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Progress Report on the Free Movement of Persons in Africa

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Introduction

The Free Movement of Persons in Africa, a flagship programme of the African Union's Agenda 2063, is an aspiration for the continent or a tool for harnessing regional connectedness, intergration, broader trade, labour migration or development goals, consistent with the Global Sustainable Goals of the United Nations 2030. It has also become a tool with which other development aspirations can be realized to achieve prosperity, peace and security, amongst other key indices in the Continent. Africa's vision framed by a collective foresight of the African Union is defined by, "building an intergrated, prosperous and peaceful Africa, driven by its own Citizens and representing a dynamic force in the International arena", also underpins the "**free movement of persons and the African Passport**" as a vehicle of transforming African Laws and policies which are restrictive to confirming borders and promoting intergration of economies through movement of persons. It is envisaged therefore that by 2063, Africa shall be a continent with seamless borders, and management of cross-border resources through dialogue; and a continent where free movement of people, capital, goods and services will result in significant increases in trade and investments among African countries and further strengthening Africa's place in global trade.

The ***Protocol to the Treaty Establishing the Africa Economic Community Relating to Free Movement of Persons, Right of Residence and Right to Establishment and its implementation Road Map*** when it enters into force, will be key tools that guide the African Union Commission, Regional Economic Communities (RECs) and Member States, amongst other key stakeholders in coordinating the implementation of its key programmes realized or achieved so far.

Article 29 of the Free Movement Protocol, defines the role of the Commission related to evaluate the implementation of the Protocol, coordinate and assess the state of free movement of persons in Africa, and collaborate with RECs to harmonise key free movement policy regimes and procedures to ensure that Member States adopt and implement necessary legislative immigration procedures amongst other relevant laws.

As provided for in Article 28, the RECs continue to be a vehicle or building blocks through which Free Movement can be realized, through the innovative initiatives that facilitate free movement of persons, goods and services at regional and Continental level.

Progress in the Implementation of Free Movement of Persons in Africa

The following milestones were made:

Signatures and Ratifications:-

1. Ratifications have increased from one (1) to Four (4). The countries that have ratified and deposited the Protocol with the African Union, include Rwanda, Niger, Mali and Sao Tome and Principe. The Protocol requires 15 ratifications to enter into force.

2. Signatures to the Protocol remains at 33, including Angola, Bukina Faso, Central African Republic, Chad, Cote d'Ivoire, Comoros, Congo, Djibouti, Democratic Republic of Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Mali, Malawi, Mozambique, Niger, Rwanda, Senegal, Sierra Leone, Somalia, South Sudan, Sao Tome & Principe, Sudan, Tanzania, Togo, Uganda and Zimbabwe.

African Passport:

The African Union Guidelines for the Design, Production and Issuance of the African Passport and its annexures (I. Computer Generated designs of the African Diplomatic, Ordinary and Service/Official Passport and II. Minimum Security Specifications) at the 34th Ordinary Session of the Assembly held in February 2019, in Addis Ababa, was a major success towards the implementation of Protocol. The African Passport once produced and issued, will enable and facilitate the continental free movement of persons in Africa. The African Passport and Guidelines for the Design, Production, Issuance of the African Passport operationalise Article 10 of the Protocol. Attached for your reference as **Annexure A** is the Decision taken by the 34th Ordinary Session of the Assembly, including the adopted Guidelines.

A. Promotion of the Protocol:

1. With the Pan African Parliament (PAP)

Accelerated promotion efforts of the Protocol on Free Movement of Persons and the African Passport were made with the Committee for Trade, Customs and Immigration Committee at the Pan African Parliament (PAP). This was intended to foster the roll out and promotion of the free movement regime by Regional Parliaments also and ultimately ensure the Protocol realises 15 Ratifications and comes into force.

The PAP Trade, Customs and immigration Committee discussed how the Free Movement Protocol can be helpful in facilitating free movement of goods, services and people for purposes of trade across countries now that the Continental Free Trade Area has been established in Africa. They also agreed that Africa requires free movement of persons across borders, hence fully supported the African Union Protocol on Free Movement. They therefore committed to continue engaging the AU and relevant stakeholders at the national level in order to ensure that the Protocol is ratified in their countries.

2. With ECOWAS Parliament and the East African Legislative Assembly (EALA)

The Commission engaged in promoting and popularising the Free Movement Protocol to the Treaty Establishing the African Economic Community Relating to

the Free Movement of Persons, Right of Residence and Right of Establishment with the Secretariat of the Economic Community for the West African States (ECOWAS) together with the ECOWAS Parliament and the Secretariat of the East African Community (EAC) together with the East African Legislative Assembly (EALA) to accelerate ratification of the free movement Protocol and ensure that the Protocol comes into force. These two regions have the most progressive free movement regimes on the continent and lobbying for bilateral arrangements will accelerate support for the Protocol, including implementation mechanisms and encourage progressive policies. Attached as **Annexure C** are commitments or an Implementation Plan crafted by EALA and ECOWAS Parliamentarians, outlining activities they will embark on to accelerate the 15 ratifications, required to enable the Protocol on Free Movement to come into force.

