

Study on the **Benefits** and **Challenges** of **Free Movement** of Persons in **Africa**



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AFRICAN UNION COMMISSION
AND THE INTERNATIONAL ORGANIZATION FOR MIGRATION

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ABBREVIATIONS

ACHPR	African Charter on Human and Peoples' Rights (1981)
AfDB	African Development Bank
API	Advance Passenger Information
AUC	African Union Commission
BMIS	border management information system
CARICOM	Caribbean Community
CEN-SAD	Community of Sahel–Saharan States
COMESA	Common Market for Eastern and Southern Africa
CFTA	Continental Free Trade Area (of the African Union)
EAC	East African Community
ECDPM	European Centre for Development Policy Management
ECOWAS	Economic Community of West African States
EEA	European Economic Area
eMROTD	electronically enabled machine readable official travel document (in the size of an ID card)
GDP	gross domestic product
IBM	Integrated Border Management
ICAO	International Civil Aviation Organization
ID	Identification/Identification Card
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
MIDAS	Migration Information and Data Analysis System (IOM's BMIS software)
NBIC	National Biometric Identification Card
MROTD	machine readable official travel document (in the size of an ID card)
NEPAD	New Partnership for Africa's Development
OAU	Organization of African Unity
OECD	Organisation for Economic Co-operation and Development
OSBP	One-Stop Border Post
REC	Regional Economic Community
SACU	Southern African Customs Union
SADC	Southern African Development Community
UNHCR	Office of the United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime



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The study benefitted from IOM experience with comparable lessons on free movement of persons in various regions of the continent. Critically, insights gained from three expert level meetings in Ghana (20–24 March 2017), Kigali, Rwanda (23–26 May 2017), Addis Ababa, Ethiopia (17–19 July 2017) and Flic en Flac, Mauritius (4–6 September 2017) further informed the study's orientation.

Over a nine-month period, March to November 2017, three independent experts – Dr. George Mukundi Wachira (Team Leader/Legal and Governance Expert), Dr. Ola Bello (Governance Expert) and Dr. Charles Harns (Migration Policy Expert) – worked tirelessly to draw in and consider as many angles to this complex and multidisciplinary study as possible.

I wish to underline that, without the critical funding granted to IOM by the Government of the Kingdom of Norway, we would not have been able to support the various expert level consultations that laid the ground for the passing of the free movement protocol, produce this study, or provide staffing to the Department of Political Affairs to support the entire process.

It would be remiss of me not to acknowledge the indefatigable efforts of the IOM Addis Ababa team, comprising Carolyne Tumuhimbise, Phumza Manqindi, Sophia Aytenew, Alemayehu Seifeselassie and Kemeriya Mehammed.



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FOREWORD

Africa is at a critical turning point in its long and complex history. After 25 years in the making, a Protocol on Free Movement of Persons in Africa was finally adopted by African Union Member States at the January 2018 Summit in Addis Ababa, Ethiopia. The significance of this legal instrument for African citizens, who for years have faced many challenges moving across African borders, is monumental. While several African Union Member States and Regional Economic Communities (RECs) were already making strides towards facilitated movement of persons in their regions, the adoption of a *continental* free movement protocol is a watershed moment for Africa.

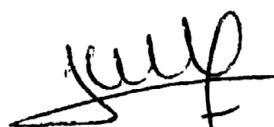
The adoption, ratification and implementation of the Protocol by African Union Member States heralds a new era of harnessing migration for development across the continent. The Protocol reflects the commitment of African Union Member States to promote economic, social and cultural development, and the integration of African economies through migration.

The process towards adoption of the Protocol was led and driven by African Union Member States and coordinated by AUC. At the request of the African Union, the UN Migration Agency – IOM – provided technical and resource support based on its vast expertise and incomparable global experiences on the subject. As part of that support, IOM commissioned a study on the costs and benefits of free movement of persons in Africa.

The overarching finding of the study is that migration is a positive phenomenon and should be harnessed for Africa's integration, unity, sustainable development, democratic governance, peace and security. It reaffirms that the benefits of migration far outweigh costs and related challenges of implementation. IOM commends the African Union and its Member States for living up to their aspirations and those of their citizens, as articulated in the Constitutive Act and the African Union's Agenda 2063. Effective implementation of the Protocol by Member States will not only give meaning to the vision of the African Union but also bring African citizens closer to the African Union and to each other, as has been recommended by the ongoing African Union institutional reforms.

IOM commits to continuing to provide technical support to the African Union, its RECs and its Member States in the implementation phase of the Protocol. The findings and recommendations of this study provide essential data, analysis and impetus to take the implementation forward in practical and cost-effective ways, including through suggestions as to how some of the challenges to facilitating free movement of persons in Africa could be addressed.

AUC and IOM are pleased to have worked jointly on this study and to offer it as a supplementary document to support the process of implementing the African Union Protocol on Free Movement of Persons, Right of Residence and Right of Establishment.



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EXECUTIVE SUMMARY

“Africa must unite or perish”¹ – Kwame Nkrumah, 1963.

This study explores the benefits and costs of free movement of persons in Africa and the role that free movement can play in achieving the African Union’s broader trade and development goals.

Debate on Africa’s integration, growth and development elicits mixed reactions. There is the optimistic view that Africa is rising, but also a growing sentiment that development has become less inclusive for several countries in recent years. The reality is that Africa’s social, political and economic development outlook is positive. According to the World Bank, “Economic growth in sub-Saharan Africa is rebounding in 2017”.² The “continent’s aggregate growth is expected to rise to 3.2 per cent in 2018 and 3.5 per cent in 2019, reflecting a recovery in the largest economies”.³

With a growing middle class, an educated populace and youth demography, Africa’s potential is unlimited. While undoubtedly challenges remain, the continent is full of promise, with unprecedented opportunities and prospects that include its largely untapped human capital.

Socioeconomic and political integration remains Africa’s real prospect for harnessing the continent’s vast resources for the benefit of its people. The vision of Africa’s founding leaders of a united, integrated, prosperous and peaceful continent is as alive today as it was when the OAU was established in 1963.

However, territorial borders continue to hinder the free movement of people in certain countries in Africa.⁴ There are reasons for this, including security concerns, socioeconomic disparities and health epidemics. These challenges are sometimes invoked to justify reluctance by some countries to open their borders to free movement. At the same time, research and the African Union’s Security Council affirm that the benefits of free movement of persons in Africa far outweigh perceived or real challenges and costs.

The African Union’s Agenda 2063 acknowledges that free movement of persons in Africa is not only an aspiration, but also a tool with which other development aspirations can be realized. In pursuit of a stable, secure and economically robust Africa, people are the drivers, the agents, the carriers and the end consumers of growth and development. The infrastructure needed to support their mobility will also serve other economic, technological, security and health-related purposes within the overall integration and development plans for Africa. Increased movement of people, goods and services across borders inevitably incentivizes better infrastructural linkages and connections among African countries. This is consistent with the global Sustainable Development Goals of the United Nations 2030 Agenda for Sustainable Development, which call for facilitation of orderly, safe, regular and responsible migration and mobility of people, including through measures such as the implementation of planned and well-managed migration policies.

This study explores the challenges that African countries are grappling with in a continent full of young people eager to escape unemployment and poverty in their home countries. It points to the need for a

1 K. Nkrumah, launch of the Organisation of African Unity (OAU) speech, Addis Ababa, Ethiopia, 1963.

2 See the World Bank press release of 19 April 2017, “Economic Growth in Africa is on the Upswing Following a Sharp Slowdown”, available from www.worldbank.org/en/news/press-release/2017/04/19/economic-growth-in-africa-is-on-the-upswing-following-a-sharp-slowdown (accessed 20 April 2018).

