Life &
Peace
INSTITUTE

POLICY BRIEF

THE IMPORTANCE OF BORDERLANDS CIVIL SOCIETY ORGANISATIONS IN REGIONAL CROSS-BORDER POLICY PROCESSES

2023

POLICY BRIEF

THE IMPORTANCE OF BORDERLANDS CIVIL SOCIETY ORGANISATIONS IN REGIONAL CROSS-BORDER POLICY PROCESSES

May 2023

Life & Peace
INSTITUTE

Introduction

While the borders are vital in defining sovereign states, the communities living in these areas are regularly neglected and marginalised within their local and national political systems as well as in regional and continental forums. Neglect of border areas, particularly in the Horn of Africa, has contributed to perennial conflicts and violence. The violence in these areas is driven by historical grievances, competition over scarce resources, and the marginalisation of the regions.

Despite this neglect and regular conflict, borderlands communities play critical roles in conflict resolution and creating a vibrant livelihood environment in their localities. Despite limited data, informal and small-scale cross-border trade significantly contributes to national and regional economies.[1] Notably, women and youth drive most of the cross-border trade as their primary source of livelihood. In 2016, the United Nations Development Programme (UNDP) estimated that 60 percent of people involved in cross-border trade are women and youth. With limited government-directed resources in these regions, Borderlands Civil Society Organisations (CSOs) are leading efforts to respond to human security challenges and promote cross-border co-operation. These CSOs

represent a broad constituency living and working in various border areas across the continent with deep experiential knowledge of their communities and histories. The Borderland CSOs' efforts have helped prevent and mitigate violence while enabling critical cross-border trade to continue by working with marginalised groups and supporting traditional local mechanisms. For example, the Oromo community in Ethiopia and the Borana in Kenya have highly structured traditional governance system called the 'Gadaa', which ensures the protection of women's rights and lead conflict resolution processes.

The importance of border communities to economic development, peace, and security is critical to the continent's long-term aspirations for regional integration. However, representatives from these regions remain sidelined in critical policy discussions. Against the backdrop of existing continental and regional cross-border cooperation policies and policy frameworks, this brief identifies opportunities for the meaningful inclusion of borderland communities and their CSO representatives in economic and regional integration policy discussions and domestication processes. Including these

communities at the 'frontline' of regional integration will support better policy frameworks and improve their implementation and community uptake.

Overview of Cross-Border Policy Processes

The Life & Peace Institute (LPI) has partnered with Borderland CSOs and communities across the Horn of Africa since 2015. LPI and partners have played a pivotal role in connecting community leaders and Borderland CSO representatives into regional and continental policy conversations focusing on informal cross-border trade and conflict resolution in border regions. With the support of international non-governmental organisations and others that connect grassroots and policy actors, more borderland CSOs are engaged in policy processes that directly affect the communities they represent.

Several regional, continental, and international frameworks and organisations focus on border communities. One of the most inclusive processes resulted in the Intergovernmental Authority on Development (IGAD) Council of Ministers adopting the "Informal Cross-Border Trade and Cross-Border Security Governance Policy

Framework" in June 2018.[2] The framework, which focuses on policy and regulatory shifts in informal cross-border trade, was developed through an intensive collaborative programme championed by LPI, IGAD's Conflict Early Warning and Response Mechanism (CEWARN), the Inter Africa Group (IAG) and the Organisation for Social Science Research in Eastern Africa (OSSREA). It aims to transform the lives of millions of people living in the IGAD regions' borderlands and promote peace and stability in the borderlands. Borderlands civil society partners, participated actively in developing the policy. This inclusive policy framework process rekindled the hopes and aspirations of borderlands communities of being legally supported and protected as they conducted their daily livelihood activities. Although the IGAD Council of Ministers adopted the policy framework, it is yet to be fully operationalised and domesticated at the country level. There are, however, efforts by IGAD to support the operationalisation of the framework in the medium term.

While multiple other borderland-focused programmes and frameworks exist, few have had the same involvement of civil society. For example, in 2007, the African Union (AU) established a "Border Programme" (AUBP) intended to achieve an integrated Africa through peaceful, open, and prosperous borders. In 2021, the UNDP established the Africa Borderlands Centre (UNDP-ABC) to enable the better design, implementation, and adaptation of development programmes for border regions across Africa. Both programmes aspire to include borderland communities, CSOs, and representatives but have non-specific structures for their inclusion and have limited community engagement.

