



FOUNDATION  
FOR SUSTAINABLE DEVELOPMENT  
IN AFRICA (GHANA)



## **Report of the Joint-meeting of Opinion Leaders and Border Agents Held at Aflao, 5-6 May 2011**

### **Introduction**

During the implementation of the various activities of the project, particularly, the Capacity Building Workshop for Women and Economic Operators, the need for a platform to facilitate the resolution of conflict or for the receipt of and follow-up to complaints was strongly recommended. It is therefore in the light of that recommendation and consistent with the objective of the project to create an environment that would foster the speedy movement of people and goods across the Ghana-Togo border that FSDA-Ghana organised a joint meeting of the Opinion Leaders of the targeted communities and Border Agents to explore the possibility of establishing a mechanism for following-up complaints. The mechanism could eventually evolve into a conflict resolution mechanism that would nip in the bud potential conflicts. The meeting was held at the Conference Hall of the Ghana Institute of Freight Forwarders (GIFF) from 5-6 May 2011.

### **Opening of the meeting**

The meeting was held under the chairmanship of Mr. Ayayi, Chairman of the Aflao Branch of GIFF who invited the participants to introduce themselves. In a brief welcoming address after the self-introduction, he underscored the need for all the stakeholders in ECOWAS regional integration process to cooperate with each other in order to accelerate the attainment of the ECOWAS' ideals. He wished the participants a successful meeting.

On his turn, Mr. Frederick Yao Alipui, also welcomed the participants to the meeting and outlined the reasons underpinning the organisation of the meeting. He recalled that misunderstanding between some Border Agents had in the past had led to serious conflicts which had undermined the peace and tranquillity in the area. He therefore underscored the importance of a platform which would offer both the Border Agents and the members of the community an opportunity to address complaints and resolve conflicts. Such a mechanism with representations from both the Border Agencies and the Community should inspire the confidence of the population in the decisions emanating from it.

Concluding, he expressed the hope that the meeting would reflect on the creation of such a mechanism and come with appropriate recommendations.

### **Attendance**

The meeting was attended by Opinion leaders of the community, including Chiefs and Queenmothers as well as leaders of organised bodies and selected members of the Border Agencies. The list of participants is attached to the report as an Annex to this report.

## **Agenda**

The agenda of the meeting was as follows:

| Agenda            | Description   |
|-------------------|---|
| Agenda Item 1     | Opening of meeting  |
| Agenda Item 1 (a) | Opening prayer  |
| Agenda Item 1 (b) | Opening Remarks by the Executive Director of FSDA-Ghana   |
| Agenda Item 1 (c) | Self-introduction by participants   |
| Agenda Item 2     | An up-date on the activities of the project –with focus on Dispute Related Issues/Recommendations   |
| Agenda Item 3     | OPEN FORUM <ul style="list-style-type: none"><li>• Review of the Situation at the border –<ul style="list-style-type: none"><li>• Views of Border Residents/targeted communities</li><li>• Views of Border Agencies</li></ul></li></ul> |
| Agenda Item 4     | Why a Dispute Settlement Mechanism  |
| Agenda Item 5     | Findings and Recommendation of the meeting<br>Adoption of the Draft Terms for a Dispute Settlement Mechanism (DSM)  |
| Agenda Item 6     | Closure of the meeting  |
| Agenda Item 6 (a) | Closing remarks of the Executive Director of FSDA-Ghana   |
| Agenda Item 6 (b) | Closing prayer  |

## **Proceedings of the meeting**

### **Agenda Item 2: An up-date on the activities of the project-with focus on Dispute Related Issues/Recommendations**

Introducing the document on the above item, a representative of FSDA-Ghana, recalled the recommendations of the Consultative Meeting and the Awareness Creation/Capacity Building Workshop for Women and Economic Operators as well as the Capacity Building Workshop which were held in February, March and May 2011 respectively and observed that those activities acknowledged that minor incidents could create misunderstandings between Border Agents and members of the community if not dealt with in a timely manner and that they could boil over into serious conflicts. The participants therefore proposed the establishment of a mechanism which could command the confidence of all stakeholders and could proffer satisfactory solutions to incidents at the border between the community and the border agents. Furthermore, the existence of such a mechanism could make enormous contribution to the

creation of an environment that would engender peace and tranquillity in the area and hence increase their capacity generate income.

### **Agenda Item 3: Open Forum**

This agenda item offered the representatives of the Border Agencies and the Opinion Leaders of the targeted communities, the opportunity to exchange views on the situation at the border. In that regard, the Opinion Leaders gave several examples of the harassment of and the extortion of monies experience by travellers from Border Agents on both sides of the Ghana-Togo border even when the travellers had all required documentation. They observed that it more convenient not to present one's passport to Border Agents and so pay the illegal fees demanded by the Border Agents than to present the required documentation and to be harassed. Furthermore, they complained about being humiliated and sometimes manhandled by Border Agents, especially those on the Togo-side of the border. In many instance, travellers who had been humiliated or manhandled had complained to the superior officers of the concerned Border Agent to no avail. Consequently, they strongly advocated for the establishment of a complaints mechanism which would have representation from the community on it to safeguard their interest as well as to assure them their concerns would be taken into account in their quest to seek redress.