3 Ibid.

4 J.M. Oluwashola, “Contemporary Discourses and Contestations around Sovereignty, Supra-Nationalism and the Future of African Regional Integration” (African Economic Conference, 2013), available from www.afdb.org/uploads/tx_llafdbpapers/Paper_Presentation_AEC.pdf (accessed 20 April 2018).

new approach to border and identity management as pressure continues to build up domestically due to increased unemployment and the search for opportunities, and intensifies beyond both national and continental borders.

After considering past and current experiments, and the estimated benefits, challenges and costs, the study concludes that free movement of Africans throughout the continent, if implemented incrementally alongside appropriate systems and procedures, can be a positive force for increasing trade, tourism and industrialization. Each of these sectors generates employment, within and across borders, and strengthens African economies and prospects for a stronger role in global economies.

African countries have made significant progress with regional integration as conceived by the Continent's founding leaders such as Nkrumah, despite numerous hurdles. RECs have been at the forefront of championing economic integration and increasingly socioeconomic and political integration that includes the free movement of persons. While some regions, such as those represented by the Economic Community of West African States (ECOWAS) and the East African Community (EAC), have made much more progress than others, there is renewed impetus among ongoing processes and efforts towards facilitating free movement of persons in Africa.

This study shares several success stories of comparable countries that have experienced remarkable improvements in trade and tourism as a result of greater visa openness. Seychelles is proof of the benefits that accrue from free movement of persons. At the regional level, ECOWAS represents an REC that is actively implementing free movement of persons within the region. These examples, among others within the study, demonstrate that, while there are costs and challenges, political will and commitment to the ideal of free movement of Africans across the continent are justified by the gains to be reaped.

The future of Africa lies with its people. The people, however, will not contribute effectively to this future if they cannot move and explore the vast opportunities that the continent holds. Africa's modest contribution to aggregate global output, the impact of the 2014–2016 commodity price collapse on African economies, the continent's vulnerability to global economic downturns, and China's economic rebalancing, all suggest that Africa's future prosperity increasingly relies on closer regional connectedness and integration, underpinned by more intra-African circulation of productive factors such as labour, technology, skills and capital.

As Africa seeks to catch up with the higher income nations, facilitating free intracontinental movement of persons will be an essential and key strategy in realizing the goals of the African Union's Agenda 2063.

General freedom of movement is also the concrete expression of pan-Africanism. In a competitive, globalized world economy, it can foster universal equity across the continent in terms of African entrepreneurs being able to leverage opportunities and resources – land, mineral, human resources and other non-physical endowments – dispersed throughout the continent. In border regions, freer movement across borders can empower large, medium and small-scale traders, farmers, manufacturers and migrant labourers and other socioeconomic actors who have been constrained by formal frontiers, particularly since the independence of former colonies in Africa from the 1950s and 1960s onwards. This will serve to optimize Africa's human potential and material wealth.

Free movement of persons is an integral part of the African free trade area strategy, as reinforced by the recognition that common challenges need common solutions such as shared infrastructure, planning and development. It is therefore imperative to create synergies between discussions and opportunities promoting and advancing free movement of persons in Africa with the continental free trade area strategies.

This said, each region is at a different level of development, with different national capacities to realize freedom of movement. The policies, procedures and infrastructures to enable free movement of persons are still missing in many countries. Based on experiments within and outside Africa, the study concludes that a gradual, integrated and step-by-step approach based on common interests can offer the best prospects for integration.⁵ This would allow States to assess their progress, benefits and challenges over time. In Africa, the goals and targets of each phase need to be clearly defined with the help of experts, in order to give direction to the overall process.

The process and impact of implementation need to be well structured, objectively measured and accurately communicated. Free movement of persons in Africa is about people and, as a result, the entire process should be people-centred, consultative and collaborative if the challenges discussed in this study are to be overcome for the greater good. As noted in Principle 3 of IOM's Migration Governance Framework, by "their nature, migration and mobility implicate multiple actors: States and their neighbours, subnational authorities, local communities, migrants and their families, diasporas, employers and unions".⁶ Accordingly, the process of free movement of persons demands partnerships to broaden the understanding of migration and development of comprehensive and effective approaches. Political will is also crucial to the success of implementation. Believing in free movement of persons as a concept is not enough to make it happen,⁷ nor is it sufficient to assuage legitimate national and individual concerns.

The study presents these findings based on current research, experiments and outcomes of some African States and RECs, as well as other regions such as the European Union and North America, already employing free movement strategies. It offers a guide for practical actions by all stakeholders to activate the policies, infrastructures, operations and political will that can enable freedom of movement in Africa. Well-managed cross-border freedom of movement in turn will further enable broader trade and development outcomes for Africa.

The conclusion of the study offers concrete recommendations that African governments, the African Union, RECs, communities, the private sector, and international and other partners can implement at will and as needed. The findings of the study can also serve the African Union and its Member States as a guide for ongoing assessment of progress of the free movement of persons in Africa.

5 See World Bank press release, 2017 (footnote 2 above).

6 See IOM, "Migration Governance Framework" (Geneva, 2017). Available from www.iom.int/sites/default/files/about-iom/migof_brochure_a4_en.pdf (accessed 20 April 2018).

7 See also the World Bank press release, 2017 (footnote 2 above).

I. BACKGROUND AND CONTEXT

1. The idea of promoting and facilitating free movement of persons in Africa is not new among African Union Member States. It can be traced to the establishment of the OAU in 1963.
2. One of the principal objectives of the OAU was the promotion of unity and solidarity of African States, and coordinating and intensifying their cooperation and efforts to achieve a better life for the peoples of Africa.⁸ The preamble to the OAU Charter affirmed the inspiration behind its founding as “a common determination to promote understanding among our peoples and cooperation among our States in response to the aspirations of our peoples for brotherhood and solidarity, in a larger unity transcending ethnic and national differences”. To transcend ethnic and national differences and promote cooperation and solidarity of African people, it was therefore inevitable to promote free movement across each other’s borders.
3. While this was not expressly listed as an African Union objective or priority at the time, the idea of freedom of African people – at the core of the founding of the OAU – included the proposition to facilitate movement unhindered by colonial boundaries that artificially separated African people.
4. It was not until 1980–2000 with the Lagos Plan of Action for the Economic Development of Africa that the idea of free movement of persons in Africa gained impetus and traction in the envisaged African common market, which sought to allow free movement of labour.⁹ Implementation of the Lagos Plan of Action faced significant challenges, due in part to the imposition of a counter plan – the Structural Adjustment Programmes – by the International Financial Institutions.¹⁰
5. The adoption of the Treaty Establishing the African Economic Community (Abuja Treaty) in 1991 codified the idea of free movement of persons in Africa into a legally binding commitment by Member States.¹¹ Of significance is the fact that almost all African Union Member States ratified the Treaty – 49 out of 55.¹² Member States agreed to “conclude a Protocol on the Free Movement of Persons, Right of Residence and Right of Establishment”.¹³ To facilitate deeper integration and to ease the process of realizing this vision, the 1980 Lagos Plan of Action recognized five regional zones – North Africa, Southern Africa, East Africa, West Africa and Central Africa – to build up into the African Economic Community.¹⁴ It is this categorization that largely informed the formation of the RECs.
6. The transformation of the Organization of African Unity (OAU) into the African Union in 2002 reignited the momentum towards Africa’s continental integration, which reasserted as one of its objectives “the achievement of greater unity and solidarity between the African countries and the people of Africa” (article 3(a)).