- a) The Parliamentarians from the two regions expressed their support to ratifying the Protocol in a bid to enhance free movement in the continent, as is already being enjoyed by the two regions;
- b) Continuous engagements between the two regions are key and imperative in forming regional bilateral agreements to fast-track the free movement regime and in seeking broader ratifications for the protocol within the two regions.
- c) Parliamentarians concluded that the correlation between Free Movement of Persons and insecurity requires collaborative efforts between governments, the African Union and Security Organisations in Africa, to promote free movement and eliminate any related security concerns that will delay ratification for the Protocol, and lobbied for Member States to invest in improving security in border management and migration management in Africa.

3. With Media and Communication Entities

Media and Communications, amongst other strategic partners are key in promoting the agenda for Free Movement of Persons in Africa. A meeting with Civil Society and the media fraternity of West African States was held in Dakar, Senegal in where the protocol, its implementation plan and the African Passport were discussed. The aim was to sensitize the Civil Society and the media in order to enable them popularize the protocol at the national and regional level. It was however agreed that the African Union needs to develop a Continental Popularization Strategy. The African union is working with International Organization for Migration to develop this strategy. This strategy will provide a holistic approach to popularization of the protocol at the national, regional and continental level.

4. With Youth, Researchers and Civil Society Organizations

Popularisation of the Free Movement Protocol with the youth, researchers from higher education institutions and civil society organisations was done in Lagos, Nigeria for West African countries to promote the free movement agenda and accelerate ratification and implementation for Free Movement of Persons in Africa. These are important partners in the implementation of free movement of persons in Africa and such lobbying forums enhance accountability in ensuring the Free movement agenda is achieved in the Continent. Key outcomes and recommendations made during the Youth, researchers and lobbying forum include:

- a) The youth decided to constitute a team of youth champions in Africa that will garner constructive pressure to Parliamentarians amongst other stakeholders for the promotion and implementation of the protocol;
- b) Development of a comprehensive advocacy and communication strategy, with a simplified version of the Protocol and information that is user friendly (translated in local languages) is key in advancing the promotion of free movement in Africa. Continuous lobbying will also be key in advancing ratification for Protocol.

B. Right of Entry

A meeting was held between the AUC and the RECs to draw on the wealth of the RECs in drafting the Continental Strategy on the Right of Entry as provided for in the Protocol on Free Movement and its implementation Plan. This is aimed at making the operative guidelines ready in preparations for implementation of the Protocol when it enters into force. The Strategy shall cover the three aspects of the Protocol namely Right of Entry; Right of Residence and Right of Establishment, starting with Right of Entry.

The strategy supplements the implementation roadmap and will serve as a means of verification to implement the provisions of the Free Movement of Persons, Right of Residence and Right of Establishment.

The Strategy also seeks to harmonize the free movement regimes in different regions and normative frameworks that will allow for the acceleration of the free movement of Persons in Africa.

The Strategy would serve to clarify roles of different partners implementing the free movement regime, serve as a guide for promoting and implementing free movement of persons in Africa, Right of Entry, Right of Residence and Right of Establishment; as well as serve as an implementation guide for resource mobilisation.

C. CHAMPION FOR FREE MOVEMENT

To successfully roll out the Free movement regime in Africa and allow Africans to ultimately ensure that Africans realise and achieve their freedom to move freely for

purposes of labour, services, trade amongst other key development initiatives, the African Union Commission has appointed a sitting President as the Champion for Free Movement of Persons in Africa.

His task is to fast-track and lead the political and public campaigns framed to advance free movement. The Champion will spearhead, lobby and promote the ratification of the Free Movement Protocol so it can enter into force.

Challenges in the Implementation of Free Movement of Persons in Africa

- a) The slow pace of signature and ratification of the Protocol on Free Movement of Persons by Member States. Whilst there is significant awareness and buy-in and support of the free movement regime by Member States and key stakeholders like the Parliamentarians, Immigration Experts, Civil Society Organisations amongst others.
- b) Current national laws and policies that hinder the free movement of persons, goods and services in certain countries and regions, that remain prohibitive and restrictive.
- c) Insufficient resourcing to enhance the promotion of Free Movement in the Continent, limiting opportunities to popularise the protocol with all strategic partners like media, civil society, regional parliaments, among other key partners. Limited resources to also fast track the implementation of the Free movement communication strategy, including related social media forums that allow for information sharing on free movement.

Recommendations in the Implementation of Free Movement in Africa

- a) In order to address the challenge of slow pace of ratification of the Protocol on Free Movement of Persons, there is need for the AU Commission to intensify advocacy of the Protocol and African Passport.
- b) The Free Movement Champion should promote, support and be the voice of free movement, he will nominate regional champions to work collaboratively with him to accelerate continental popularisation of free movement including lobbying for the production and issuance of the African Passport, amongst other key activities he has been entrusted with. He will motivate Member States to ratify and deposit the instrument with an aim of getting the Free Movement Protocol come into force as soon as possible. Finally, his role will ensure that this flagship project is regularly monitored and reported on. The AUC, RECs and relevant Partners should support Member States to ratify and implement the Protocol, including to produce and issue the African Passport by lobbying for more financial and technical resources.