AFRICAN UNION

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REPORT ON THE IMPLEMENTATION OF FREE MOVEMENT OF PERSONS IN AFRICA

2020 - 2021

SPECIALISED TECHNICAL COMMITTEE (STC) ON MIGRATION, REFUGEES AND DISPLACED PERSONS

I.   INTRODUCTION

The African vision framed by a collective foresight of the African Union is defined by "building an integrated, 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 which are restrictive to confining borders and promoting integration of economies through free movement of persons.

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, integration, 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. 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.

Free Movement of Persons in Africa is deeply rooted in Aspiration 2 of Agenda 2063 which unravels that Africa shall be an integrated continent, politically united based on the ideals of Pan Africanism and the vision of Africa's Renaissance. By 2063, Africa aspires to be a United Africa, be a world class that is integrative, has the ideal infrastructure that criss-crosses the continent, have dynamic and mutually beneficial links with its Diaspora, be a continent with seamless borders, and management of cross border resources through dialogue, a continent where the free movement of people, capital, goods and services will result in significant increases in trade and investments amongst African countries rising to unprecedented levels, and strengthen 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 formulate key tools that guide the African Union Commission, Regional Economic Communities (RECs) and Member States, ~~amoungst~~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 evaluating the implementation of the Protocol, ~~coordinating~~coordinating, and assessing the state of free movement of persons in Africa, and collaborating with RECs to harmonise key free movement policy regimes, migration & border management policies and procedures to ensure that Member States adopt and implement necessary legislative free movement procedures amongst other relevant laws.

As provided for in **Article 30** of the Free Movement Protocol, 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.

The Free Movement of Persons and the African Passport is one of the African Union Commission Agenda 2063 Flagship Projects and has so far during the year 2020/21 made some progress, in line with the United National 2030 Agenda on Sustainable Development including other key international conventions. So far 32 countries have signed the Protocol on Free Movement, whilst 4 have ratified the Protocol, signifying the imperative to accelerate promoting the implementation of free movement of persons in Africa. The protocolAfrica only requires 15 ratifications for free movement protocol to be effectively enter into to force and be domesticated.

Whilst progress has been realised during the period under review, surmountable challenges were experienced due to the massive impact of the Covid-19 pandemic, that saw the drastic closures of borders and introduction of travel restrictions during 2020. This period has seen significant progress marked by Member States in facilitating movement of African citizens to travel across the continent as highlighted by the 2020 Africa Visa Openness Report. The findings have reflected that Africa needs to embrace and continue to support the positive trends on free movement of persons in Africa, rooted in the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment Adopted by Assembly of Heads of States and Governments in 2018, in Addis Ababa, Ethiopia.

In this regard, the AU recognizes the RECs strategic significance in developing the Continental Strategy for the ratification and implementation of the Protocol on Free Movement of Persons in Africa given their centrality in Africa's integration. The critical role of coordination between the AU and RECs in pursuit of Africa's shared values and aspirations of Pan-Africanism, and African renaissance; unity and integration; peace, security and stability; as well as development and prosperity is highlighted in Agenda 2063.

While the Member States have the role of implementing the Protocol, the RECs and the AUC have the supporting role, references below in the Protocol:
   a) Popularization of the Protocol,
   b) Coordination with Member states to promote implementation of Free Movement of persons in Africa,
   c) Harmonization of policies at national and regional level,
   d) Monitoring and Evaluation of implementation of the Protocol on Free Movement; and
   e) Resource Mobilization and Capacity Building.

f) Reporting of progress made in domesticating free movement of persons in Africa.

Table 1 is a reflection of Role of African Union, RECs &Member States in domesticating the implementation of Free Movement of Persons in Africa.

Article 27 of the Free Movement Protocol (Role of Member States)	Article 28 of the Free Movement Protocol (Role of RECS)	Article 29 of the Free Movement Protocol (Role of the AU Commission)
1. Implementation of the Protocol	1.Focal Point for Promoting follow up and evaluating implementation of the Protocol and reporting the progress towards free movement of persons in their respective regions	1. The Commission shall follow-up and evaluate the implementation of this Protocol by M/S and through respective Sub Committees, submit periodic reports to EX/CL on status of implementation
2. Adopt necessary Legislative and Administrative measures to implement and give effect to the Protocol	2. Each REC shall submit periodic reports to the Commission on the progress of implementation of the Protocol within their respective region	2. Together with M/S develop and apply a continental follow-up and coordination mechanism for assessing the status of implementation of the Protocol
3. Harmonize all laws, policies, agreements, and immigration procedures to ensure compliance with the Protocol	3. RECs shall harmonize their Protocols, policies and procedures of free movement of persons with the Protocol	3. The follow-up and coordination mechanism shall include collection and analysis of data nationally and regionally in order to assess the state of free movement of persons

