Second International Workshop on Combating Transnational Crime in Africa
Border Management through Collaborative Efforts in Policy Making, Enforcement, and Capacity Building

Protea Hotel, Techno Park, Stellenbosch, South Africa

Background

1. Over the period 24 to 26 July 2019, the Security Institute for Governance and Leadership in Africa (SIGLA) from Stellenbosch University, South Africa, in partnership with the Defence Threat Reduction Agency (DTRA) and Naval Criminal Investigation Services (NCIS) of the United States of America, jointly presented a workshop on combating transnational crime in Africa. The workshop, structured over the course of two days for discussions followed by a morning workshop on outputs, primarily focused on the broader issues surrounding effective border management, especially through collaborative efforts in the realms of policy making, enforcement, and capacity building.

Outline

2. The first day of the conference focused on several theoretical perspectives surrounding border management. During the first day's discussion, which had a distinct international flair to it, several key insights were put forward and are briefly elaborated upon the following section.

Discussions

3. Borders, it was argued, not only divided political, social, and legal territories, but also acted as definite barriers that protected power and wealth. Alternatively, borders could also be used as mechanisms to promote prosperity and security. Prosperity in this regard revolves around the beneficial flow of people, ideas, goods and capital. Security, on the other hand, deals with managing and protecting the very elements that underpin prosperity. As a result, it is important to note that the definition of security has been broadened to include both political, social and environmental aspects for instance. Sovereign states ultimately react to both inflow and outflow opportunities created by cross-border trade, which are underpinned by various threats and opportunities. As a result, the contentious issue of open or closed borders are thus linked to a number of social, political, economic and security dynamics. Sovereign states remain the most important actors in terms of good border management, particularly due to the division of power and wealth within the international context. As a result of globalisation, however, we now see

the creation of so-called virtual borders. In this regard, states are becoming increasingly powerless in the face of globalisation. Moreover, on a global scale both ideas and capital operate in the apparent power vacuum of an increasingly 'borderless' world.

4. In terms of Africa, for example, the permeability of the continent's borders holds both advantages and disadvantages, especially in terms of existential threats. Despite the encouragement of the free flow of ideas and goods for instance, borders need to be managed in a careful manner. This is particularly due to the porosity and permeability of African borders in general. It is a known fact that terrorist groups or transnational crime syndicates readily identifies both the legal and political gaps that exist in Africa in terms of border management. As a result, there is a high preponderance of corruption, smuggling, trans-national crime, and even terrorism.

5. It was proposed that future discussions around border management should focus on three key issues – proliferation, non-proliferation, and counter-proliferation. In terms of non-proliferation, the necessary frameworks need to be established in terms of border security and management. This can directly help with the prevention of transnational crime and terrorism for instance. In terms of counter-proliferation, both international and regional communities, as well as sovereign states, need to work together to stem the flow of illicit trade, weapons of mass destructions etc. This is ultimately a shared responsibility. This can only be done through efficient interdiction, where military force should be the absolute last resort of the international community. Borders are in the long run about the interdependent issues of control, security, and prosperity.

6. In trying to make a case for good management, several of the delegates shared their own personal experiences in this regard. As such, it was emphasised that good border management in essence revolve around shared responsibilities, appropriate control units, and, above all, efficient inter-agency cooperation and effective partnerships in both the domestic and international domains. Most of the delegates, however, agreed that inter-agency cooperation remained extremely difficult in practise. It was also argued that good border management ultimately faced two real challenges – funding and capacity. In Africa there are several examples of where these challenges are overcome. The principal of these are the US backed contain and control programmes, which are underpinned by inter-agency cooperation, capacity-building, intelligence sharing, and training. Despite these overtures, it is important for African countries to also address issues surrounding the organisation and enforcement capacity of its border management agencies. It was argued that the traditional role of customs needed to change to more a security orientated one, especially since the threat perception dynamics (risk + probabilities) had drastically changed. Moreover, none of these interventions would succeed if the correct ethical behaviour is not instilled amongst border management personnel. African states need to collectively take responsibility for effective border management through effective communication, cooperation, and coordination.

