Roundtable on
"Promoting Integrated Border Management (IBM) in Latin America and sub-Saharan Africa"

Organised by the European Commission

In cooperation with the International Centre for Migration Policy Development (ICMPD)

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REPORT[1]

The roundtable on "Promoting Integrated Border Management (IBM) in Latin America and sub- Saharan Africa" was organised by the Directorate General for Development and Cooperation (DG DEVCO) of the European Commission, with support from the International Centre for Migration Policy Development (ICMPD), against the background of the recently released "Thematic global evaluation of the European Union's support to Integrated Border Management (IBM) and fight against Organised Crime (OC)".

Introducing the roundtable, **Camilla Hagström (DEVCO B3)** highlighted that the EU support to IBM has so far mainly concentrated on accession countries, the EU neighbourhood and Central Asia. Yet, IBM is gaining increasing importance within EU development cooperation, including in other regions. In particular, it is likely to feature as a regional priority for the next EU programming period (2014-2020) in several sub-regions in Latin America and the Caribbean (LAC) and sub-Saharan Africa (SSA).

The main objective of the roundtable was therefore to discuss how to implement the evaluation recommendations in future EU cooperation with Latin America and Sub-Saharan Africa, hence directly contributing to strengthening the quality of future EU-funded IBM interventions in Africa and Latin America. The roundtable aimed in particular at deepening the understanding of the potential of IBM as a genuine development tool in those two regions, exploring its inter-linkages with key development policy areas, including trade facilitation and regional economic integration, migration and mobility, and security.

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[1]This report is a general summary of the discussions that took place in the roundtable. It has been produced with the assistance of the European Union under the External Thematic Expertise on Migration (ETEM) project. The contents are the sole responsibility of the ETEM project team and can in no way be taken to reflect the views of the European Union or ICMPD.

Discussions were launched by the presentation of the recommendations from the thematic global evaluation by **Phil Johnson (Evaluation team leader)**, which include :
- Strengthen the EU policy framework related to IBM and OC;
- Ensure a better balance between security and facilitation in EU support;
- Strengthen the EU capability for the delivery of common and high quality standards;
- Increase EUD engagement at local and international levels;
- Clarify the issues that currently limit EU–third country information exchange;
- Include more top management-related activity aimed at fundamental reform;
- Increase capacity building assistance incl. human resource / training reforms;
- Pay greater attention to sustainability during all phases of the project cycle;
- Expand and strengthen the support provided through regional interventions;
- Consolidate the EU support to all three pillars of border management;
- Further develop the response given to combating OC as a dedicated element;
- Strengthen the monitoring and evaluation of the EU support to IBM and OC.

The remainder of the roundtable was organised around four sessions:
- Session 1: IBM as a tool for trade facilitation and regional economic integration;
- Session 2: IBM as a tool for promoting rights-based and protection sensitive management of migration and mobility;
- Session 3: IBM as a tool for promoting security and the fight against organised crime;
- Session 4: The EU as a partner for external cooperation on IBM outside the European neighbourhood – added value?

Introductory remarks by keynote speakers in each of the sessions are summarised below. The remainder of the main conclusions to emerge from discussions at the various sessions.

1. IBM AS A TOOL FOR TRADE FACILITATION AND REGIONAL ECONOMIC INTEGRATION *(chaired by Giorgio Cocchi, Deputy Head, Unit C4 for Private Sector Development, Trade, Regional Integration, DG DEVCO)*

In her "Introductory remarks on IBM potential for promoting trade facilitation", **Evdokia Moise-Leeman (OECD)** presented the OECD "Trade Facilitation Indicators", which include measurement of a number of factors relevant for IBM such as internal and international cooperation on controls of goods. The potential impacts of trade facilitation are huge: reducing global trade costs by 1% would increase worldwide income by more than USD 40 billion. The OECD indicators aim at identifying areas where investing in trade facilitation reforms would be most efficient; bearing in mind that in any context, comprehensive reforms - combining all trade facilitation measures - bring more benefits than isolated measures.