II.   OVERVIEW OF FREEMOVEMENT OF PERSONS IN AFRICA 2020/21
A) IMPACT OF COVID-19 ON FREE MOVEMENT OF PERSONS IN AFRICA

Africa was one of the last regions of the world to be hit by the COVID-19 in comparison to the rest of the world. The number of reported cases of COVID-19 cases on the continent has continued to rise exponentially.

According to IOM Global Mobility Restriction overview, dated March 2020, the effect of COVID-19 pandemic on global, national, and regional mobility continues to unfold rapidly as several countries, territories and areas across the world have declared a health emergency and stepped-up measures to tackle the COVID-19 pandemic. To mitigate the spread of the COVID-19, several countries, territories, and areas, imposed lockdowns partially or on the entire territory, while concurrently restricting the entry of passengers from abroad. This is evidenced as countries, territories or areas have issued, for the first time, a total ban on passengers or suspended commercial flights while others recalled issued visas to potential travellers. In 2020, all African countries issued COVID-19 related travel restrictions in a plight

to managing and control the free movement of diseases to African citizens and the world at large and this brought challenges in accelerating the implementation of free movement of person in Africa. Management of the pandemic ushered the need for durable solutions to public health systems, whilst encouraging Member States to adopt and implement protocols on management of pandemics; exchange epidemiological data on across borders and encouraging those with similar epidemiological profiles to establish inter-country health protocols of collaboration.

COVID-19 as a Security Threat to Africans

Until the emergence of COVID-19, the only security threat to the implementation of the protocol on free movement of persons was the physical threat of state security through the lenses of traditional security concepts such as fraudulent travellers with fake travel documents, Terrorists, smugglers of goods and Human traffickers just to name a few. Indeed, while popularizing the protocol on free movement, the African Union Commission, together with Member States focused on information and intelligence sharing between security agencies in regions and countries and on identification/traceability of travellers through the right investment of infrastructure and acquisition of travel documents with international standards. In this instance once again, security was looked into from the lenses of state machinery and not people centred.

COVID-19 has therefore brought forward a new angle to the issue of security for travellers, host countries, airlines, etc. The definition of security in free movement will therefore have to broaden and encompass the issue of health and health management of pandemics that know of no boundaries when it comes to their propagation.

Impact of Covid-19 on Free Movement of Persons & Africa Continental Free Trade Area (AfCFTA)

The result of the so much needed ''Free Movement of Persons in Africa'' is the expectation of its ripple effect on economic empowerment, job creation and a huge domestic market of African goods. COVID-19 has therefore shown how the shuttering of borders between African countries and the confinement of people and restriction of movements due to the rapid spread of the virus is an impediment to the realisation of the ''African we want'' through Trade, services and Tourism.

Health care through the COVID-19 pandemic has shown that healthcare should be at the centre of collective investment of capital on the continent. Inadequate healthcare systems, lack of sufficient number of health workers are some of the challenges faced by countries and hence the need for protectionism by Member States. Healthcare should therefore become one of the areas to be invested in collectively at regional levels by the regional economic communities.

According to the African Union Commission publication entitled, "Impact of Corona Virus (Covid-19) on the African Economy," the impact of Covid-19 on the human health (materialized by morbidity and mortality), is disrupting an interconnected world economy through global value chains, which account for nearly half of global trade, abrupt falls in commodity prices, fiscal revenues, foreign exchange receipts, foreign financial flows, travel

restrictions, declining of tourism and hotels, frozen labor market, etc. The Impact of the pandemic during 2020/21, lead to a collapse in trade and huge recession for African citizens and world at large, reduced economic growth and impeded migration and development in Africa as travel bans were introduced and restricted movement of persons including services and goods affected intra African Trade.

It came in at a crossroads when the African Union Commission was promoting ''free movement of people'' and the entire continent was geared towards the attainment of mandatory ratification for the protocol on free movement to become law. It however became challenging to continue promoting the domestication the free movement protocol when all borders were closed down due to a health hazard that became a security issue for entire Continent. This therefore saw a halt in most programmes planned for implementation by the African Union Commission, Regional Economic Communities and Member States, as the entire focus during 2020/21 was to support Africa manage the health pandemic of Covid-19.