7. In Africa, borders have often been flashpoints. The fact that Africa has at least 109 international boundaries, of which less than 25% are demarcated, remains a cause for concern. As noted before, these borders are highly porous and permeable, they often lack effective management, and regularly transcend across a number of ethnic groupings on the continent. As a result, favourable conditions exist for smuggling, illegal trade, and cross-national terrorism. Therefore, in Africa, borders still play a very important role in terms of security, particularly since borders are in fact a recurring source of conflict. This is mainly due to the problems of the existence of colonial borders, as well as the discovery of natural resources. The issue of borders thus remain an important factor in new African politics, where the debates continuously revolve around the managing of conflicts and the deepening of integration across region – especially in terms of

free trade and movement. Effective border security is thus simply one of the factors of good border management, though its definition has evolved to include key aspects such as control, management, protection and monitoring. In Africa, the main discussion going forward should focus on how the continent's borders are structured and managed to effectively prevent and when necessary, deal with threats. Africa faces several challenges in effectively dealing with these threats, the most prominent being a lack of political will. In order to move forward, an enabling environment must be created in Africa in terms of effective and ethical border management.

8. There are, however, several measures in place on the African continent aimed at overcoming border disputes and ensuring more effective border security management. The African Union is the foremost actor in this regard. As mentioned before, Africa faces a multitude of problems in terms of border management, border disputes, cross-border trade and livelihood issues, cross-border movement of people, as well as inadequate structures. The African Union has adopted measures to ensure more effective border management, of which its Border Governance Strategy, Border Programme and Convention on Border Cooperation are key. The basis of these measures rely on fostering a shared responsibility in terms of border management and security between member states, built on the premise that borders should ultimately promote peace, stability, security, cooperation, and to facilitate the free movement of people and goods. These measures have, however, not all met with success, particularly since the failure to effectively delimitate and demarcate African borders still leads to cases of border disputes, transnational crime etc. At the national level, however, each African country must ensure that they have an effective border management strategy, which directly speaks to appropriate structures, organisations, and action plans. In order to ensure long term success in terms of border management, the institutionalisation of good practises, as well as regional and international early warning systems, along with increased capacity, cooperation, and coordination is necessary. None of these measures will, however, succeed without the necessary and all important political will. These points were reinforced by several of the speakers throughout the day.

9. One of the recurring question that arose during the first day's discussion was on how to fix the issues that detrimentally effect border management. Several of the speakers agreed on the fact that Africa was indeed in a good position to move forward in terms of border security. In fact, Africa is in the favourable position of where it could design its own unique approach in terms of border management to suit the continent's specific needs. This, however, would entail greater cooperation, information sharing, and, above all, mutual trust, at national, regional, and international levels. The establishing of strategic partnerships is also important, especially in terms of the sharing of technology and intelligence that forms the basis of capacity building. African states also have to acknowledge the fact of, and effectively address, the ever-present insider threat – corruption. Corruption in this regard occurs at various dimensions, from the corporate environment right through to law enforcement.

10. Of interest too was the discussion around maritime boundary disputes in Africa. The continent has 38 coastal and island states, which means that potential for disputes within the maritime sphere is high. Moreover, there is a direct link between land and maritime borders, especially the way in which they were arbitrarily determined and fixed. Unlike on land, where possession, occupation, and control somehow relates to complete ownership, the maritime domain is distinctly different. In the maritime domain the rights and obligation of each sovereign state depends on each specific maritime zone, especially as to how it relates to each nation's Exclusive Economic Zone (EEZ), territorial waters etc. The problematic delineation of maritime borders along the African coast, despite the prescripts of International Law and the

International Court of Justice, can lead to definite flashpoints at sea where disputes may exist over zones of control (territorial waters + offshore resources). The example of Kenya and Somalia in this regard was elaborated on at some length. There are, however, numerous other examples of flashpoints in the maritime domain in Africa, which holds the potential for future conflicts amidst heightening tensions. These flashpoints are more often than not the result of a general lack of legal and institutional frameworks at the regional level in terms of maritime border management. From the African Union's side there has been some effort to ensure the effective delimitation of maritime borders. This is, however, an evolving effort, especially since the capacity, political will, and commitment of resources remain lacking. It was proposed that some of these responsibilities must be delegated to the regional economic blocks for execution at their level.