The Border Agents on the other hand stated that most travellers were not aware of the rules and regulations governing border crossing especially as regards the required documentation and duty free allowance for goods entering Ghana. They regretted that their effort to enforce adherence to those regulations had been construed as an attempt to harass them. Furthermore, many travellers ran foul of the laid-down rules and regulations were the very ones who offered them money and then turned around to accuse them of extortion.

Also, some travellers behaved very rudely to them showing no respect to them whatsoever and when they insisted on doing their adherence to the rules and regulations, they indignantly expressed their disagreement with their decisions. Consequently, Border Agents also expressed the need for platform to address their concerns. They therefore supported the notion of establishing a "Complaints Desk" with representation from both the Border Agencies and Community Leaders which would focus on following-up complaints lodged by both parties.

### **Agenda Item 4: Why a Dispute Settling Mechanism**

Introducing the above document, a representative of FSDA-Ghana recalled the recommendations adopted at the various workshops organised by FSDA-Ghana in connection with the project and underscored the need for a joint-meeting of Border Agents and Community Leaders to establish a common platform to address the complaints from both sides with a view to facilitating the rapid settlement of potential conflicts. The resolution of such conflicts should augur well for the peace of the area and thereby enhance the promotion of economic and income generation activities.

Furthermore, in the open forum, participants expressed their concerns about the impediments to the conduct legitimate business and movement of people across the border and the need to establish a platform that would receive and follow-up complaints received from both the members of the community and travellers on one hand and the border agents on the other hand. Such a platform, consisting of both members of the community and the border agents would be able to inspire confidence in its decisions and lead to the settlement of potential conflicts.

The participants therefore agreed to consider the terms of reference of a Dispute Settlement Mechanism that would nip in the bud conflicts at the border and pave the way for the establishment of cooperation between the community and border agents. In the consideration of the terms of reference of the Dispute Settlement Mechanism, participants acknowledged the importance of creating awareness and building the capacity of the population on the laws as well as the rules and regulation governing border crossing, particularly those relating to free movement of persons and goods across the border.

On the question of follow-up to complaints lodged with the Dispute Settlement Mechanism, the participants insisted that it should mark a departure from the past and that issues brought to its attention should be resolved in a speedy manner. Specifically, the participants wondered how a traveller who had been treated unfairly at the border could have their problems resolved on the spot and whether the decision of the Dispute Settlement mechanism would be binding on the parties.

In a reaction to the concerns raised above, FSDA-Ghana acknowledged that the Mechanism as conceived would not be able to provide immediate solutions to questions addressed to it as it would not be staffed by full time officers. The Chairman of the Dispute Settlement Mechanism would convene meetings when necessary to address complaints lodged with it. Consequently, it would not be able to provide instant solutions to complaints lodged with it. Furthermore, the DSM would depend on its moral authority for the enforcement of its decisions. It was hoped that the DSM would create confidence among in its constituency through its fairness that all concerned would feel obliged to abide by its decision. It was agreed that FSDA-Ghana would seek additional funds to conduct a detailed study on the Mechanism at a later date.

The adopted terms of reference is attached to this report as an Annex.

### **Recommendations**

The meeting made the following recommendations

- i. A Dispute Settlement Mechanism should be established to follow-up on complaints regarding border crossing. The Mechanism should lead to the establishment of a full fledged platform for resolving disputes with the involvement of both the members of the community and the Border Agencies;
- ii. FSDA-Ghana should take the necessary measures that would lead to the establishment of a Dispute Settlement Mechanism and in that regard it should develop a full project proposal to seek funds to conduct a detailed study on it;
- iii. FSDA-Ghana should cooperate with the Border Agencies to mount awareness and sensitisation campaigns in Ketu South District on requirements for free movement of persons and goods;

### **Conclusion**

The meeting underscored the importance of having a mechanism that would serve as a pressure release valve to reduce tension in the border region by bringing the members of the community and the Border Agencies together to nip in the bud potential conflicts. In that regard, participants stressed the crucial importance of creating awareness and building the capacity of the population

in the laws as well as rules and regulations governing the free movement of persons and goods across border.