Table 2 referenced as, ***Annexure 1*** (summarizes regional responses on how the impact of the pandemic was managed by Member States to accommodate free movement of persons in Africa.

III.   VISA Openness Index Measure and Free Movement of Persons in Africa

3.1 2020 Africa Visa Openness Index Measures – A Reflection of how Member States in the African Continent are facilitating travel for citizens.
During the 2020/21 period, the African Development Bank (2020) undertook a review of how Members States managed visa openness or facilitated free movement of persons and general travel for its citizens to ensure regular, orderly, and safe migration is realized in the African Continent and to support the implementation of the African Union's Agenda 2063, the Integrated, "**Africa We Want".**

In light of the COVID-19 pandemic, the Index findings underline the importance of integration in building more resilient economies to withstand wider systemic shocks. The Index assessed the level of integration for Regional Economic Communities (RECs) and member countries and is scored across five key dimensions spanning free movement of persons in Africa, intra African trade, productive capacity, macroeconomic policy, and infrastructure. On the free movement of people, the *Africa Regional Integration Index* measured the degree to which African countries have committed to the Protocol on the Free Movement of People, Rights of Residence and Establishment, alongside the openness of countries' visa regimes. Therefore, the overall picture on visa openness was positive, and according to the African Development Bank (2020), "**Visa openness is about facilitating free movement of people…..however global COVID-19 health pandemic upended all plans - including travels… Yet our interdependency, our need for pulling together, uniting, and staying focused together, has never been more important**". It is therefore, evidently undoubted that the impact of the Covid-19 pandemic during 2020/21 period reversed Africa's economic gains; significantly reversed shockwaves affecting sectors from tourism and trade through investment.

In light of the above reflection, the African continent therefore needed to accelerate/develop policies/strategies related to promoting visa openness that would escalate economic recovery.

Below is the continental reflection of visa-openness as outlined in the 2020 Africa Visa Openness Index Report, despite the negative impact of the pandemic so far:

- African borders are increasingly opening up to African citizens, as year-on-year progress is made to support the freer movement of people. African travellers have liberal access to travel to a record 54% of the continent, up by 9% since 2016, and can travel visa-free or get a visa on arrival in their destination. At the same time, fewer African countries are requesting visitors to have a visa prior to their travel.
- The ECOWAS, East African Community (EAC), Southern African Development Community (SADC) and Arab Maghreb Union (UMA) are the top performing RECs on open reciprocity related to facilitating free movement of persons in Africa.
- Only 3 countries offer visa free to all African Countries- Seychelles, Benin and The Gambia.
- 26% Africans do not need a visa to travel to 26% of other African countries.
- 46% Africans need visas to travel to 46% of other African countries.
- 28% Africans can get visas on arrival in 28% of other African countries.
- 24 countries offer e-Visas reflecting 44% of the African continent.
- 20 countries moved upwards in rank on the Africa Visa Openness Index.
- 54 % of the continent is now accessible for African visitors/migrants who no longer need visas to travel, marking a significant increase of 9% from five years ago.
- The number of countries on the continent offering e-Visas for African ~~travellers~~traveler's continues to rise, with 44% of countries hosting an online platform, up from 17% in 2016. Most e-Visa countries are either in the top scoring countries on the Index or have made the most progress on the Index and have introduced their e-Visa policies in the last four years.

Annexure 2 (attached) outlines the top 20 most visa-open countries by region and rank in 2020 (African Visa Openness Index Report).

IV.	**PROGRESS MADE IN IMPLEMENTING FREE MOVEMENT OF PERSONS IN AFRICA 2020/21**

a) **Regional Economic Communities (RECs) - Progress made in the Implementation of the Free Movement Protocol**

The Free Movement Implementation Roadmap also made provisions for RECs to collaborate and advance the implementation of the protocol through agreement that will offer the same opportunities accorded to citizens of countries within their respective regions. Seemingly, FMP within the regions is a catalyst for the continent's socio-economic and political integration which amounts to a real prospect for harnessing the continent's vast resources, facilitating and boosting trade, for the benefit of the people. These provisions are consistent also with Article 19 of the AfCFTA Agreement providing that the AfCFTA State Parties "that are members of other regional economic communities, regional trading arrangements and custom unions, which have attained among themselves higher levels of

regional integration than under this Agreement, shall maintain such higher levels among themselves. Article 8(2) of the Protocol on Trade in Goods states that "State Parties that are members of other RECs, which have attained among themselves higher levels of elimination of customs duties and trade barriers than those provided for in this Protocol, shall maintain, and where possible improve upon, those higher levels of trade liberalisation among themselves.