Policy agreements like the African Continental Free Trade Area (AfCFTA) and The AU Convention on Cross-border Cooperation (the Niamey Convention) show minimal consideration of border communities, despite acknowledging the well-established vital role these communities play in cross-border processes. A close read of the AfCFTA, which aims to open African borders for the free movement of goods, services, and people, needs more inclusion of the important considerations of informal trade and economic activity geographically located far from official border crossing points. Similarly, the Niamey Convention was adopted by the AU Heads of States to promote cooperation

and collaboration across borders by ensuring the free movement of people, goods, and services. However, like the AfCFTA, the Niamey Convention is yet to be ratified, and political momentum on the convention has stalled. As a result, both policy agreements have maintained important border communities as peripheral and, in many cases, made essential and mainstay livelihood activities illegal.

Addressing Challenges

The inclusive process leading to the IGAD Informal Cross-Border Trade Policy Framework resulted in a framework that addressed the human security needs of borderland populations to support economic development and advance regional peace and security. However, this process was an exception and not the norm as this framework is the first where we witness the footprints of an inclusive borderlands voice in the final product.

Indeed, existing cross-border policies have faced two overarching challenges: (1) the regular and systematic exclusion of borderland CSOs and representatives that can feed vital experiences and information into policy development; and (2) the advancement of cross-border policy frameworks and agreements into the implementation stages. Both have implications for any future inclusion of borderland CSOs and the grassroot borderland communities they represent in future policy processes. Including borderland CSOs in the policy development process at an early stage leads to more inclusive meaningful policies and an enabling policy environment that can unlock the economic potential of the borderlands, support regional integration, reduce violence, and address human security challenges effectively and realistically. The early inclusion of essential actors from the borderlands in policy processes also supports ownership, domestication, and implementation of relevant policies. However, political will is also an essential prerequisite to ensuring that ownership can be cultivated.

Three key reasons Borderlands CSOs continue to be marginalised from these processes include:

- Misperceptions about Borderlands CSOs capacity.
- Tokenistic policy engagement processes rather than meaningful, inclusive engagement.

- Legal and regulatory systems that inhibit the work of CSOs.

In LPI's work over the past decade with Borderland CSOs, at multiple points, government and regional officials have articulated that Borderland CSOs do not have the capacity to directly engage in peace and security interventions. Officials regularly argued that Borderland CSOs do not have the financial resources to support borderlands development, nor understand policy frameworks and processes enough to engage genuinely. While this argument contains some truth, it presents a skewed perception of CSOs' role in borderlands development. Moreover, it fails to acknowledge other capacities and competencies that make borderland CSOs valuable participants and partners in cross-border cooperation. As a result, borderland CSO engagement in local, national, and regional policy processes is mostly tokenistic when it does occur. Interactions with local CSOs in Turkana, West Pokot, and Moroto (Karamoja) emphasise the point. In discussions, leaders of the borderland CSOs noted that borderland CSOs are occasionally invited into district/county peace dialogue and coordination forums, which government officials usually chair. However, they are rarely provided space to meaningfully contribute to critical discussions and decisions about borderlands and cross-border development. In the words of one border representative: "We are invited to the county coordination meetings, but we are never given a chance to say anything unless we demonstrate that we have financial resources to give"

Compounding these challenges is that the legal and regulatory systems generally inhibit borderland CSOs. For example, in Uganda, CSOs must renew their registration licenses annually. This requirement has implications for the design and implementation of projects as it makes it hard to plan for medium to long-term projects. One Karamoja-based CSO reflected: "The law makes it difficult for us to have long-term projects and interventions." At the same time, both economic development and peacebuilding initiatives are understood to require long-term engagement.

The misperception of capacity, tokenistic engagement, and prohibitive legal systems limit CSO engagement in policy processes. These factors are magnified for Borderlands CSOs who also deal

with their communities' historic marginalisation from policy processes and their physical distance from major policy spaces.