11. During the second day of the workshop the focus was at first on the realities of border management in the African context, with the focus of the discussion later on narrowed to Southern Africa in particular. Several key insights were put forward during the course of the day's discussions.

12. In terms of the realities of border management in the African context, several key issues were raised. To start with, it was opined that both border control and management, in the conceptual sense, should not instil fear. Migration is inevitable and has happened for thousands of years, though in the contemporary period globalisation has definitely eased the process. Nevertheless, uncontrolled migration can detrimentally effect sovereign states in the long term, especially in the political, social, and economic spheres. Southern Africa's borders, historically, have both divided and brought together different groups of people – especially during the course of the various liberation struggles fought in the region. Despite this, the lasting impact of borders in the region are that they are extremely porous, decidedly permeable, and, above all, difficult to control. Perhaps the time has arrived to reassess the traditional thinking around borders – do we want to keep people out, or keep them in? Globally there is a drive towards a new border paradigm, especially in terms of the free flow of people and trade. This drive for the free flow of people and trade are in fact challenging the traditional definitions of borders. Several delegates also argued the case that Africa should move beyond mere political cooperation and integration, and instead turn their collective focus towards greater economic and social interaction.

13. Despite these new or alternative approaches, there are still a variety of common global security issues in terms of border control (criminal acts, technical violations, transnational organised crime etc.). In the case of Africa, the AU Border Programme strives to unite and integrate the continent through peaceful, open and prosperous borders by: addressing the problems posed by the lack of delimitation and demarcation; responding to cross-border criminal activities through pragmatic border management; and, consolidating the gains made by the various regional integration processes. In order for Africa to successfully address issues surrounding effective border management, healthy partnerships, both regionally and internationally, with tangible outcomes needs to be high on the agenda. But above all, as mentioned during the first day, the necessary political will needs to be in place to overcome the disconnect between theory and practise of effective border management.

14. At various times during the day's discussions the conversation returned to what the real drivers of political risk in Africa entail. Political instability, as mentioned before, is a persistent phenomenon across Africa. Perceptions of these risks, however, differ across the board, from very traditional to more contemporary approaches. Moreover there are various political, security, and economic risk indicators that are used in assessing political instability. There are several ways in which sovereign states or regional groupings may mitigate the risks stemming

from political instability, the principal ones being the establishing of the local, regional, and transnational drivers of crime, collaboration in the holistic sense, and ensuring that effective countermeasures are in place.

15. In Africa there are a number of regional arrangements to address border crisis management. The East African Standby Force was used an example. To start with the characteristics of crisis management at a regional level were elucidated on, the principal ones being to provide regional capabilities to address problems, and ensuring a rapid, multidimensional, intervention when needed. At a regional level the crisis management tasks may range from the pre-emptive deployment of advisors/observers/trainers to problem areas, to full-scale, comprehensive, multidimensional peace operations. In East Africa, the traditional focus in terms of regional border management had rather been on conflict resolution than transnational crime. More recently, cases of human trafficking, and the smuggling of wildlife and precious minerals have surfaced in the region. It is also noteworthy, that insurgent forces within the East African region also use transnational crime to fund their movements and continue destabilising the region. At a regional level East Africa has set up necessary mechanisms to ensure greater cooperation and coordination in addressing their unique security challenges.