On the other hand, within the RECs, Labour mobility is also an essential pre-condition for economic integration. Free movement of labour seeks among others, to bridge the gap between skills surplus and deficit among AU Member States. It also facilitates essential and unique skills transfer, innovation, and optimal utilization of human resources in Africa. The Joint Labour Migration Programme (JLMP), which was adopted by the AU, promotes critical areas of facilitating the free movement of workers as a means of advancing regional integration and development. Key activity areas of the JLMP include skills portability and the mutual recognition of qualifications, as well as the development of an African Qualifications Framework. Most African countries face labour and skills shortages in specific sectors, while at the same time battling with unemployment and a growing youth bulge. Regional skills pooling enabled through mobility can help to address this challenge and allocate labour where it is most productive and needed. To aid labour mobility, the JLMP is also working on Labour Market Information Systems (LMIS), skills forecasting and labour migration statistics which collectively support market driven skills development and skills pooling across the continent.

During 2020-21, implementation of the Free Movement Protocol has been varied, and depending on how far the RECs have progressed on the signature, ratification & domestication of their regional free movement protocols, also recognising that the progressive nature of free movement has been fragmented amongst the different regions. Free Movement of Persons among RECs has contributed to the growth of African integration through interaction of peoples in areas of trade, shared services, educational engagements, and other areas of interactions. This has led to progress in all the RECs in the areas of development of human resources, industrialization, intra African trade, finance, agriculture, natural resources, energy, and infrastructure, including easing of constraints to labour migrations.

Table 2 below is a reflexion of the status of the ratification & domestication of the regional treaties on free movement including implementation status & protocols on FMP in the regions.

	Status of ratification of the Free Movement Protocols by the RECs		
	Treaties or Protocols Governing Free Movement at RECs Level	**State of ratification by countries**	**Status of Implementation of Free Movement Protocol at RECs Level**
1.	ECOWAS Treaty (1975) and its Protocol on the Free Movement of Persons and Goods, the Right of Residence and Establishment (1979)	Ratified by 15 countries	- 90 days of visa - free stay, - ECOWAS Passport, - Elimination of rigid border formalities - Reduced border procedures. - Upgraded biometric travel card called the National Biometric Identity Card (NBIC), - Developing innovative mechanisms for funding integration programs and projects through the strict enforcement of a Community Levy - Adoption of good governance and democracy protocols and the establishment of mechanisms for the maintenance of regional peace and security - Operationalized a Customs Union and a Common Market to advance economic development
2.	Treaty of the Economic Community of Central African States (1983)	4 out of 11 countries have ratified	- Joint implementation has been a slow process among member states in the region. - 6 Member States implement free visa system, and have a standardized common passport, allowing free access to research & education - ECCAS has established a Directorate on Common Market to standardize access and movement of free labor.
3.	Treaty of the Arab Maghreb Union (1989)	3 out of 5 ratified	- Only the most basic level of cooperation exists between the region's states - Tunisia is most progressive as it has fully opened its borders to the other Member States, while the other States still require travel visas. - AMU has great potential but there is still long way to go before activating the institutions of the Maghreb Union and obtaining tangible results on the ground for the benefit of Maghreb citizens
4.	Treaty of CEN-SAD (1989)	In progress	- The region has been "stagnant for a long time, guaranteeing free movement, residence and establishment only through temporary bilateral agreements.