Compared to the average of non-OECD countries, SSA lags behind on all indicators, although it has made comparatively good progress on streamlining procedures. In

LAC, key weaknesses relate to border agency cooperation (internal and external) and advance rulings (related to duties and taxes, so that importers know in advance and with certainty how much they have to pay). Looking at the areas where reform would provide the greatest reductions in trade costs, automation, document harmonisation/standardisation and information availability rank first in SSA; while reforms related to procedures, advance rulings and documents would bring the highest cost reductions in LAC.

An important finding from the use of the OECD indicators is that some measures that do not require very high investments have the potential to bring significant benefits (e.g. the simplification and harmonisation of documents or increasing information availability): there are areas other then infrastructure, equipment and automation where huge impacts can be obtained from capacity building, changing mentalities and building momentum at all levels, including top management.

Sydney Chibbabbuka (TradeMark Southern Africa, TMSA) gave "Introductory remarks on opportunities and challenges for promoting IBM in the service of regional integration within African Regional Economic Communities (RECs)". As part of its trade facilitation projects, the TMSA programme (DFID-funded, established 2009) supports reforms to border management, working with COMESA-EAC-SADC tripartite Member States.

Mr. Chibbabbuka highlighted the following key challenges for border management: absence or inconsistencies in national/regional policies on IBM; poor inter-agency cooperation, resulting in unhealthy rivalries and a lack of clarity on division of authority at the border; persistence of different approaches when it comes to implementation on the ground (models developed at REC level, such as the SADC guidelines on 'Coordinated Border Management', are only a guide); differences in institutional structures (e.g. authority issues linked to differences in officials' ranking in various agencies); differences in resources, equipment and automation levels among border agencies which undermines cooperation and sharing of information (with customs usually better funded, equipped and supported than immigration); human resource capacity constraints; conflict and insecurity; differences in concepts and approaches supported by donors and poor donor coordination.

In terms of opportunities, he mentioned: an increasing appreciation of the value of IBM among stakeholders; the increased number of agencies funding trade facilitation and international security initiatives; and the existing competition to attract FDI, acting as a driver for IBM reform. He also noted increased use of ICT systems by border agencies, which should be further supported.

Mr. Chibbabbuka raised the point that although the economic benefits of promoting more efficient border management are numerous, African governments are still not prioritising the issue of border management. He also noted that trade facilitation initiatives should be based on consultation of intended beneficiaries – otherwise they will not enjoy buy-in and may inadvertently raise costs (e.g. small cross border traders shun some of the support measures targeting them).

In his "Introductory remarks on possible IBM approaches to small and informal cross-border trade", **Alan Hall (World Bank)** highlighted the significance of Informal Cross-

Border Trade (ICBT) in Africa. It is estimated, inter alia, that in Africa ICBT contributes to 43% GDP and that women represent 60 to 70% of ICBT. In the Great Lakes region (see e.g. "Les petites barrières movie"), agricultural trade remains primarily informal. These trading activities are a critical source of household income. However traders often face harassment and extortion at the border and there are no support mechanisms or frameworks in place to help them moving towards formal activities.

Mr. Hall highlighted a number of key challenges, inter alia: the vulnerability of ICBTs to abuse, corruption and exploitation; the multiplicity of agencies at the border; the prevalence of revenue rather than trade facilitation targets for customs. Confronted with this hostile border environment, ICBTs undervalue their goods or avoid formal border crossing points all together, which is often possible due to the porosity of borders.

In terms of possible approaches, Mr. Hall mentioned: introducing simplified schemes in the spirit of the COMESA Simplified Trade Regime (STR) or 'Exporta Facil' in South America; improving infrastructures to increase transparency, security and safety; training border officials; building capacities of informal traders associations; removing non-tariff barriers to trade; simplifying border procedures; limiting the number of agencies at the border; improving information availability, e.g. through Trade Information Portals; and supporting more research on ICBT. Approaches to ICBT need to be gender-sensitive. Possible measures include e.g.: training female traders on customs and borders requirements and processes; training customs and border staff on gender issues and ensure gender balance among staff; improve policing and prosecution of corruption, harassment and violence at the border.

