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**2nd CONFERENCE OF AFRICAN MINISTERS
IN CHARGE OF BORDER ISSUES, PREPARATORY
MEETING OF GOVERNMENTAL EXPERTS**

**ADDIS ABABA, ETHIOPIA
(United Nations Conference Centre)
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**AUBP/EXP-MIN/2 (II)
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CONCEPT NOTE

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I. INTRODUCTION

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

II. BACKGROUND

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

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

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

- the principle of the respect of borders existing on achievement of national independence, as enshrined in the Charter of the Organization of African Unity (OAU), resolution AHG/Res.16(I) on border disputes between African States, adopted by the 1st Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Cairo, Egypt, in July 1964, and Article 4 (b) of the AU Constitutive Act;
- the principle of negotiated settlement of border disputes, as provided for in resolution CM/Res.1069(XLIV) on peace and security in Africa through negotiated settlement of boundary disputes, adopted by the 44th Ordinary Session of the Council of Ministers of the OAU, held in Addis Ababa, in July 1986; and
- the Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa (CSSDCA), adopted by the OAU Assembly of Heads of State and Government held in Durban, South Africa, in July 2002 [Decision CM/Dec.666(LXXVI)], which provides for the delineation and demarcation of

inter-African borders by 2012, with the assistance of the UN Cartographic Unit, where required.

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

III. KEY ELEMENTS OF THE AUBP

6. As spelt out in the Declaration, the AUBP aims at:

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

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

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

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

- launching of a Pan-African survey of borders, through a questionnaire to be sent to all Member States, in order to facilitate the delimitation and demarcation of African borders;
- identification of pilot regions or initiatives for the rapid development of regional support programmes on cross-border cooperation, as well as support for the establishment of regional funds for local cross-border cooperation;

- working out modalities for cooperation with other regions of the world to benefit from their experiences and to build the necessary partnerships;
- initiation an assessment with regard to capacity building;
- preparation of a continental legal instrument on cross-border cooperation; and
- launching of a partnership and resource mobilization process for the implementation of the AUBP.

10. At the 14th Ordinary Session of the Executive Council held in Addis Ababa, from 29 to 30 January 2009, the Commission presented a report on the implementation of the AU Border Programme(Document EX.CL/459 XIV). On its part, the Council adopted the decision (EX.CL/461 (XIV)), in which:

- welcomed the progress made in the implementation of the AUBP;
- encouraged the Commission to persevere in its efforts, in particular through the pursuit of the enhancement of its capacities, notably in terms of human resources, the sensitization campaign on the AUBP, the launching of consultancies on the key components of the AUBP, the elaboration of a legal instrument on cross-border cooperation, the initiation of a programme of exchange of experiences and best practices and the convening of the Second Conference of African Ministers in charge of Border Issues;
- invited Member States to take all the necessary measures to fully play their role in the implementation of the AUBP; and
- encouraged the Commission to take initiatives to develop cross-border cooperation, both as an indispensable complement of delimitation and demarcation of African borders, where this has not yet been done.

IV. IMPLEMENTATION OF THE AU BORDER PROGRAMME

11. Three years into the implementation of the AUBP, the Commission has recorded milestone achievements. These include:

- Adoption of a Declaration on the AUBP by African Ministers in charge of border issues on 7 June 2007;
- Endorsement of the Declaration and its Implementation Modalities at the 11th Session of AU Executive Council on 27 June 2007;
- Establishment of a special unit within the Conflict Management Division of the Peace and Security Department of AU Commission in charge of the implementation of the Programme;
- Articulation and systematic sensitization of the AUBP at RECs and member states' levels by means of Joint Sensitization Workshops with the RECs;
- Launching of a continent-wide survey of African borders by means of a questionnaire sent to all member states;
- Establishment of the Boundary Information System (BIS) - a data bank of information on African boundaries;
- Partnership with development partners such as the German Technical Cooperation (GTZ) and specialized institutions such as the United Nations (UN), the European Union (EU), OAS, etc.;

- Securing direct GTZ support for some Member States' efforts towards delimitation and demarcation of their boundaries and for capacity building;
- Organizing along with the Republic of Mozambique of the Second International Symposium on Land, River and Lake Boundaries Management in December 2008;
- Publication of books on AUBP entitled "**From Barriers to Bridges...**" and a **Good Practice Handbook on Delimitation of African Boundaries** (in Press);
- Organizing the first ever Pan African Conference on Maritime Boundaries and the Continental Shelf in Accra, Ghana, 9-10 November 2009;
- Preparation of a Draft Convention for Cross-Border Corporation.

V. THE SECOND CONFERENCE OF AFRICAN MINISTERS IN CHARGE OF BORDER ISSUES

12. As a follow-up to the aforementioned activities, the Commission is organizing the Second Conference of African Ministers in Charge of Border Issues in Addis Ababa, Ethiopia, from 22 to 25 March 2010, which will be preceded by a meeting of Governmental experts. The Conference is expected to:

- review the progress of the implementation of the AU border Programme;
- devise, where necessary, further implementation strategies for the programme; and
- prepare and adopt an Action Plan for the Implementation of the programme for the period 2010-2012.