5.	IGAD Treaty (1996) and Protocol on Free Movement	In progress	- The Protocol on Free Movement of Persons in IGAD Region and its Road Map for Implementation was adopted by IGAD Council of Ministers of Foreign Affairs on 24 June 2021. -- The Protocol contains provisions on Right of Entry, Stay and Exit, including Labour Mobility, Rights of Residence and Right of Establishment. The protocol has a specific provision for managing populations displaced by Natural Disasters. - The Protocol is due for signature by IGAD Summit planned for 1st quarter of 2022.
6.	SADC Treaty (1992) and its Protocol on the Facilitation of Movement of Persons	4 out of 16 countries have ratified. It requires a minimum of 11countries for the protocol to come fully into force	- (SADC) develop policies for progressive elimination of obstacles to the movement of persons in the Region. - Member States entered into bilateral agreements that allow their respective citizens visa-free entry - MS issue permanent and temporary residence in the territory of another State Party. - Adopted a Protocol on Employment and Labour, & Labour Migration Policy Framework and Labour Market Information System. - Implements a joint Protocol on Education to ease mobility of students within the region & enable mobility of qualifications within the region.
7.	Treaty of East Africa Community (1992) EAC	5 Member States have ratified	- Member States jointly implement free movement - Standardized the right of entry. - Kenya, Rwanda and Uganda adopted the principle of variable geometry. - Introduction of Identity Cards to enhance free movement of persons in the region has facilitated movement of persons through ID system initiatives - Removal of artificial barriers to trade and movement of people - Adoption of legal frameworks such as the abolition of visas, - The establishment of community passports facilitating the promotion of free movement of persons.

| 8. | Treaty of COMESA (1994) and its Protocol on free movement (2001)54 | 12 countries have ratified | - The regional free movement protocol eases free movement of persons within the region.
- The Protocol underscores the importance of ensuring that citizens can move freely, take up job offers, render services, pursue self-employment, and set up/manage undertakings without discrimination.
-The COMESA Business Council has negotiated implementation and ease of movement of business people within the region.
- Protocol allows for creation of free trade zones & major development, facilitating informal trade that will also benefit from FMP in these regions. It is hoped that this development will be enhanced to include Custom Union.
- Region has deepened trade integration by developing innovative instruments in areas of customs harmonization, such as ASYCUDA, and free restrictions on movement of goods and services as well as establishing strong financial institutions such as the Trade and Development Bank (TDB) and ZEP-RE to facilitate trade within the COMESA region
- implementing programmes and instruments related to cross-border trade and transit facilitation including coordinated border management through one-stop border posts; the resolution of non-tariff barriers to trade; the digital free trade. |

b) African Union Commission (AUC) - Progress made in the Implementation of the Free Movement Protocol

The African Union Commission has made tremendous milestones towards accelerating the implementation of Free Movement of persons in Africa, recognizing the Decision adopted to develop the Protocol on Free Movement of Persons in Africa- as envisioned in the 1981 African Charter on Human and Peoples' Rights and the 1991 Treaty establishing the African Economic Community, (Decision Assembly EX.CL/Dec.908(XXVIII, adopted at the January 2016 African Union (AU) Summit adopted in Addis Ababa). Furthermore, the African Passport during its 27th Ordinary Session held in Kigali, Rwanda in July 2016, the AU Assembly of Head of States and Government requested the African Union Commission to, *"provide technical support to Member States to enable them to produce and issue the African Passport to their citizens".*

The following milestones were made during the year 2020/21, aimed at the rapid promotion of the Free Movement Regime and mediating the drastic impact of the covid-19 pandemic that saw the drastic closures of borders and restrictions on travels are outlined below**:**

- The African Union Commission engaged the Pan African Parliament to discuss the impact of Covid-19 on Free Movement of Persons in Africa. A successful popularization meeting was held with the Pan African Parliament, Virtual Joint sitting of the Committee on Transport, Industry, Communications, Energy, Science and Technology And Committee on Trade, Customs and Immigration Matters, Midrand South Africa April 2021.The key outcome was the pollical will buy heads of states and Parliamentarians to support the African Union Commission and Member States to facilitate opening up of borders to facilitates free movement of persons, services and goods in Africa. Accelerated promotion of the Protocol on Free Movement of Persons and the African Passport with the Committee for Trade, Customs and Immigration Committee at the Pan African Parliament (PAP) was also 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 African Union Commission engaged the Regional Economic Communities to discuss the impact of Covid-19 on Free Movement of Persons in Africa and sharing emerging good practices and share solutions and resources through developing shared and common public health mitigation remedies. A successful popularization meeting was held virtually in October 2020.
- A successful engagement meeting was held continentally by the African Union Commission were a range of key stakeholders (private and business partners, development organisations, students and researchers, civil aviation, regional economic communities, CDC, AfCFTA and others) shared emerging good practices and solutions in managing the impact of the pandemic on free movement of persons in Africa. The popularization meeting was held virtually in November 2020.
- Lobbying for the ratification of the Free Movement Protocol and production and issuance of the Africa Passport-following the previous Adoption of the African Passport and its Guidelines for the Design, Production, and Issuance of the African Passport at the 34th Ordinary Session of the Assembly held in February 2019. The

African Passport's key benefits cannot be contested as its future production and issuance to citizens will facilitate assurance of identities, create efficient borders, guarantee standard, secure borders, and ultimately 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 and developments based on international, continental, and national provisions, standards, and specifications.