Platforms and Opportunities

Despite these challenges, several regional and continental platforms already have the opportunity to more meaningfully and systematically engage borderlands CSOs. Some of these platforms are:

The African Union Borderlands Programme (AUBP): The AUBP has the mandate within the AU to advance cross-border cooperation. It is in an optimal position to systematically usher borderland voices into the programmes' work and ensure their inclusion in other AU policy processes. However, delays to the AU reforms process, ongoing since 2018, are creating challenges for AUBP to advance its mandate. AUBP in collaboration with UNDP, IGAD and LPI has established a Horn of Africa Borderlands Civil Society Platform – a formalised mechanism that creates the much-needed space for borderlands CSOs to amplify human security challenges of borderland communities by having direct engagement with regional policy makers – which is anticipated to be instrumental

in the implementation of the AU Border Strategy and serve to improve cross-border cooperation and programming.

The AU Citizens and Diaspora Organizations Directorate (CIDO): The AU established the Civil Society Division under the CIDO programme to mainstream civil society engagement into the AU's processes, departments, and organs.[3] This structure is an important development towards consolidating AU's effort to include CSOs in general, in both the regional and international policy discourse. It, however, has not fully taken root to realise its constitutive objectives. Nevertheless, it provides an opportunity to include borderland CSOs in the spaces for policy conversations at the AU. This opening should be seized for effective engagement of borderland voices.

The AU Economic, Social and Cultural Council (ECOSOCC): In 2016 in Lusaka, Zambia, the AU's ECOSOCC Peace & Security Council officially rolled out the Civil Society Forum for the Operationalization of the Livingstone Formula. This framework presents an opportunity for civil society inclusion into the regional policy space discourse, firstly because the engagement

framework is in place, therefore, laying the ground for formal engagement with CSOs and secondly, because there is demonstrated goodwill to engage with CSOs and improve on the collaborative approach gained and the learning generated.

IGAD Informal Cross Border Trade and Cross-Border Security Governance (ICBT-CBSG) policy framework: In June 2018, the IGAD Council of Ministers adopted the IGAD ICBT-CBSG policy framework. This framework, born out of the abovementioned intensive programme championed by LPI and partners (IGAD-CEWARN, Inter Africa Group and OSSREA), rekindled hopes and aspirations of borderlands communities of being legally supported and protected as they conducted their daily livelihood activities. It is noteworthy that borderlands civil society partners participated actively in the development of the policy framework. It can be said that the development of this framework is perhaps one of the most inclusive processes involving borderlands civil society actors and can provide a model for more inclusive regional policy development. However, the framework is yet to be effectively adopted and domesticated by

Member States.

Acknowledging that both the AU and IGAD have made efforts to create mechanisms for engaging civil society at the regional level, it is also important to note that these efforts need to be more cohesive for meaningful engagement with CSOs, especially the borderlands CSOs. Each of these initiatives has yet to realise the full expectation and potential of inclusivity. Additionally, they appear disjointed and need better coordination. However, they present opportunities and platforms to increase borderland civil society engagement. In the interim, inclusion and coordination are left ad-hoc.

Recommendations

1. AU Reforms Process

The AU reforms process has been ongoing since 2018 and has stalled progress pertaining to the initial intention of the continental body on advancing the borderlands agenda and cross-border cooperation among Member States. This may result in further exacerbating the exclusion of borderland CSOs from participating in policy discussions at the regional level. Despite this, an appeal by concerned CSOs has been put forward to the AU Peace

and Security Council to prioritise the inclusion of the AUBP and ensure it is well-capacitated with much-needed resources as well as personnel into the new structure and revitalise it by transforming it into a tool for preventing conflicts between African border countries and communities.

The AU reforms process should include a review of organs, such as ECOSOCC, to repurpose its role and function of promoting CSO participation in the AU policy discussions, including expanding the space to incorporate borderland CSOs in regional integration conversations.

2. Accelerate Domestication of Regional Frameworks

There is an urgent need for speedy implementation (domestication) and uptake of the proposals by Member States to aid the actualisation of the regional frameworks within the AU. Part of the reasons for this includes the disharmonious relationships between the respective Member States and their civil society sectors, characterised by perennial strains as the legal and legislative systems are weaponised against the CSOs.