16. In Southern Africa, illegal trans-border activities form a definite part of the ever-expanding threat landscape in the region. Several of the delegates re-emphasised the point that the vast socio-economic discrepancies across the region form the core of the problem. The conversation at one point turned specifically to the illicit wildlife trade within the region, where syndicated crime, international demand, and greed and poverty all combine to act as the major drivers. Due to the fact that Africa is indeed the last home for Mega Fauna in the world, borders are increasingly becoming fault lines in the broader anti-poaching war. In protected areas, such as the Kruger National Park in South Africa, the real dilemma is the fact that boundaries have in fact become irrelevant due to the illegal cross-border movement of poachers. At times it may even seem that a full-blown insurgency and counterinsurgency campaign is being waged in the Kruger National Park. During the course of the day it was reinforced on several occasions that the smuggling routes across Africa are known in the case of illicit-trade. In order to halt the illicit wildlife trade one must address the key socio-economic drivers while concurrently trying to find, fix and destroy the transnational criminal networks behind it. Key to this is regional and international cooperation, coordination, intelligence sharing, training, joint-operations centres, and the involvement of industry at large. Some of the African delegates again reiterated the notion that Africa must sort out Africa's problems.

17. During the afternoon's discussion the focus was narrowed to border management and security in Southern Africa – though for all intents and purposes the major discussions involved South Africa to a large degree.[1] Several historical and theoretical perspectives were advanced in making the case for border protection in South Africa. Of interest was the fact that South Africa's historical threat perceptions, at a national, regional, and international level still persist to this day. Before the advent of democracy, South Africa physically hardened its borders, and executed its border protection in depth amidst the disappearing cordon sanitaire. This was naturally an extremely costly initiative, especially in terms of personnel, time and resources. After 1994 South Africa's hardened borders were dismantled for a number of reasons, the principal being the changing strategic paradigms, human security, historical realities, and the broader demilitarisation of society including the country's borders. Despite the softening of its border management practices, South Africa continues to face threats in terms of effective border

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[1] The invited SADC delegates unfortunately could not participate to offer a view on border management perspective on the region.

management - illegal immigration, illegal trade and smuggling, organised crime, green security issues etc. Moreover, in South Africa border management and security ultimately became a police responsibility in 1998, who, like the military to whom the responsibility was handed back in 2010, faces severe manpower, budget, organisational and legislative constraints. Moreover, it is not only the security cluster that is involved in border management, but a host of different government departments each with their own specific roles and responsibilities that in turn calls for careful orchestration of governance strategies. Of real interest was a statement from the floor that perhaps the time had arrived for South Africa to swallow its pride and accept foreign assistance.

18. At a regional level in Southern Africa there is a decidedly laissez-faire approach in terms of dealing with the problems of border management and security, while the domestic political and social implications of such an approach are often downplayed. This speaks volumes about the lack of a comprehensive approach in terms of both national and regional border management, which has a very negative effect on the region's economy. There is thus a need for a higher order policy framework that delineates the unique role and responsibilities of each agency in terms of border management. Such a move would facilitate an integrated approach to the matter, which is desperately needed to ensure success going forward.

19. On the final morning of the workshop the delegates divided into two working groups that each addressed several of the key issues raided during the two days of deliberations.

Concluding remarks

20. In conclusion, during the course of the border management workshop delegates addressed several pertinent issues surrounding the broader debate on the topic. The key themes raised by a number of the delegates in terms of effective border management can be summarised as **6CPW** – **control** at both state, regional and international level; **coordination** and **coordination** across agencies and sovereign states, especially in terms of intelligence sharing and enforcement; **capacity building** at the local, regional and international levels; establishing a **culture** of ethical behaviour based on accompanying norms and practises; ensuring that effective **countermeasures** are in place; and, confirming that the necessary **political will** is present to ensure success. If these themes are addressed successfully, then there might well be a positive shift in Africa surrounding the broader debate about effective border management and security.

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For more detail see: https://www.sun.ac.za/english/faculty/milscience/sigla/sigla-events/2019