2. IBM AS A TOOL FOR PROMOTING RIGHTS-BASED AND PROTECTION SENSITIVE MANAGEMENT OF MIGRATION AND MOBILITY *(chaired by Ralph Genetzke, Head of Brussels Mission, ICMPD)*

Elizabeth Adjei (Migration Expert) delivered "Introductory remarks on IBM potential for improving the governance of migration and mobility and their development outcomes in the West African context". Migration flows in the region are increasingly diverse and complex and the region is characterised by very high levels of intra-regional migration, including significant forced migration. The introduction of arbitrary and artificial borders has had profound consequences in West Africa, which has a long history of population mobility. Borders areas remain very remote, and many of them are disputed or not demarcated. State sovereignty and political control are often weak at borders and those remain porous to "smuggling for survival", transnational crime and security threats. For example, of Ghana's 48 BCPs, only 4 are fully furbished and functional.

Ms. Adjei highlighted that the implementation of the 1979 ECOWAS Free Movement Protocol establishing a framework for intra-regional mobility could provide a good framework for addressing IBM, but implementation has been lagging behind, with multiple obstacles persisting at borders. This is regrettable as migration and mobility are essential for national and regional development in West Africa. A security approach has predominated among West African States, and according to Ms. Adjei,

EU support for border management in SSA has also so far tended to concentrate on security and control, primarily addressing the fight against irregular migration from South to North instead of addressing African interests. In order to foster a balanced approach between security and facilitation integrating the socio-economic dimensions of border management, dialogue needs to be renewed based on mutual interests. In particular, more emphasis should be placed on South-South movements and the facilitation of intra-regional mobility and access to labour markets.

Ms. Adjei made the following key recommendations: addressing legal, regulatory and institutional frameworks to promote IBM and strengthen rule of law at borders; enhancing border management capacities, e.g. through the establishment or strengthening of regional academies; upgrading infrastructure and equipment; embedding IBM into development policy frameworks at national and regional levels (e.g. the future ECOWAS regional framework for migration and development), in coherence with other policy areas related to migration and mobility, trade and integration; supporting regional harmonisation processes, while continuing in parallel to support national and bilateral efforts; involving civil society and the private sector to broaden dialogue and support; and securing political commitment and buy-in of top-level management for sustainability.

In his "Introductory remarks on strengthening international protection within IBM interventions", **Michele Cavinato (UNHCR)** underlined the need to promote "protection-sensitive entry systems", in line with relevant international and regional human rights and refugee protection instruments. The key challenge is to ensure access to asylum procedures. The first person asylum-seekers come across is an entry official (border police, immigration, customs). If there is no protection framework in place and/or if these officials are not adequately trained, there is a risk of refoulement.

National protection frameworks require the establishment of a dedicated authority in charge of asylum/refugees, to which asylum-seekers should be referred (referral system). Mr. Cavinato highlighted that this is a matter of inter-agency cooperation and therefore IBM interventions should support the establishment of formal referral systems and guidance on how to handle asylum applications, as already described in the EU's guidelines for IBM in external cooperation.

The following four elements should therefore be supported: establishment of a domestic legal protection framework; operationalisation of this framework; training of entry officials; and provision of clear formal instructions on the referral system.

3. IBM AS A TOOL FOR PROMOTING SECURITY AND THE FIGHT AGAINST ORGANISED CRIME *(chaired by Patrick Doelle, Head of Sector, Unit G2 for Regional Programmes Latin America and Caribbean, DG DEVCO)*

Pedro Martín (Spanish Civil Guard, Canary Islands Regional Coordination Centre) gave "Introductory remarks on Promoting IBM in support of security in the Latin American context", based on some of the findings of a study on EU Support for IBM in the LAC Region conducted by ICMPD. He focused on four sub-regions (Central America, Caribbean, Andean Community and MERCOSUR), analysing for

each of them: the security environment and threats; key border management vulnerabilities and their impacts; and where applicable, relevant legal and regulatory frameworks and strategies.

Latin America and the Caribbean face severe security threats and serious border management vulnerabilities persist. Within this context, Mr. Martín highlighted that the advancements in the integration process, the establishment of regional structures and the adoption of regional strategies provide good opportunities to achieve progress on IBM in order to enhance security. For example, the Central American Security Strategy provides a good basis for the development and implementation of IBM, particularly in relation to its components on the fight against crime and institutional strengthening. The EU-funded Central American Border Security Regional Programme (SEFRO) managed by the General Secretariat of the Central American Integration System (SG-SICA) supports coordination and cooperation within the region, including through the promotion of the IBM concept. Similarly, the CARICOM Crime and Security Strategy provides entry points to work on IBM, in particular through the CARICOM IMPACS (Implementation Agency for Crime and Security).