- Lobbying for signature and ratification of the Free Movement Protocol was continuous plea in all engagement forums made during 2020/21 with key partners of the Commission and Member States. Presently the Protocol has 32 signatures and 4 ratifications deposited by Member States on the Free Movement Protocol, following popularisation meetings conducted towards the realization of the African Integration Agenda. Member States who have signed the Protocol are the Republic of Angola, Bukina Faso, Central African Republic, Republic of Chad, Republic of Cote d'Ivoire, Union of the Comoros, republic of the Congo, Republic of Djibouti, Democratic Republic of Congo, Equatorial Guinea, Republic of Gabon, The Gambia, The Republic of Ghana, Republic of Guinea, The Republic of Kenya, Kingdom of Lesotho, republic of Liberia, The Republic of Mali, The Republic of Malawi, The Republic of Mozambique, Republic of Niger, Republic of Rwanda, Republic of Senegal, Sierra Leone, Republic of Somalia, South Sudan, Sao Tome & Principe, Republic of Sudan, Republic of Tanzania, Republic of Togo, Republic of Uganda, Republic of Zimbabwe. Whilst 15 ratifications are required for the Protocol to come into force, 4 Member States have so far deposited ratifications for the Free Movement Protocol namely the Republic of Rwanda, Sao Tome & Principe, the Republic of Niger and the Republic of Mali.

- 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 5 regions and lobbying for accelerated signature and ratification of free movement of persons including implementation mechanisms and encouraging progressive visa openness policies.

- Popularization of the Free Movement Protocol with the youth, promote the free movement agenda and accelerate ratification and implementation for the Free Movement of Persons in Africa. These are important partners of in oversighting the implementation of free movement of persons Africa and such lobbying forums enhance accountability in ensuring the Free movement agenda is achieved in the Continent.

V.   CHALLENGES

a) Challenges Related to the Implementation of Free Movement of Persons in Africa during the Covid-19 Pandemic

- The negative impact of the Covid-19 pandemic has regressed the domestication and accelerated implementation of free movement of persons in Africa, due to restrictions in travels and closure of borders. Until the emergence of COVID-19, the only security threat to the implementation of the protocol on free movement of persons was the physical threat of state security through the lenses of traditional security concepts such as fraudulent travelers with fake travel documents, Terrorists, smugglers of goods and Human traffickers.
- Lack of information on the measures that are being applied by the countries across the corridors affecting the movement of cargo or trade flows.
- Lack of harmonization of interventions, measures, and recommendations to COVID-19 at country and regional level.
- Serious delays and queues spanning for several kilometres across a number of essential border posts (in SADC such as the Beitbridge, Chirundu, Nakonde, Kasumbalesa, Moyale and others. Transporters have highlighted clearance periods of 2-3 weeks in some instances.
- Similarly, port delays disrupting local manufacturing and trade as businesses are not able to access their raw materials or supplies in time. This has resulted in serious supply chain disruptions across.
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b) Challenges Related to VISA Openness Issues in Africa (Border Management and Infrastructure)

- The challenge of the Covid-19 pandemic and reduction in tourism and economic development has seen Africa scoring a 57% decline in international tourist arrivals in the first half of 2020, in comparison to previous years (for example) by 1 September 2021, 26 destinations in Africa had eased restrictions by 1 September 2020, while borders in 27 destinations remained closed.
- The Covid-19 paused significant shockwaves across health systems and economies across the African continent, upending travel, tourism and investment. Since 2019, travel and tourism in Africa had a 2.2% growth rate, contributing USD 168.5 billion to GDP and supporting 24.6 million jobs., significantly drawing back the free movement regime.
- Political challenges such as elections has led to some countries that had relaxed visa openness policies drawing back and cancelling visa on arrival schemes (for example Ethiopia). On the other hand, the challenge of the impact of covid -19 also led to some countries such as Kenya-re-issuing visas for countries they had allowed for relaxed visa systems (in a bid to control the free movement of the pandemic).

c) Ratification Challenges-

-Despite the expressed aspiration of achieving a continental Free Movement of Persons and the fact that it is quite advanced in a few of the RECs, only 32 of the 55 AU Member States have signed the Free Movement of Persons Protocol while only 4 countries - Mali, Niger, Rwanda, and Sao Tome & Principe have ratified. The Protocol requires 15 ratifications to enter into force.

