the Member States and other stakeholders. They also noted, with satisfaction, that the AUBP, after an initial phase of popularization and sensitization, was now entering an operational phase marked by increased support for delimitation and demarcation exercises, the promotion of cross-border cooperation and capacity building. At the same time, the Ministers noted the need for sustained action within the framework of the AUBP to face the emergence of new security challenges, particularly in the Sahelo-Saharan region, as well as the persistent “thickness” of African borders, which largely accounts for the low volume of intra-African trade and the problems faced in the free movement of people.

15. In this context, the Ministers stressed the relevance of the principles which inform the AUBP, as stated in the relevant AU instruments, particularly the respect for borders existing at the time of accession to independence by African countries; the peaceful resolution of border disputes; the shared commitment to consider the delimitation and demarcation of African borders as factors of peace, security and economic and social progress. They reaffirmed the commitment of their respective governments to make renewed efforts for the effective implementation of the different aspects of the AUBP, aware as they are that clearly-demarcated and well-managed borders are necessary for maintaining peace, security and stability; enhancing economic integration and facilitating trade; as well as for transforming borders from barriers to bridges, especially through local cross-border cooperation initiatives.

16. The Ministers stressed the need, in the light of the present challenges, for integrated management of border spaces, which will make it possible to deal, in a holistic manner, with development and security problems. Consequently, they encouraged the Member States to prepare national integrated policies and strategies and to establish, where necessary, the required institutional structures. They requested the Commission to finalize, as soon as possible, the strategy, under preparation, on the integrated management of borders. Within the framework of this approach, they agreed on specific measures to facilitate the actual implementation of the different aspects of the AUBP. In particular, it is worth noting the adoption of the AU Convention on Cross-Border Cooperation, which the Member States were requested to sign and ratify. The Ministers agreed to call that instrument the “Niamey Convention” (Annex III).

17. The Ministers requested the Executive Council to endorse their Declaration and called upon the Member States, the RECs and the other stakeholders to take the necessary measures for its implementation. They also requested the Commission to ensure the follow-up to the Declaration. Lastly, they agreed to convene their next

Conference in 2014, in order to consider the status of implementation of the AUBP and to take all measures that may be necessary.

IV. OBSERVATIONS

18. While Africa continues to be faced with persistent and multifaceted conflicts and crises, the AUBP remains an innovative tool in support of peace, security, integration and development. Its effective implementation will facilitate the transformation of the borders from barriers to bridges, junctions and zones of solidarity and friendship among the African peoples and States. The achievement of this ambition demands a strong political will, sustained by a relentless determination to mobilize the necessary resources. The Commission will to fully shoulder its responsibility in this respect.

19. The Niamey Conference added a new momentum to the implementation of the AUBP. The large participation of Member States in this meeting is a sign of additional encouragement. I welcome, in particular, the adoption of the Niamey Convention on Cross-Border Cooperation, which constitutes a major achievement. This instrument opens new horizons for ongoing initiatives on the continent and will undoubtedly strengthen the means of action of the different stakeholders concerned.

20. I recommend that the Council endorses the Declaration adopted in Niamey, including the Convention on Cross-Border Cooperation. At the same time, I encourage all the Member States to redouble their efforts to facilitate the attainment of the objectives of the AUBP, including the mobilization, at their level, of part of the resources required for this purpose. These efforts must continue to be based on the principles that have underpinned the AUBP so far: the imperative need to respect the borders inherited at independence, the peaceful resolution of border disputes and the continuation of the integration process.

21. I would like to reiterate the deep appreciation of the AU to the Government of Niger for having accepted to host the 3rd Conference of African Ministers in charge of Border Issues and for having spared no efforts to ensure its smooth proceedings. I especially thank President Mahamadou Issoufou for having graced the opening ceremony, and his Prime Minister for his participation in the closing ceremony of the Conference. It is a glowing proof of their personal commitment, and that of the Government of Niger as a whole, to the AUBP and the ideals of our Union.

22. I express, once again, the deep gratitude of the AU to the Government of the Federal Republic of Germany and to GiZ for their effective, financial and technical, support to the Commission, as well as to the Member States as regards delimitation and demarcation and cross-border cooperation. I also extend my appreciation to all the other partners who contributed, in one way or the other, to the implementation of the AUBP.