8 Organisation of African Unity Charter, article II.

9 Lagos Plan of Action, chapter IV: Paragraph 111(3): Adoption of employment policies that permit free movement of labour within subregions, thus facilitating employment of surplus trained manpower of one country in other Member States lacking in that requisite skill.

10 F. Ikome, “From the Lagos Plan of Action to the New Partnership for Africa’s Development (NEPAD): The Political Economy of African Regional Initiatives”, 2004:164–171. Unpublished Ph.D. Thesis. Available from <http://wiredspace.wits.ac.za/bitstream/handle/10539/196/mainthesis.pdf;jsessionid=220AAC230EA52378D8CA73DC78AD1244?sequence=2> (accessed 20 April 2018).

11 Treaty Establishing the African Economic Community (Abuja Treaty), articles 4 (2) (i) and 43.

12 See Status of Ratification of the Treaty Establishing the African Economic Community. Available from <https://au.int/en/treaties> (accessed 30 April 2018).

13 Treaty Establishing the African Economic Community, article 43.

14 A. Ndomo, “Regional Economic Communities in Africa: A Progress Overview”, Nairobi, 2009. Available from www2.giz.de/wbf/ired/library/detail.asp?number=6564 (accessed 30 April 2018).



7. In 2004, AUC convened a Conference of Intellectuals and the Diaspora in Dakar, Senegal – which recommended that the African Union promote the concept of African citizenship and the establishment of an African passport.¹⁵
8. In 2005, the African Union Executive Council in Sirte, Libya, reiterated African Union support for the free movement of persons in Africa and called for the issuance of an African passport.¹⁶ The Migration Policy Framework and African Position on Migration and Development was subsequently adopted in 2006 by the African Union Executive Council, which committed African Union Member States to the free movement of people in Africa.¹⁷ In 2009, the African Union Member States, RECs and the African Union adopted the Minimum Integration Programme, which “consists of different activities on which the RECs and parties involved should agree upon to speed up and bring to a successful conclusion the process of regional and continental integration” that include free movement of persons in Africa.¹⁸ It is important to note that:

The [Minimum Integration Programme] is built on the virtues of variable geometry approach which permits the RECs to progress at different pace in the process of integration. To this end, the RECs will continue to implement their respective programmes (considered as priority programmes) and at the same time, attempt to carry out the activities contained in the [Minimum Integration Programme], the contents of which were identified by the RECs themselves, in close collaboration with the AUC.¹⁹

9. In 2012, the African Union Assembly decided to establish a Continental Free Trade Area (CFTA) which, among other things, seeks to facilitate cross-border labour mobility.²⁰ In the same meeting, the Summit adopted an Action Plan for Boosting Intra-Africa Trade, which aimed to “deepen Africa’s market integration and use trade to serve more effectively as an instrument for the attainment of rapid and sustainable socioeconomic development”.²¹ The Action Plan for Boosting Intra-Africa Trade recognizes that free movement of persons in Africa is an “important ingredient of cross-border trade” because “people are at the centre of trade”.²² To this end, one of the recommendations made to Member States was the removal of barriers to the free movement of people, travel and the right to establishment, particularly the requirement of visas for Africans travelling across the continent.²³
10. During the 50th anniversary of the OAU/African Union Solemn Declaration in 2013, the Assembly recommitted African leaders to free movement of persons with a view to realize African Citizenship, pan-Africanism and African Renaissance.²⁴ The African Union Assembly in Johannesburg, South Africa in 2015 adopted a decision to accelerate free movement of persons and the development of the African passport.²⁵

15 African Union, “Report of the First Conference of Intellectuals of Africa and the Diaspora”, 6–9 October 2004, Dakar, Senegal, Rapt/Rpt/CAID (I), paragraph 59(g). Available from http://ocpa.irmo.hr/resources/docs/Intellectuals_Dakar_Report-en.pdf (accessed 20 April 2018).

16 Executive Council Decision on the Strategic Framework for a Migration Policy in Africa, EX.CL/Dec.196 (VII).

17 Common African Position on Migration and Development, Doc. Ex.Cl/277 (IX) (2006).

18 African Union, “Minimum Integration Programme”, 2009. Available from www1.uneca.org/Portals/ctrci/6th/MinimumIntegrationProgrammeEng.pdf (accessed 20 April 2018).

19 Ibid.

20 African Union Assembly of Heads of State and Government Decision on Boosting Intra-African Trade and Fast Tracking the Continental Free Trade Area – Assembly/AU/Dec.394(XVIII).

21 United Nations Economic Commission for Africa, “Action Plan for Boosting Intra-Africa Trade”. Available from www.uneca.org/pages/action-plan-boosting-intra-africa-trade (accessed 20 April 2018).

22 AUC, “Boosting Intra-African Trade- Issues Affecting Intra-African Trade, Proposed Action Plan for boosting Intra-African Trade and Framework for the fast tracking of a Continental Free Trade Area”, 2012:26.

23 Ibid.

24 Solemn Declaration on the 50th Anniversary of the OAU/AU, Assembly/AU/Decl.3 (XXI).

25 African Union Assembly Heads of State and Government Declaration on Migration, Assembly/AU/Decl.6(XXV).

11. Important for the quest for free movement of persons in Africa is the African Union's Agenda 2063. This document captures the ambitious aspirations of the "Africa we want".²⁶ It envisages an "integrated continent, politically united and based on the ideals of pan-Africanism".²⁷ Under this goal, one of the target areas to be met by 2023 is the free movement of people within REC Member States, and at the continental level a waiver of all visa requirements for intra-African travel by 2018.²⁸ Consequently, Member States are urged to domesticate all protocols facilitating free movement of persons within the RECs.²⁹ A number of States – including Benin, Rwanda, Ghana, Mauritius and Seychelles – have already embraced this by introducing a policy that allows all Africans visiting the country to obtain visas on entry for a stay of up to 30 days.³⁰ On 28 October 2017, Kenya also declared its intention to open up its borders in the same way.³¹
12. In January 2016, the African Union Executive Council Meeting in Nairobi, Kenya, adopted a decision to relax visa regimes to allow for free movement of Africans and urged the AUC to develop a Protocol on Free Movement of Persons for adoption by the Assembly in January 2018.³²
13. At the July 2016 African Union Summit in Kigali, the Assembly officially launched the common, electronic, biometric African passport, which would facilitate the free movement of persons across Africa.³³ AUC and Member States commenced the process of drafting a protocol to facilitate free movement of persons in Africa, right of residence and establishment, to be considered and adopted by the African Union Assembly in January 2018. The African Union Free Movement of Persons Protocol envisages three specific rights – entry, establishment and residence – and in this regard mirrors the current free movement of persons policy of ECOWAS.
14. On 23 February 2017, the Peace and Security Council of the African Union threw its weight behind the concept of free movement of persons, acknowledging that the gains to be realized from it far outweigh the "perceived or generated security and economic threats and challenges". Member States were urged to focus on cooperation and collaboration in tackling the anticipated challenges rather than allowing terrorists and criminal groups to derail the vision of a united and borderless Africa.³⁴

26 AUC, "Agenda 2063: The Africa We Want", 2015. Available from www.un.org/en/africa/osaa/pdf/au/agenda2063-first10yearimplementation.pdf (accessed 20 April 2018).