Sami Faltas (University of Groningen) delivered "Introductory remarks on IBM in the wider Security Sector Reform (SSR) context". He noted that while there are commonalities between IBM and the SSR principles formulated by the OECD and adopted by the EU, the EU's concept of IBM gives insufficient attention to the importance of promoting accountability of authorities active in border management. SSR incorporates not only measures to make the security and justice sector more effective - promoting accountability, the rule of law, and the protection of human rights and civil liberties are also essential components of SSR.

Dr. Faltas highlighted that in order to strengthen accountability, EU-funded IBM interventions need to pay more attention to the question of independent oversight by both State and non-State oversight bodies: judiciary, parliament and other elected bodies, audit authorities, ombudsman bodies, the media, civil society, communities, etc. Interventions should contribute to ensuring that agencies active at the border uphold the rule of law, including by providing appropriate treatment to vulnerable persons. This resonates with various recommendations of the IBM evaluation, inter alia those relating to rebalancing security and service delivery. Indeed, Dr. Faltas highlighted that border users such as migrants should be considered as clients of a public service who deserve appropriate treatment in line with applicable legislation and freedom from corruption and harassment.

Dr. Faltas concluded by highlighting that clearly, SSR reforms are highly political and often face resistance from partner countries, with some SSR programmes failing. Yet, SSR principles should be applied to IBM efforts. A policy document clarifying the EU's goals on IBM and its contribution to wider development objectives (security, rule of law, governance…) and emphasising key principles, including accountability and transparency, would be a useful step in this direction.

4. THE EU AS A PARTNER FOR EXTERNAL COOPERATION ON IBM OUTSIDE THE EUROPEAN NEIGHBOURHOOD – ADDED VALUE? *(Chaired by Hélène*

Bourgade, Head of Unit, Unit B3 for Employment, Social Inclusion and Migration, DG DEVCO)

Introducing session 4, **Hélène Bourgade** called participants to react on a number of key questions broadly relating to:
- The added-value of the IBM concept promoted by the EU outside the EU neighbourhood;
- Local ownership and entry points to engage with partners on IBM, including political dialogue: global political dialogue; development policy dialogue; sectoral dialogues;
- Sustainability and most adequate operational approaches to promote comprehensive reform and long-lasting change: top-down vs. bottom-up; equipment vs. capacity building; regional vs. national; stand-alone support to IBM vs. mainstreaming, etc.

5. MAIN POINTS EMERGING FROM THE ROUNDTABLE:
Border demarcation is a key challenge to the implementation of IBM, especially in Africa:
- Where borders are politically disputed or not clearly delimitated and demarcated (30% of African borders), implementation of IBM will face significant challenges;
- The African Union Border Programme is addressing demarcation as a priority issue by pursuing solutions at political level, combined with measures to promote cross-border development.

For reforms to take place, a strong demand at the highest level is necessary:
- This requires engaging in long-term sensitisation and preparatory work with top management. As described below, a number of different approaches may provide entry points for cooperation on IBM;

Inter-agency cooperation on border management remains weak in numerous sub-Saharan African and Latin American countries:
- Poor inter-agency cooperation undermines both trade facilitation measures and security, and facilitates corruption and harassment of migrants and travellers;
- In Latin America, many government agencies involved in border management and trade facilitation have a good level of capacity but are reluctant to share information and cooperate with partners at national level and in neighbouring countries;
- A number of trade facilitation programmes such as trade corridor projects in Africa have focused on strengthening capacity and infrastructure for customs agencies at the border without giving adequate consideration to other services operating at the border, notably immigration authorities;

Border contexts and dynamics are varied and complex and need to be carefully assessed:
- Situations vary greatly: while many borders are located in remote areas, no less than a fourth of African capital cities are located less than 30 km from a border inherited from colonial times. Some are directly on the border (e.g.