Article 8(4) of the Niamey Convention allows state parties to establish mechanisms to provide advisory on cross-border matters. Multi-stakeholder spaces would allow borderland CSOs and the community to participate in policy discussions of cross-border interest. However, given that the Niamey Convention is yet to be signed and ratified by most Member States, the net effect is a postponement of these potential opportunities for CSOs. Therefore, it is recommended that African Union Commission find creative ways to negotiate with all member states to sign and ratify the Niamey Convention to achieve the requisite minimum ratifications (15) for the convention to come into force.

3. Accelerate Uptake of the AfCFTA[4]

Slow uptake of the AfCFTA translates to delayed opportunities for borderlands' CSOs to benefit from the policy framework. The voices of the borderland communities remain mostly unheard in the legal and political space. Therefore, it is recommended that more energy by individual Member States be put into enhancing discussions on the criticality of this new framework that has the potential to build economic freedom for the continent at large, and borderlands in particular. This can be done, for example, through nationally led civic education

programmes to unpack the AfCFTA and its envisaged benefits and implications for the continent.

4. Revitalise the IGAD CSO Platform

IGAD is well positioned to rapidly impact the borderlands through established structures such as CBDFU, CEWARN, ICPALD, ICPAC, and ISSP.[5] These, however, would need a shared space to engage with borderland CSOs to avoid duplication and community fatigue occasioned by multiple engagements from diverse frameworks. In addition, a revitalised IGAD CSO Platform would benefit the regional body's efforts in cross-border programming. In this regard, IGAD should consolidate learning from such initiatives as the Civil Society Exchange on best practices within the IGAD CSO Grant Facility[6], IDDRSI platform[7] and the role and function of IGAD-CBDFU office[8], among others.

5. Institutionalise the Horn of Africa Borderlands Civil Society Platform

The AU and IGAD have worked closely with LPI and UNDP-ABC to establish a civil society advisory board to serve as a sounding board for cross-border actors in the Horn of Africa borderlands. This initiative has the potential to grow into a powerful mechanism to impact Africa's borderlands. The institutionalisation of this mechanism in the AU and IGAD's frameworks ought to be considered to ensure that a long-term solution to bridge the gap between regional and borderlands level policy discussions. Its full operationalisation and subsequent institutionalisation in the IGAD framework would go a long way in easing programmatic interventions as borderlands communities' voices are effectively integrated into the various policy discussions.

Endnotes

1   https://www.worldbank.org/en/topic/trade/publication/monitoring-small-scale-cross-border-trade-in-
        africa-issues-approaches-and-lessons; https://www.brookings.edu/blog/africa-in-focus/2021/05/19/
        why-the-extent-of-intra-african-trade-is-much-higher-than-commonly-believed-and-what-this-means-
        for-the-afcfta/
2   https://resilience.igad.int/wp-content/uploads/2020/06/Conflict-ICBT-CBSG-Policy-Frame
        work_5_04.11.18-for-printing.pdframework on the nexus between Informal Cross-Border Trade &
        Cross-Border Security Governance (igad.int)
3   https://au.int/diaspora-civil-society-engagement
4   https://www.dw.com/en/africas-free-trade-area-has-a-slow-take-off/a-60288032
5   Cross border Development Facilitation Unit (CBDFU); Conflict Early warning & Response Mechanism
        (CEWARN); IGAD Centre for Pastoral Areas and Livestock Development (ICPALD); IGAD Climate Predic-
        tions and Applications Centre (ICPAC); IGAD Security Sector Programme (ISSP)
6   This was an initiative whose objective was to have select delegates from CSOs in Kenya, Djibouti and
        Somalia, converge and exchange on ideas, discuss around achievements reached and challenges
        encountered within the implementation of their respective projects funded under the IGAD CSO Facility
        Grant as the project entered the phase out stage.
7   The IDDRSI strategy was established in recognition of the need for a comprehensive and holistic ap-
        proach to combating chronic food and nutrition insecurity and address the deep-seated poverty and en-
        vironmental degradation to build the resilience of communities and households to the effects of droughts
        and other shocks in the region.
8   The IGAD CBDFU was established to promote, lead and coordinate activities in cross-border develop
        ment, and the implementation of IGAD strategies, policies and programs, such as IDDRSI. The initiative
        collaborates a lot with a wide range of cross-border actors including borderlands CSOs.

Life &
Peace
INSTITUTE