Absence of a Champion and Special Envoy is a key challenge in fast-tracking mobilization and popularization of the Protocol.

d) Security considerations-

-National security and threats to public order including violent extremism and terrorism; cross border crime, human trafficking, proliferation of small arms and drug smuggling seriously affects cross border management and cooperation.

-High perceptions of Xenophobia, border crimes, irregular migration, cross border conflicts a key challenge.

-The need to share requisite information between all security apparatus in countries appears to be less alluring to many member states due to lack of a continental structure/framework to facilitate the same.

-Health security concerns such as Health epidemics as illustrated by the Ebola outbreak in 2014-15 and COVID-19 in 2020 pose a serious challenge to facilitation of travel across borders.

-Security concerns around the standard and integrity of international travel documents enhances the need to produce and issue the adopted African Passport.

e) Technical issues and Capacity Building- & Coordination Challenges

-Several issues around technical impediments such as necessary implementation structures and mechanisms especially at the continental level remain an impediment to the implementation landscape.

-In order to address these challenges, it is important to enhance coordination and collaboration between the AU and the RECs and regional mechanisms including AUDA-NEPAD, etc. among others in a wholistic and integrative manner. This however needs to be organized in a structured, systematicsystematic, and predictable manner through agreed upon Coordination framework.

GENERAL CHALLENGES

- Territorial borders continue to hinder the free movement of persons, goods and services in certain countries and regions, through restrictive policies and visa regimes.
- Slow compliance with the AU decision imploring Member States to start issuing visas on arrival to all African travelers.
- Insufficient resourcing to enhance the promotion of Free Movement in the Continent, limiting opportunities to popularisepopularize the protocol with all strategic partners like media, civil society, regional parliaments, amounts 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.

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VI.   RECOMMENDATIONS

a) Mediating the Impact of Covid-19 Pandemic.

- The African Union Commission, RECs and Member States should revise existing policies and legal instruments on free movement in order to ensure that health security of African migrants is guaranteed for ~~travellers~~travelers and receiving countries. Member States should maintain or improve the already existing relaxed visa regimes to allow for free movement of persons in Africa.

- The availability and accelerated access of the COVID-19 Response Facilities and vaccines should be promoted continentally including:

  a) Ensuring the creation and funding of mobile testing facilities at borders, issuance of COVID-19 clearance certificate & vaccines for travellers so as to facilitate the continuation of free movement of people;

  b) Encouraging adherence to universal healthcare coverage for travellers to minimize the economic impact on death toll and health facility congestion by uninsured persons and hence poor-quality service in host countries; and

  c) Promotion of continued border hygiene campaigns and spaces even after COVID-19 pandemic.~~;~~

- The likelihood of ''Free Movement'' ceasing to be a priority flagship to Member States due to COVID-19 is high. Therefore, the African Union Commission should anticipate the rise of xenophobia within the continent due to the job losses caused by COVID-19 pandemic, economic recession due to the closure of industries, the education sector shut down, debts, etc. by keeping a close monitoring and developing a communication/media/advocacy strategy in favor of free movement;

- The Commission should promote Africa-led solutions and remain in the spirit of international solidarity by working closely with all institutions and partners involved in the fight against COVID-19 and promoting free movement of persons in Africa and economic development;

- An integrated public health approach is required to fight Covid-19, including reviewing existing public health policies and National Public Health Systems that promote global mobility;
- As the pandemic progresses slowly in the African Continent, the African Union needs to strengthen its engagements with key International Research Institutions, to intensify public health research efforts and invest in studies that impact of the outbreak on mobility in Africa;
- The Epidemic has paused a significant threat towards maintaining International Peace & Security, potentially leading to an increase in social unrests, human attack, xenophobic attacks, deportation of irregular migrants including occurrence of increased violation of human rights with disadvantaged communities. It therefore remains the prerogative of the Commission to strengthen & integrate public health interventions to Covid -19 and ensure we address restrictions in movement (long term) whilst redressing its impact on Peace and Security efforts in Africa. If this is not well managed, it will create fragile and insecure communities subject to terrorist attacks amongst other forms of violence already affecting the African Continent; and
- In conclusion, strategic leadership and political will is required in managing the impact of ~~Cc~~ovid-19 on free movement of persons in Africa, incuding a Joint AU Strategic Partnership Framework, a well resourced Implementation Plan in combatting the impact of Covid-19 and its massive impact on migration and economic development.