27 African Union Agenda 2063:63.

28 Ibid.

29 Ibid.:64.

30 S.T. Kidane, "Africa Visa-Free Regimes Encouraged; Meeting Agenda 2063, Accelerate Free Movement of Humans, Goods and Services for Betterment of Our Citizens and Regional Integration", Johannesburg: Africa Speaks, 2016. Available from www.ethiobserver.net/Free%20movement%20in%20Africa.pdf (accessed 20 April 2018).

31 "Uhuru Kenyatta's inauguration speech in full", *Daily Nation*, 28 November 2017, paragraph 91. Available from www.nation.co.ke/news/Uhuru-Kenyatta-inauguration-speech-/1056-4206194-t1nh18/index.html (accessed 20 April 2018).

32 African Union Executive Council Decision adopted in January 2016, (EX.CL/Dec.908 (XXVIII)) urging Member States to adopt necessary measures to ensure the issuance of visas on arrival for citizens of African Union Member States with the option to stay in as a Member State for up to 30 days.

33 See Assembly/AU/ Dec.607 (XXVII) welcoming the launch of the African Passport and urging Member States to adopt the African passport and work closely with AUC to facilitate the processes towards its issuance at the citizen level based on international, continental and citizen policy provisions and continental design and specifications.

34 The African Union Peace and Security Council, "Communique", 2017, Addis Ababa: African Union. Available from www.peaceau.org/uploads/661-psc-comm-23-02-2017free-movement-of-people-final.pdf (accessed 21 July 2017).

II. OBJECTIVES AND RATIONALE OF THE STUDY

15. The objective of this study is to provide African Union Member States with an analysis of the benefits and challenges of facilitating free movement of persons in Africa. The study examines comparable practices and lessons from other parts of the world, and how African Union Member States and RECs are facilitating free movement of persons in Africa. It provides an analysis of the possible policy implications of enabling free movement of persons in Africa, and offers practical recommendations on how to move forward a free movement agenda.

III. FOCUS AND LIMITATIONS OF THE STUDY

16. This study presents a review of the benefits and challenges of free movement of persons in Africa, mainly based on the experiences of RECs and African Union Member States that have already opened up their borders for that purpose. Although select examples of other global experiences, particularly in North America and Europe, are cited for illustration purposes, it acknowledges that those experiences apply in a different context and possibly with a different purpose.
17. The study is limited in terms of its research methodology, which significantly relies on desktop review. This imposes inevitable constraints in terms of the depth of its sources of data and information, although direct participation in deliberations during the drafting of the Protocol on Free Movement of Persons in Africa and its Implementation Plan also greatly enriched the study. The analysis leading to some recommendations for consideration is thus limited to the researchers' sociopolitical and economic review of comparable experiences among African Union Member States and other global examples.

IV. STUDY METHODOLOGY

18. The study applies a desktop literature review methodology for the data gathering, consolidation and analysis. The researchers benefited immensely from participating as expert rapporteurs in the drafting process of the Protocol on Free Movement of Persons in Africa and its Implementation Plan. The study is thus also well informed by the deliberations during the technical meetings of African Union Member States' experts and RECs in the negotiations during the drafting of the Protocol.

V. THE IMPETUS FOR FREE MOVEMENT OF PERSONS IN AFRICA

19. As highlighted in the introduction to this study, the desire for free movement of persons in Africa dates as far back as the post-independence push for pan-African political and economic integration. It is equally evident that in recent years there has been a more determined push among Africa's policy elites towards a formalized approach on continental free movement.
20. Notable progress is being made on this. In 2013, only five African countries offered liberal access to all Africans. This number grew to 13 by 2016.³⁵ In its first report on Africa Visa Openness in 2016, the African Development Bank (AfDB) observed that Africans needed visas to travel to 55 per cent of all African countries and could get visas on arrival in 25 per cent of the other African countries.³⁶ It reported a surprising yet revealing fact that North Americans had easier travel access than African themselves – they required visas to travel to 45 per cent of African countries and could get visas on arrival in 35 per cent of the countries – leading to an assertion in the report that free movement of people was “not a reality across Africa”.³⁷
21. The 2017 AfDB Report recorded more remarkable progress. It noted that four countries had moved up into the top 20 most visa-open countries in Africa and that currently, Africans did not need a visa to travel to more countries in Africa.³⁸ It is also worth noting that in 2015, only 9 countries offered e-visas and in 2016, this number rose to 13. Additionally, the average score for the 20 top performing countries was 0.768 in 2016, compared with 0.734 in 2015. These numbers suggest that Africa is progressively warming up to borderless and simplified intercontinental movement of its people.
22. The renewed political impetus for free movement of persons in Africa is driven by a confluence of factors, both internal and external to the continent. These include the growing realization that the fragmented and externally oriented nature of Africa's economies continues to impose serious costs, evident for example in the low level of trade among African countries when compared with other global regions.³⁹ Regardless of the impressive strides in recent African integration efforts, intra-African trade remains low relative to other regions (15% compared with 60% for the European Union, 41% in North America and 53% in East Asia).⁴⁰
23. Other economic impetuses relate to the growth variations across Africa's regions (see figure 1) and the vagaries of the global economy and trade interests. In the longer term, less-developed East and West Africa are projected to grow their economies most rapidly, while North Africa will be the slowest. East and West Africa's working age populations as a percentage of the aggregate

35 African Development Bank (AfDB) Group, “AfDB launches first Africa Visa Openness Index ahead of Africa CEO Forum”, 12 February 2016. Available from www.afdb.org/en/news-and-events/afdb-launches-first-africa-visa-openness-index-ahead-of-africa-ceo-forum-15382/ (accessed 20 April 2018).

36 AfDB Group, “Africa Visa Openness Report 2016”. Available from www.afdb.org/en/search/?query=Visa+Openness+Report+ (accessed 25 April 2018).

37 Ibid.

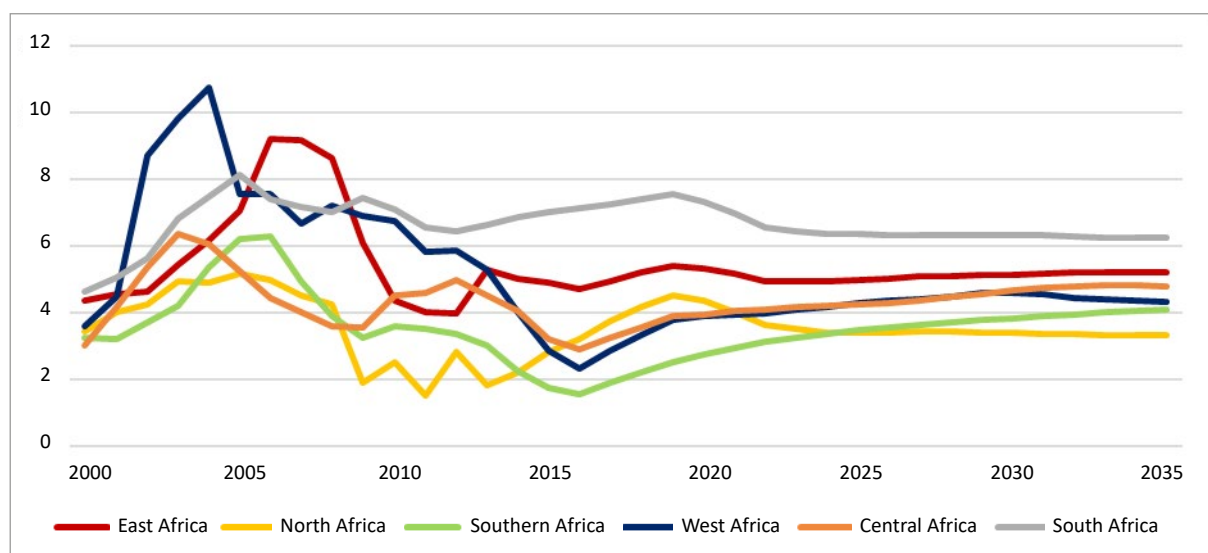
38 AfDB Group, “Africa Visa Openness Report 2017”. Available from www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/2017_Africa_Visa_Openness_Report_-_Final.pdf (accessed 20 April 2018). The data in the report were collected between September 2016 and January 2017.