Lomé). In such cases, there are inter-linkages between border management and urbanisation;

- Borders are resources for multiple actors beyond official institutions, with interconnections between some of these actors, political parties and official institutions. The status of borders as resources for such a wide range of actors is a key explanation for resistance to change;
- Understanding of the local context and dynamics is therefore essential to designing border management interventions.

It is necessary to ensure that border management reform does not inadvertently create barriers where they did not previously exist:
- The formalisation of entry systems through promotion of IBM may risk affecting existing positive dynamics related to informality at borders, and mitigation measures should be planned into IBM programmes. For example, weak border controls in Africa have also often allowed refugees to cross borders without barriers, facilitating access to protection;
- ICBT is vital for many communities and should be facilitated in IBM interventions;

There is a need to address facilitation and security objectives in a holistic manner:
- The two objectives are to a certain extent interdependent: insecurity for instance can negatively impact on trade.
- The same approaches, techniques and equipment are often useful for both purposes.

The sectoral approach has a lot of scope to it:
- An in-depth assessment of the potential contribution of enhanced border management to a number of key sectors (agriculture, industrial development, trade, regional integration, transport, governance, human rights, migration and mobility, security and conflict etc.) would provide the required entry points to engage with partners on these issues, on a mutual interest basis;

The essential links between IBM and trade facilitation have often been neglected and should be addressed in future cooperation with both regions:
- EU IBM interventions in Eastern Europe have paid insufficient attention to trade facilitation and customs issues, focusing instead on security. In Africa and Latin America, it will be essential follow a more comprehensive approach which strikes an appropriate balance between addressing different sectors, notably security, trade facilitation and migration.
- Implementing comprehensive border management programmes requires ensuring a convergence of interests between a broad set of national and international stakeholders. Given the broad resources and experience which the EU can draw on for external cooperation, it could be well placed to promote this type of convergence. However, the IBM evaluation demonstrates that further work may be needed to strengthen the comprehensiveness of the EU's own approach to IBM in external cooperation (e.g. on links with trade facilitation).
- In sub-Saharan Africa, EU cooperation on IBM should build on the many

existing trade facilitation initiatives, some of which have had a strong focus on border issues (such as TMSA). It appears that the strong focus on customs in these initiatives has in certain cases led to customs authorities enjoying better resources and infrastructure at BCPs than migration authorities.

- In Latin America, trade facilitation suffers from poor inter-agency cooperation at borders, which is a weak point in regional trade systems.
- Organisations such as OECD have already made good progress in building evidence on the positive links between IBM and economic benefits linked to trade facilitation. Economic arguments related to trade facilitation can therefore provide an entry point for cooperation on IBM, through which broader objectives can thereafter be pursued. In-depth diagnostics may be useful to assess needs and evaluate the benefits that can be expected from IBM reform in national or regional contexts.

Links between IBM and other development sectors should also be further explored through research and operational initiatives:

- There is currently insufficient understanding at both beneficiary and donor level of the links between border management projects outcomes and wider impacts in sectors reliant on cross-border movements of goods and persons such as agriculture, industrial development, low-level export sectors. Further research on the benefits of promoting IBM for these sectors should be conducted. Such assessments could help secure beneficiary commitment to IBM reforms.
- In the area of migration and mobility, many developing countries are elaborating national migration policies. However border management has received little attention within this context compared to traditional migration and development issues (remittances, diaspora, brain drain, etc.). Those policies should be used as an entry point on border management issues.
- Links with infrastructure and transport sector initiatives should also be further considered, as several projects on trade corridors are already addressing border issues in sub-Saharan Africa.

In certain contexts, a reflection on the most appropriate label for support might be necessary:

- A recent DCAF/ISSAT study recommended for instance labeling EU justice and SSR support in Latin America and the Caribbean under "citizen security" as this concept resonates with local concerns and demands. Similarly, what matters in IBM is the nature of the reforms it seeks to promote rather than the label in itself;
- This applies to the two regions of focus, where there are needs and demands for support in the area of border management, but the promotion of IBM as a concept may not necessarily appear as the best entry point.
- The IBM terminology can be misleading and given existing sensitivities and rivalries between agencies, it can be perceived as threatening. It should be communicated more clearly that IBM is primarily about coordination and cooperation and that it is flexible and adaptable to the specificities of each

situation;