b) **Visa Openness Issues in Africa**

- Africa to have an increase in VISA-Openness and have member states that have liberal and relaxed visa policy for ~~travellers~~travelers, to enable them to develop visa policies for travelers and migrants, allowing easy entry, help accelerate economic recovery &
- Member States to take advantage of the move to start trading under the African Continental Free Trade Area introduced in 2021, and which will lead to the finalization of its investment protocol, offer renewed possibilities for economic growth and allowing for accelerated free movement of persons in Africa.
- Member States to take advantage of the Covid-19 vaccines and travel certificates as they unveil previously issued travel restrictions. This will promote for the accelerated promoting of free movement of persons services and goods in Africa and ensure the health safety for citizens.
- The African Union Commission, Member States and RECs are encouraged to work collaboratively with key stakeholders to ensure the promotion of visa free access policies to all Africans to allow more countries to join the current 3 that have such advanced systems- Seychelles, The Gambia and Benin, that have totally removed visas to all Africans.
- ~~Implementation of the Protocol on the Free Movement of People,~~Implementation of the Protocol on the Free Movement of People should enhance economic growth and allow firms to find skills more easily, in turn driving productivity.
- The African Continent should have greater visa openness with the goal of a visa-free regime for all African citizens and use of the African ~~passport, once~~passport once Member States commence the production and issuance to African citizens.

- There should be more regional cooperation on the freedom of movement among RECs and visa openness solutions should include issuing multi-year visas and creating visa-free regional blocs.

c) <u>Popularization of the Free Movement Protocol:</u>
- The AUC and the RECs will ensure close coordination in the popularization, support for ratification and the implementation of the Protocol;
- Designation of a Free Movement Champion at the Continental level appointed by the AU and Champions/ focal persons at regional levels appointed by the Chairpersons of RECs. The Champions should be sitting Heads of State to accelerate the promotion of the Protocol, at the highest level. The Champions should not only spearhead ratification of the Protocol but also promote its effective implementation in the regional and continental level;
- Embark on joint AU/RECs promotion and implementation initiatives such as the Elaboration of a comprehensive communication strategy to popularize the Protocol among member states and all segments of African society;
- RECs to upscale their efforts in supporting their member states to accelerate ratification and the implementation of the Protocol;
- Create awareness and publicity of the benefits and opportunities of the Protocol to the citizens of Member States, CSO, Private Sector etc; and
- Create and manage mechanisms to disseminate information in a timely manner using the most appropriate channels.

d). <u>On Coordination of the Free Movement Protocol:</u>
- As a flagship project of Agenda 2063, efforts should be made to include Free Movement as a constant agenda item of the Mid-Year AU/RECs Coordination meetings;
- The Chairperson of AUC to regularly communicate to the Chief Executives of RECs to include the status of ratification of the Protocol on the agenda of their meetings;
- Establish a functional structure/ unit/section within the AUC and RECs Secretariats to coordinate matters of the implementation of the Protocol;
- AUC and RECs Liaison Offices should meet on a bi-annual basis to share outcomes of work done and prepare briefs for their Chief Executives, the AUC Chairperson and relevant Decision-making Organs;
- Establish Technical Working Groups (Desk to Desk), which should meet annually including on margins of the Mid-Year coordination meeting at Commissioner or Director/Technical level, as may be appropriate;
- Institutionalize meetings with RECs, and AU relevant Departments on implementation of the Protocol on Free Movement; and
- AU Commission in coordination with member states and the RECs develop and apply a continental follow-up and coordinating mechanism for assessing the status of implementation of the Protocol, which shall include collection and analysis of data.

e). <u>Resource Mobilization and Building Capacity at National, Regional and Continental levels:</u>

- To design a strategy to promote the popularization and prioritization of the Free Movement Agenda at the national, regional and continental level with an aim of mobilizing resources, including engagement with the private sector such as Banks, Corporate Companies etc. as well as African philanthropists among others, in order to support and build capacity for implementation of the Protocol at National, Regional and Continental level.