39 See *The Economist*, 17 April 2013, “The road less travelled: Africa needs to trade with itself more”. The bulk of the region's trade is with Europe and America: only 12 per cent is with other African countries, according to research by Ecobank, a Togo-based bank. By comparison, 60 per cent of Europe's trade is with its own continent. The same is true in Asia. In North America, the figure is 40 per cent.

40 L. Louw-Vaudran, “Africa Eyes Its Prized Continental Free Trade Area”, *ISS Analysis*, 5 May 2017. Available from <http://allafrica.com/stories/201705060039.html> (accessed 20 April 2018).

population are set to rise the fastest over the coming two decades, while North Africa's will likely change only a little over the same period.⁴¹ The expected growth trajectories for Southern African countries are heterogeneous, with Mozambique and Angola showing the highest potential and wealthier South Africa the lowest.⁴²

Figure 1: Gross domestic product growth rate history and forecast, 2000–2035, per Africa's regions versus South Asia (five-year moving average)



Source: IFs v 7.27, forecast initiated from International Monetary Fund (IMF) data.

24. Being dependent on primary commodity exports for the most part, many economies on the continent remain vulnerable to global commodity price fluctuations, exacerbating both the existing challenges of poverty and rising inequality within countries, and the widening gap between Africa itself and other global regions in terms of the overall quality of life and the socioeconomic attainment and well-being of citizens.⁴³
25. A proposed remedy is an African structural economic transformation⁴⁴ – whose embodiment is the African Union's Agenda 2063 – that will substantially unleash Africa's socioeconomic potential, which in turn needs to be strongly underpinned by free movement of persons and productive factors across the continent on an unprecedented scale. Demographic factors, democratic governance deficits, economic headwinds and shrinking opportunities, as well as conflict and insecurity in parts of Africa, have intensified migratory pressures within Africa itself and from African countries towards other global regions – typified by the Mediterranean migrant crossings with attendant loss of lives.⁴⁵

41 Cited in J. Bello-Schünemann, J. Cilliers, Z. Donnenfeld, C. Aucoin and A. Porter (henceforth Bello-Schünemann et al.), "African Futures: key trends", 26 June 2017. Available from <https://issafrica.org/research/books-and-other-publications/african-futures-key-trends> (accessed 20 April 2018).

42 Ibid.

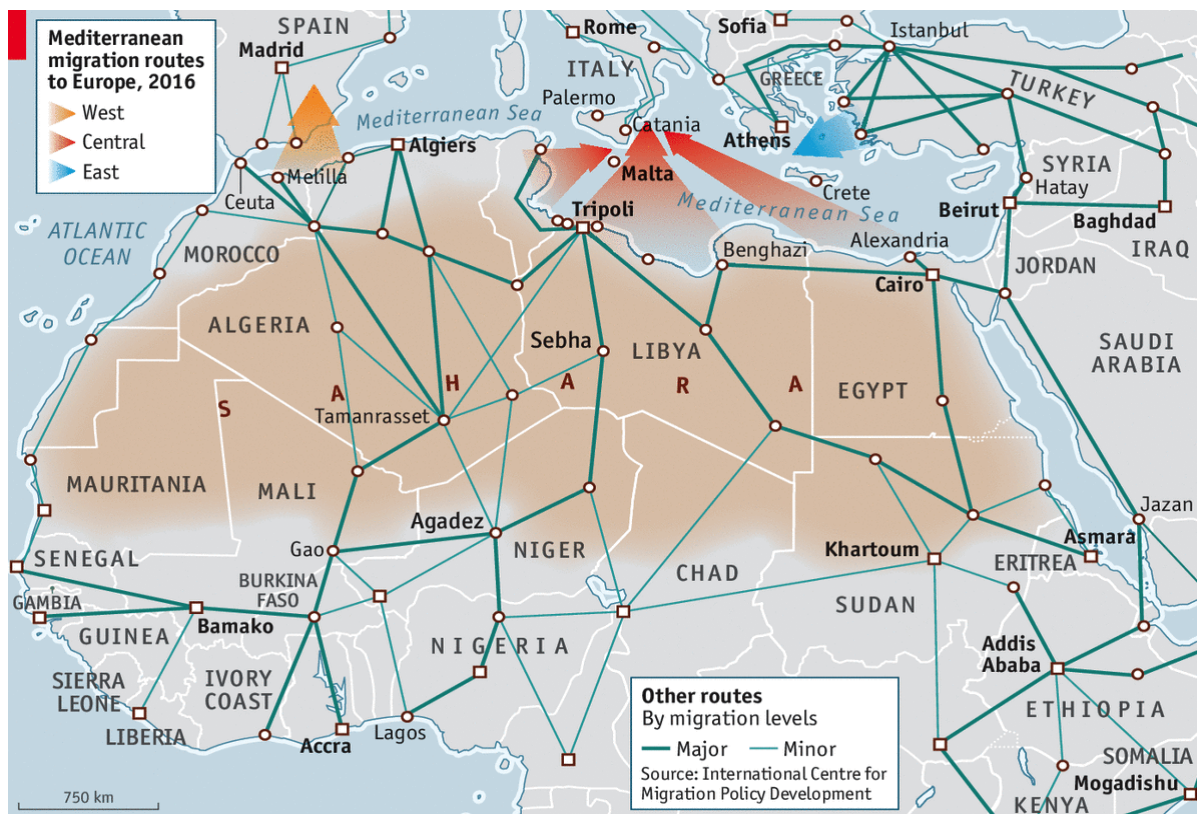
43 World Bank, "Most Commodity Prices Expected to Continue Declining in 2015, in Rare Occurrence", 22 January 2015. Available from www.worldbank.org/en/news/press-release/2015/01/22/commodity-prices-expected-continue-declining-2015-wb-report (accessed 20 April 2018).

44 African Union, *Agenda 2063*. Available from <http://archive.au.int/assets/images/agenda2063.pdf> (accessed 20 April 2018).

45 Office of the United Nations High Commissioner for Refugees, "UNHCR chief urges further efforts to rescue people along dangerous Mediterranean route". Available from <http://data2.unhcr.org/en/news/16081> (accessed 20 April 2018). According to UNHCR, between January and May 2017, more than 43,000 people had already crossed the Mediterranean and more than 1,150 people had either disappeared or lost their lives while trying to reach Europe.

26. The incipient reversal of globalization and movement away from neoliberal free market policies and open borders in several Western countries have also served to highlight Africa's particular challenges on the migration front.⁴⁶ This shift towards more restrictive migration policies in the developed world, and in the policies of some more economically advanced African countries, has seen a proliferation of barriers to migration flows within Africa and between Africa and the rest of the world.⁴⁷ Regressive global migration developments have led to a real and perceptible narrowing of opportunities for cross-border interchanges, both economically and otherwise.
27. To advance free movement of persons both at continental and REC levels, it will not be sufficient only to voice disagreement and resistance to these strengthening conservative positions. It will be essential to plan and frame free movement as a managed and non-threatening process, both for Africa and other global partners. Within Africa, it should demonstrate its advantages both to senior policymakers and average African citizens and, importantly, address some challenges associated with migration, including certain negative aspects that lead to risky migration out of Africa, such as the Mediterranean flows.