## **Annex**

### **Terms of Reference**

#### **Dispute Settling Mechanism (DSM)**

##### **Introduction**

Consistent with its objective to establish an “ECOWAS of People” in accordance with its Vision 2020, the roadmap for ECOWAS’ development, ECOWAS Commission instituted a project to involve Non-State Actors (NSA) in the implementation of its regional integration process. FSDA-Ghana is a beneficiary of the activities of ECOWAS in that regard. The project of FSDA which is located in the Ketu Districts, specifically at Aflao aims at enhancing the participation of women, the youth and economic operators in the ECOWAS regional integration process.

The objective of this project is therefore to promote social and economic intercourse between the people of the Ketu Districts on the Ghana-side of the Ghana-Togo border and Kodzoviakope on the Togo-side of the same border and so deepen the regional integration process of ECOWAS. The essential elements of regional integration and social and economic intercourse among the targeted communities cited above are trading and movements across the Ghana-Togo border for social, cultural and traditional reasons because of the affinity as well as the strong bond between the inhabitants on both sides of the artificial border.

Movement and trading across the border therefore play significant roles in the daily life of the inhabitants of the Ketu Districts and Kodzoviakope and any act that tends to disrupt movement and trading across the border can be a source of potential conflict which could undermine peace and stability that are necessary for enhancing income generation and the well-being of the population.

##### **Justification**

In moving and trading across the Ghana-Togo border, the inhabitants of the targeted communities have to interact with Border Agents who have been placed at the border by Governments of Ghana and Togo to ensure that the rules and regulations governing movement and trading across the border are respected. These rules and regulations are expected to be in conformity with the relevant provision of ECOWAS Treaty and its Protocols as well as translate them into practical realities. It is apparent that human nature being what it is, there will be areas of misunderstandings and conflicts between the Border Agents and people who cross the border for family, cultural, traditional and economic reasons on the application and interpretation of the rules and regulations cited above.

Even though each Border Agency may have its own mechanism for resolving misunderstandings and settling of conflicts between the population and the said agency, it is known that the functioning of these mechanisms has had some flaws which have resulted in serious disturbance and riots causing mayhem and destruction of lives and properties. The outcome of such incidents is that the confidence and trust that should exist between Border Agents and the population are undermined. Such an unsavoury incident creates tension as well as fosters unwholesome relationship between all concerned.

However, the creation of a Dispute Settlement Mechanism in which the leadership of the communities are involved in the deliberation on issues that are place before it should enhance of

the confidence of the population in the settlement of potential conflicts. Furthermore, such a mechanism can serve as an early warning system whose attention will be drawn to potential conflict sources. The mechanism will therefore be able to nip in the bud potential conflicts before they boil over and disturb public peace. Moreover, a Dispute Settlement Mechanism should contribute towards creating healthy and cordial relationship between the Border Agents and the population through consensus building. In addition, it should create an environment that will enhance the performance of the Border Agencies and engender development of the communities as peace is a prerequisite for development.

Most importantly, the mechanism should contribute towards managing community tension and create an opportunity for the vulnerable to have their grievance addressed.

### **Objective**

The objective of the Dispute Settlement Mechanism is to enhance regional integration process of ECOWAS through the creation of platform that will facilitate the establishment of cordial and healthy relationship between border population and Border Agents.

### **Specific Objectives**

The specific objectives of the Dispute Settlement Mechanism are to:

- i. Find in a timely manner an amicable settlement to disputes between Border Agents and border population on matters regarding trading and movement across the Ghana-Togo border;
- ii. Serve as a listening post with a view to identifying potential sources of conflicts between the agencies and the population
- iii. Popularise the rules and regulations governing movement and trading across the Ghana-Togo border through among others awareness creation;
- iv. Strengthen the relationship between Border Agencies and the population;
- v. Support the vulnerable in seeking redress to their complaints;

### **Membership of the Dispute Settlement Mechanism (DSM)**

The Dispute Settlement Mechanism shall be a committee chaired by the Ketu South District Chief Executive with a membership of nine people. Its proposed composition is as follow:

The District Chief Executive of Ketu South District as Chairperson;

Four representatives from the Communities; the community representatives should be people of good character and respected among the community for their integrity and honesty;

Four representatives from the Border Agencies; they should be respected District Heads of Agencies.

The DSM should meet as often as it is necessary and take its decisions on a consensus basis.

### **Attributes of the DSM**

The attributes of the DSM are as follows to:

- i. Establish an effective procedure for the receipt of complaints from both the population and the Border Agents;
- ii. Liaise with the Border Agencies and the Opinion leaders of the communities and the leaders of women, the youth and economic operators in order to identify potential source of conflicts and trouble spots;
- iii. Cooperate with the Border Agencies in conduct of publicity awareness campaigns on the rules and regulations regarding movement and trading across the Ghana-Togo border;
- iv. Educate the population on their rights and obligations relating to movement and trading across the Ghana-Togo border;

Advocate for the alignment of the rules and regulations governing border crossing of Ghana and Togo with the relevant provisions of ECOWAS Treaty and Protocols