Incremental and flexible approaches which start with technical cooperation may have the potential to open doors for broader cooperation:

- Such approaches would support the progressive introduction of some IBM elements. In this perspective, the EU could develop a more basic, user-friendly tool than the existing IBM guidelines (15-20 page operational document);
- At an early stage of cooperation, IBM trainings may offer opportunities for "bottom-up advocacy" and raising awareness on the scope for coordination and cooperation. However, in the long-term, the recommendation of the Commission's IBM evaluation to focus on promoting institutional level by targeting decision-makers should not be forgotten.
- The "Migration EU eXpertise" facility (MIEUX) is a flexible and demand-driven mechanism for short-term support, well adapted to an "incremental approach" based on pilot activities.

Accountability should be strengthened within IBM interventions:

- Donor decisions on whether or not to cooperate on IBM remain driven by security-oriented strategic and political considerations. In order to promote accountability, including their own, donors would need to strengthen their safeguard mechanisms when engaging in external cooperation on IBM;
- For instance, the introduction of IT systems aiming at enhancing border management efficiency, such as Border Management Information Systems, raises key issues in terms of checks and balances, not least in relation to data protection. When introducing such systems in developing countries, due attention needs to be paid to develop in parallel the necessary safeguards (legislation, etc.) if they are not yet in place. While data protection standards are very high within the EU, these standards have not yet sufficiently been promoted in the context of external cooperation.

Border management reforms need to address the central issue of corruption taking into account incentive mechanisms:

- The WCO Arusha Declaration on Integrity in Customs is a useful reference on corruption. Operational solutions, including automation, are part of the answer;
- However, one should also look at the question of incentives. Most customs agencies in Africa are revenue authorities. In the areas of customs, harassment at borders is not only an issue of corruption but also a consequence of the incentive system for customs officials, which is based on revenue targets rather than other targets (for instance trade facilitation targets such as inspection time, customer satisfaction, etc.)
- Dealing with corruption needs a balanced approach; fair terms & conditions for staff on one side (not just increased salaries) but transparently managed accountability on the other.

Civil society, local communities and the private sector should be much more involved in border management reform to strengthen responsiveness to their needs and accountability:

- Civil society and the private sector have a key advocacy role to play;
- Border communities often belong to minorities, with high poverty levels and very limited access to State services. Border management needs to be responsive to their particular needs and they should be associated to reform projects, for instance through the creation of "Local Committees". Improved border management could contribute to improve their affiliation to the State;
- Promoting cross-border cooperation and development through initiatives targeting border regions may be one important dimension of transforming borders "from barriers to bridges" as advocated by the African Union (AU). An AU Convention on CBC was adopted in May 2012. There are examples of local conventions signed between border municipalities to facilitate local movements across the border.

Equipment and automation should not automatically be part of the answer, and should be part of a more comprehensive reform package:
- Providing equipment as an "up-front gift" has proved unsustainable. Political dialogue and agreed priorities for comprehensive reform should come first;
- Nevertheless, differences in equipment and automation levels among agencies are indeed an obstacle to sharing of information and operational cooperation and need to be reduced;
- As regards the sharing of information, certain initiatives such as Trade Information Portals can be implemented without all agencies being at the same level of automation. Such portals create shared platforms used by all relevant agencies by aggregating information which can be provided and processed through different systems. These portals are not perceived as threatening as they do not require substantial changes to practice within organisations;
- In any case, automation often faces resistance from beneficiaries for a number of reasons and the introduction of new IT systems needs to be accompanied by more comprehensive reforms, aiming inter alia at building trust in the system, if it is to be effectively used.

Interventions should pursue a dual approach, supporting both regional and national efforts:
- The AU and the RECs remain central actors in Africa that cannot be avoided on issues related to border management. As a regional organisation with competences in several areas relevant for IBM, the EU is uniquely placed to offer its expertise to African RECs on trade facilitation, IBM and mobility.
- As demonstrated by the case of ECOWAS, poor implementation of regional free movement protocols raises the question of the RECs capacities to monitor implementation based on commonly agreed implementation benchmarks. Strengthening functional enforcement mechanisms and building political will among Member States for implementing regional protocols may provide responses to poor implementation.