Figure 2: Mediterranean migration routes to Europe, 2016



Source: The Economist.⁴⁸

Note: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

28. Africa's long-standing disadvantages in terms of limited opportunities to access global markets, financial and technological flows and other productive networks, have worsened in line with developments in the global economy. This underscores the need to promote free movement of

46 See generally J. LIĐÁK, "International Migration, Europe and Migration from Africa", *Asian and African Studies*, volume 23, number 2, 2014.

47 Ibid.

48 Available from www.economist.com/news/international/21709019-flow-africans-libya-italy-now-europes-worst-migration-crisis-travelling (accessed 20 April 2018).

persons in Africa. If properly embraced, free movement can go a long way towards helping African economies and societies offset intra-African and global structural disadvantages. It provides an organized framework to accelerate regional integration and promote easier, more seamless movement of people, merchandise, ideas, knowledge and expertise.

29. A 2014 report by IMF indicated that only 32 per cent of sub-Saharan Africa had electricity and less than a quarter of the same region had a paved road network.⁴⁹ In addition, poor rail connectivity and “high call charges” within Africa make its transport costs the highest in the world.⁵⁰ These infrastructural deficits cost Africa approximately two percentage points of annual economic growth.⁵¹ At a time when African countries are struggling to generate ideas on how to effectively meet this demand, the promotion of free movement of people is a motivator and driver of infrastructural development.
30. Increased movement of people, goods and services across borders inevitably incentivizes better infrastructural linkages and connections among African countries. As economic benefits of greater trade, labour mobility and business competitiveness flow, countries will improve cross-border infrastructure, links and connectivity.⁵² In the EAC and ECOWAS regions, infrastructure improvements such as roads, networks and corridors have developed faster following free movement.
31. It is estimated that Africa needs annual investments of USD 93 billion over the next decade to gradually close its gaping infrastructure financing gap.⁵³ Such financial injection is unlikely to become self-sustaining unless opportunities for cross-border connectivity and mobility are optimized to fully realize the benefits of these investments alongside enabling infrastructure. “Normalizing” Africa’s borders through better equipped and managed checkpoints and other advances in travel documents and related areas will strengthen confidence that the cross-border movement is well managed and non-threatening. This will further boost sociocultural exchanges and stimulate other non-economic flows that can improve the well-being and rights of citizens across Africa. Infrastructure investments importantly contribute to job creation and promote labour and skills mobility.
32. Alongside these benefits of free movement of persons in Africa, however, there are real and perceived costs and challenges, including concerns by African Union Member States about the effect on State sovereignty, national security, public order, health and socioeconomic inequality.⁵⁴ Free movement also ignites debates regarding the possibility of social dumping. This term, while lacking a legal definition,⁵⁵ refers to the abuse of free movement by businesses to undercut or evade existing labour standards,⁵⁶ mostly due to the influx of cheap labour associated with free

49 IMF, “Regional Economic Outlook: Sub-Saharan Africa Staying on Course” (Washington D.C., International Monetary Fund, 2014):43.

50 T. Hartzenberg, “Regional Integration in Africa”, 2011:3. Available from www.wto.org/english/res_e/reser_e/ersd201114_e.pdf (accessed 20 April 2018).

51 See www.uneca.org/sites/default/files/PublicationFiles/aria7_eng_chap2.pdf (accessed 20 April 2018):28.

52 African Union, “Minimum Integration Programme”, 2009. Available from www1.uneca.org/Portals/ctraci/6th/MinimumIntegrationProgrammeEng.pdf (accessed 20 April 2018).

53 World Bank, “Africa Still Poised to Become the Next Great Investment Destination”, 30 June 2015. Available from www.worldbank.org/en/news/opinion/2015/06/30/africa-still-poised-to-become-the-next-great-investment-destination (accessed 20 April 2018).

54 See Outcome Statement of African Union Member States Experts Meeting on the Draft Protocol on Free Movement of Persons, Right of Residence and Right of Establishment, Accra, Ghana: 20–24 March 2017, paragraph 8.

55 The European Parliament, Report on Social Dumping in the European Union, A8-0255/2016 (2016) 8. Available from www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A8-2016-0255+0+DOC+PDF+V0//EN (accessed 20 April 2018).

56 See www.etuc.org/sites/www.etuc.org/files/publication/files/flyer_social_dumping_en_06.pdf (accessed 20 April 2018).

movement.⁵⁷ As stated under Objective 3 of IOM's Migration Governance Framework, maintenance of integrity of migration necessitates mitigating risks associated with movement of people through detection of irregular migration and prohibition of illegal cross-border activities. This involves collection, analysis, sharing and use of information intelligence by migration and border agencies, national and international justice and security agencies.

33. The public health implications of free movement of persons also warrant attention. Understandably, Member States are cognizant of issues such as the maintenance of reliable public health data which include migrants, the possible strain on health facilities and the capacity of government health agencies to prevent and respond to acute public health risks, such as Ebola Virus Disease, which have the potential to cross borders and threaten people worldwide.⁵⁸
34. Additionally, with the steady rise of terrorism and insecurity in the continent over the past few years, free movement of persons is not a concept that is embraced without considerable scrutiny.⁵⁹ While West Africa grapples with Boko Haram,⁶⁰ Kenya is fighting its battles with Al-Shabaab.⁶¹ Many States would prefer to close their borders rather than open them up, out of a sense of responsibility to their citizens and to minimize perceived risks.
35. Due to the rise of terrorism and criminal gangs, the flow of migrants from war-torn countries and the growing restrictiveness of the concept of free movement, "there has even been strong political pressure in some Member States to reconsider the benefits of the principle of free movement".⁶² These challenges notwithstanding, such free movement can and has been implemented successfully.
36. Looking at comparable practices and experiences, this study illustrates how for some African Union Member States such as Mauritius, Rwanda and Seychelles, these challenges have not been insurmountable. It argues that African Union Member States should confront the challenges collectively and, as acknowledged by the African Union Peace and Security Council, the benefits of free movement of persons, goods and services outweigh the real and potential security and economic challenges that may arise.⁶³

57 K. Touzenis, *Free Movement of Persons in the European Union and Economic Community of West African States: A comparison of law and practice* (UNESCO, Paris, 2012):76.

58 LSE Commission on the Future of Britain in Europe, *Free Movement of Persons and Migration*, 2016:6. Available from www.lse.ac.uk/europeanInstitute/LSE-Commission/Hearing-4---Free-Movement-of-Persons-&-Migration-REPORT.pdf (accessed 20 April 2018).

59 See generally J.F. Forest and J. Giroux, "Terrorism and Political Violence in Africa: Contemporary Trends in a Shifting Terrain", *Perspectives on Terrorism*, Volume 5, Number 3-4 (2011). Available from www.terrorismanalysts.com/pt/index.php/pot/article/view/152/html (accessed 20 April 2018).

60 L. Machogu, *Towards a Protocol on Free Movement of Persons in Africa: The opportunities and challenges*, 2016). Available from www.academia.edu/27526444/Towards_a_Protocol_on_Free_Movement_of_Persons_in_Africa_The_opportunities_and_challenges (accessed 20 April 2018).

61 See generally S.L. Aronson, "Kenya and the Global War on Terror: Neglecting History and Geopolitics in Approaches to Counterterrorism", *African Journal of Criminology and Justice Studies*, 2013.