**3rd CONFERENCE OF AFRICAN MINISTERS IN CHARGE OF BORDER ISSUES
14 – 17 MAY 2012, NIAMEY, NIGER
LIST OF PARTICIPANTS**

A. MEMBER STATES

- | | | | |
|-----|-----------------------------|-----|--------------|
| 1. | ALGERIA | 22. | LIBYA |
| 2. | BENIN | 23. | MALAWI |
| 3. | BOTSWANA | 24. | MAURITANIA |
| 4. | BURKINA FASO | 25. | MOZAMBIQUE |
| 5. | BURUNDI | 26. | NAMIBIA |
| 6. | CAMEROON | 27. | NIGER |
| 7. | CAP-VERDE | 28. | NIGERIA |
| 8. | CENTRAL AFRICAN
REPUBLIC | 29. | SENEGAL |
| 9. | CHAD | 30. | SEYCHELLES |
| 10. | THE COMOROS | 31. | SIERRA LEONE |
| 11. | REPUBLIC OF THE
CONGO | 32. | SOMALIA |
| 12. | COTE D'IVOIRE | 33. | SOUTH AFRICA |
| 13. | EGYPT | 34. | SUDAN |
| 14. | ETHIOPIA | 35. | SOUTH SUDAN |
| 15. | GABON | 36. | SWAZILAND |
| 16. | THE GAMBIA | 37. | TANZANIA |
| 17. | GHANA | 38. | TOGO |
| 18. | GUINEA | 39. | TUNISIA |
| 19. | KENYA | 40. | UGANDA |
| 20. | LESOTHO | 41. | ZAMBIA |
| 21. | LIBERIA | 42. | ZIMBABWE |

B. REGIONAL ECONOMIC COMMUNITIES (RECS) AND OTHER AFRICAN INSTITUTIONS

1. CEN-SAD
2. COMESA
3. EAC
4. AUTORITÉ DU LIPTAKO-GOURMA (ALG)

C. PARTNERS

1. UNITED NATIONS
2. GIZ

EX.CL/726(XXI)
Annex I

REPORT

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**3RD CONFERENCE OF AFRICAN MINISTERS
IN CHARGE OF BORDER ISSUES**

**PREPARATORY MEETING OF
GOVERNMENT EXPERTS**

**NIAMEY, NIGER
14 – 16 MAY 2012**

Annex I

REPORT

REPORT

I. INTRODUCTION

1. The preparatory meeting of Government Experts, for the 3rd 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 therefrom 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 take 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, including cooperation 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.

EX.CL/726(XI)
Annex II

**DECLARATION ON THE AFRICAN UNION
BORDER PROGRAMME**

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**3RD CONFERENCE OF AFRICAN MINISTERS
IN CHARGE OF BORDER ISSUES**

**NIAMEY, NIGER
17 MAY 2012**

**AUBP/EXP-MIN/7 (5)
Annex II**

**DECLARATION ON THE AFRICAN UNION
BORDER PROGRAMME**

DECLARATION ON THE AFRICAN UNION BORDER PROGRAMME

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 sensitization, 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 the 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 sensitization 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 Africa 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 mobilization 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.

EX.CL/726(XXI)
Annex III

AFRICAN UNION CONVENTION ON CROSS-BORDER COOPERATION
(NIAMEY CONVENTION)

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE

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Annex III

**AFRICAN UNION CONVENTION ON CROSS-BORDER COOPERATION
(NIAMEY CONVENTION)**

PREAMBLE

We, 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, from 21 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 Organisation 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, 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, 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, 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-neighborly 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 recognized 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 interstate 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 harmonize 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

1. 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 decentralized border territorial administrations or authorities established under the domestic law of State Parties shall exercise their powers, including the conclusion of cooperation agreements with decentralized 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 mobilization 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:
Depositary**

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.

IN WITNESS WHEREOF, WE, Member States of the African Union have adopted this Convention (Niamey Convention) during the....Ordinary session of our Assembly held in.....

Done at....., thisday of.....20.....

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