62 S. Maslowski, "The Expulsion of European Union Citizens from the Host Member State: Legal Grounds and Practice", *Central and Eastern European Migration Review* 2, 2015. Available from www.ceemr.uw.edu.pl/sites/default/files/CEEMR_Vol_4_No_2_Maslowski_The_Expulsion_of_European_Union_Citizens.pdf (accessed 20 April 2018). See also D. Bigo, "Immigration controls and free movement in Europe", *International Review of the Red Cross*, 2009, 91:875.

63 African Union Peace and Security Council 661st Meeting on 23 February 2017, Resolution PSC/PR/COMM.1 (DCLXII).

VI. DEFINING FREE MOVEMENT OF PERSONS IN AFRICA

37. While the definition of free movement varies globally, especially in terms of finding consensus on the essential elements, international legal instruments provide a useful benchmark based on human rights norms. The 1948 Universal Declaration of Human Rights and the 1981 African Charter on Human and Peoples' Rights, as well as the 1966 International Covenant on Civil and Political Rights, link free movement of persons with the freedom of movement: the right to leave one's country, the right to return, and freedom of movement and residence within one's own country. These instruments insist that such rights cannot be abridged arbitrarily, but only as "provided for by the law for protection of national security, law and order, public health or morality."⁶⁴
38. In an international context, the legal definition of "free movement of persons" is elusive, especially in the legal instruments that speak to integration. However, it is possible to deduce the meaning from the spirit of the RECs framework. For instance, article 104 of the East African Community Treaty envisions a protocol on the free movement of persons, labour, services and right of establishment and residence, thus reinforcing the inseparability of free movement of persons and the right of establishment and residence. Similarly, in the context of the European Union, free movement of persons has been defined to include the right of establishment,⁶⁵ even for self-employed persons.⁶⁶ The Common Market for Eastern and Southern Africa (COMESA) Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence also reinforces the assertion that free movement of persons should and must be seen to allow establishment and residence.⁶⁷ The revised Treaty establishing the Economic Community of West African States (ECOWAS) provides that the "citizens of the community shall have the right of entry, residence and establishment".⁶⁸
39. Drawing from the above, then, free movement of persons in Africa is movement that "underpins the right of persons to move, reside and be established freely within the territory of the Member States".⁶⁹ However, none of the aforementioned instruments provides a definition for the term "person", making it difficult to ascertain the place of legal persons (corporations) in the conversation around free movement.⁷⁰ The instruments adopt the term "citizen" when referring to the person, and case law⁷¹ has made it clear that a legal person is not a citizen and this may negate the possibility of legal persons enjoying the benefits of free movement.
40. Free movement of persons is thus not predicated on a borderless zone or the abdication of State sovereignty by which foreigners may enter. This translates into adherence to freedom of movement as described in the Universal Declaration of Human Rights and other instruments, as earlier noted. This said, for purposes of easing international travel to and entry into other countries, the term has a broader connotation and implies formal political agreement and practical measures to relax

64 African Charter on Human and Peoples' Rights, article 12.2.

65 K. Touzenis, *Free Movement of Persons in the European Union and Economic Community of West African States: A comparison of law and practice* (UNESCO, Paris, 2012):19.

66 Ibid.:40.

67 COMESA, "Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence", 29 June 1998.

68 See article 59(1).

69 See www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuid=FTU_2.1.3.html (accessed 20 April 2018).

70 The RECs only discuss legal persons in instruments relative to trade, such as in article 1 (4) of the COMESA Investment Agreement for the COMESA Common Investment Area, article 1 of the Southern African Development Community (SADC) Memorandum of Understanding on Cooperation in Taxation and Related Matters, and article 2 of the EAC Competition Regulations.

71 See *State Trading Corporation of India v CTO* (1963), AIR, SC 1811.

some procedures and requirements to better facilitate cross-border movement among agreeing States, and to assign certain extended rights or privileges to those covered under free movement agreements – though these rights differ with each agreement.

41. In its basic form, this type of free movement is implemented through the easing or abolition of visa requirements to enter an agreeing country for certain, limited periods of time and specified purposes. In its more generous forms, free movement can include the right to reside for extended periods of time, and possibly take up employment or start a business, and to be joined by family members, as allowed in the agreement among the ECOWAS membership (i.e. the rights of residence and establishment). In some scenarios, the concerned States may also take measures to ease procedures at the border, allow “wallet size” travel documents (usually according to International Civil Aviation Organization (ICAO) standards), and other similar measures.
42. Most applications of free movement still observe the requirements to cross borders only at designated checkpoints, to carry a valid travel document or an identity card that has been agreed for border passage, and to submit to border inspection. Such requirements are similar to those applied in the European Union and European Economic Area (EEA) areas not within the Schengen zone: “As an EU citizen, you should always be able to cross the border with a valid national identity card or passport... As you may be required by national authorities to prove your identity for security reasons at any time, you should always carry your identity document.”⁷²
43. In exceptional cases, border inspection may be removed entirely while reinforcing the outer perimeter of the free movement zone (such as Europe’s Schengen zone internal borders), but even in the Schengen case, the right to move between countries is not absolute, and appropriate travel and identity cards are required in some circumstances: “Removal of border controls means that passports or identity cards no longer have to be shown when crossing internal borders between Schengen European Union countries. However, you should always carry your passport or identity card as your right of free movement and residence is conditional on your being able to present these documents on request.”⁷³ Notably, there is also a significant difference between Schengen external and internal borders. External borders can only be crossed at designated border points, whereas internal borders can be crossed at any point of the border.
44. The Caribbean Community (CARICOM) has also made impressive strides towards the juridification of free movement within the region.⁷⁴ In 2007, the heads of the Caribbean Governments declared that “all CARICOM nationals should receive entry of six months upon arrival in a Member State in order to enhance their sense that they belong to and can move in the Caribbean Community, subject to the right of Member States to refuse undesirable persons entry and to prevent persons from becoming a charge on public funds”.⁷⁵ This has been backed by the Caribbean Court of Justice, which has affirmed that this pre-clearance and visa-free entry is not subject to discretionary assessments by the immigration authorities at ports of entry.⁷⁶ Additionally, the bilateral agreement on visa-free entry between the United States of America and Bahamas⁷⁷ is a clear indication that free movement can be reality-based on the mutual political resolve of the respective governments.

72 European Commission, 2013, chapters 4 and 10. Authors’ note: National identity cards in the EEA States are generally designed as machine readable official travel documents (MROTDs) under ICAO standards.

73 Ibid.:12.

74 See generally, J. Haynes, “The right to free movement of persons in Caribbean Community (CARICOM) law: towards ‘juridification’?” 2016. Available from journals.sas.ac.uk/jhrc/article/download/2259/2186 (accessed 20 April 2018).

75 CARICOM Secretariat, “Draft Report for the Twenty-Eighth Meeting of the Conference of Heads of Government of the Caribbean Community”, 2007, HGC/2007/28/DR, 8.

76 *Shanique Myrie v Barbados* (2013) CCI 3 (OJ), paragraph 64.

77 See <https://bs.usembassy.gov/visas/visa-waiver-program/> (accessed 20 April 2018).



45. Each of the above examples is a case of free movement either conservatively or liberally applied, but in all cases, including Schengen, the State does not abrogate its ultimate right to decide who enters or the right to re-strengthen or re-establish its borders for certain limited purposes, or to unilaterally leave the free movement zone – though this may also require exiting an overarching regional political–economic body. It is again worth emphasizing that the common application of free movement requires travel through designated checkpoints, use of valid travel documents increasingly required to be consistent with ICAO travel document standards, even if ID card size, and cooperation with inspection procedures at the border points.
46. The bottom line is that free movement does not impose multinational sovereignty over any State; the level of control relinquished is voluntarily and mutually agreed and, ultimately, able to be rescinded by any participating State – though at times with significant political and other costs. Nonetheless, even this entry can be restricted on the basis of national security and public health.
47. As such, the vision of free movement of the African Union is clearly not one of a “borderless” Africa, but more akin to the EEA – apart from the Schengen zone or Canada–United States – for its citizens in regard to rights and processes to cross the borders of the sovereign States involved: the movement is visa-free, but must proceed through an authorized checkpoint using internationally-agreed standard travel documents. It should be noted that the European Union comparison is not one of free movement as a core European Union right, but rather as a key ingredient and enabler of European Union economic integration.⁷⁸
48. The idea of free movement in Africa is distinct from the Schengen zone version because the Schengen agreement is more of a foreign migration tool than an agreement solely for free movement of persons. In other words, Schengen is a concept of free movement of persons that was “institutionalized and developed into a field of European policy”,⁷⁹ and which only functions on the basis of a common visa policy.⁸⁰ The vision in this study is one that seeks to foster free movement of people through cooperation among African States in matters of border control. The EAC single tourist visa by Kenya, Uganda and Rwanda bears the closest comparison to the Schengen arrangements. At the 661st meeting of the African Union’s Peace and Security Council, the recommendations included enhancing efforts to ensure strict control at the borders,⁸¹ reinforcing this point.
49. The Canada–United States example is notable for another reason: the two countries are major trade partners, with between USD 770 million and USD 810 million in trade per country per day respectively.⁸² They share nearly 9,000 kilometres of international boundaries, including large sections of difficult and underpopulated terrain, and each processes more than 70 million international travellers and 35 million vehicles each year.⁸³ Free movement between these countries entails crossing at designated border checkpoints and presenting a valid, standard international travel document – with some exceptions for United States citizens who hold special pre-cleared privileged traveller cards. Tens of thousands of United States and Canadian citizens live and work

78 For an excellent illustration of the difference between free movement as a human right under the European Union core freedoms and as a tool for economic integration and development, see S. Koikkalainen, “Free Movement in Europe: Past and Present” (Migration Policy Institute, 2011). Available from www.migrationpolicy.org/article/free-movement-europe-past-and-present (accessed 20 April 2018).

79 M.H.A. Lari, “Refugees and Open Borders: How Sustainable is the Schengen Agreement in Europe?” *Canadian Journal of Undergraduate Research*, 10, 2017.

80 See European Commission Fact Sheet, “Towards a Comprehensive European Migration Policy: 20 years of EU Action”, 4 March, 2015. Available from http://europa.eu/rapid/press-release_MEMO-15-4544_en.htm (accessed 20 April 2018).

81 African Union, Peace and Security Council, 2017, 23 February.

82 Wikipedia, 2017.

83 United States Customs and Border Protection; Canada Border Service Agency; Royal Canadian Mounted Police (2010).

in the partner country, through the North American Free Trade Agreement, and more still through other immigration windows.

50. The United States–Canada example demonstrates that secure and well-equipped borders, and the mandatory use of border checkpoints and high-quality international travel documents, need not be an impediment to trade or free movement of persons. The system provides reassurance to both nations that the movement is well-managed, even along an extensive and sometimes isolated land border, and is generally mutually beneficial. United States–Canada migratory movements rarely raise red flags or incite heated political discussion in either country – although the minor trade imbalances sometimes cause heated political debate in the United States. For Africa, an initiative on free movement may draw some lessons from the United States–Canada example, reinforcing the need for well-managed and equipped border checkpoints, and the issuance of internationally standard travel documents, as essential for facilitating free movement of persons in Africa.
51. The excerpts below further confirm how free movement of persons in and out of Africa is already happening among those with the means and access to do so.

The Majority of Africans are moving within Africa

Over the past few decades, the share of international migrants worldwide, people residing in a country other than their country of birth (as a portion of world population), has been relatively constant at around 3 per cent.⁸⁴ This means that the absolute number of international migrants has increased in line with global population growth.⁸⁵ In 2015, of the 244 million international migrants globally, 14 per cent (or 34 million people) were born in Africa (compared with 43% originating from Asia, 25% from Europe, and 15% from Latin America and the Caribbean).⁸⁶

Accordingly “[f]ocusing exclusively on the increase in the number of international migrants, as is done by many media outlets and reports, is misleading and feeds populist discourses about an ongoing population invasion of the developed North from the poorer South. In fact, South–South migration flows (across developing countries) continued to grow compared with South–North migration movements (from developing to developed countries).”⁸⁷

The overwhelming portion of African migration (about 80%) occurs within the continent.⁸⁸ Rates of migration from Africa to other continents are low by international standards.⁸⁹ These underscore the need for African leaders to address a migratory phenomenon that is already a reality while only partially addressed by policy.

Nevertheless, extracontinental migration from Africa to Europe, to North America, the Gulf and Asia, has accelerated in recent years.⁹⁰ This is particularly true for West Africa and to some extent for East Africa. Also, contrary to media images of massive refugee flows and “boat migration”, most Africans leave the continent “in possession of valid passports, visas and other travel documentation” for “family, work, or study” and hence not out of despair.⁹¹ In line with experiences elsewhere, this

84 Bello-Schünemann et al. (footnote 41 above).

85 See “Global Migration Trends Factsheet”, available from <http://gmdac.iom.int/global-migration-trends-factsheet> (accessed 20 April 2018).

86 United Nations Migration Report 2015, Highlights, 1. Available from www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2015_Highlights.pdf (accessed 20 April 2018).

87 Ibid.

88 United Nations Economic Commission for Africa, “Migration is an opportunity for Africa, if managed properly”. Available from www.uneca.org/stories/migration-opportunity-africa-if-managed-properly (accessed 20 April 2018).

89 M.L. Flahaux and H. de Haas, “African migration: trends, patterns, drivers”, in *Comparative Migration Studies*, 2016:4. Available from <https://doi.org/10.1186/s40878-015-0015-6> (accessed 20 April 2018).

90 See Bello-Schünemann et al. (footnote 41 above).

91 B. Schoumaker, M.L. Flahaux, D. Schans et al., “Changing patterns of African Migration: A Comparative Analysis”. In C. Beauchemin, ed., *Migration between Africa and Europe: Trends, Factors and Effects* (New York: Springer-Verlag and INED Population Studies series 2015). See also H. de Haas, “The case for border controls”, 2016. Available from heindehaas.blogspot.de/2016/08/the-case-for-border-controls.html (accessed 20 April 2018).

could in fact be driven by rising incomes (and possibly better education), which allows more people to make deliberate choices about their future. While the global stock of migrants has remained relatively steady, IOM recorded a dramatic increase in forced displacements globally over the past five years (although current levels are lower than those recorded in the 1990s). Six sub-Saharan African countries were among the top 10 source countries for refugees from mid-2013 to mid-2016: Somalia (1.1 million), South Sudan (845,200), Sudan (639,000), Democratic Republic of the Congo (536,100), Central African Republic (473,300) and Eritrea (435,600).⁹²

The relationship between economic development and migration allows for some assumptions about future migration prospects. Perhaps counterintuitively, persistently high levels of extreme poverty in sub-Saharan Africa could be the most powerful deterrent to extracontinental migration. This could be the case because generally the poorest countries in Africa have lower levels of overall emigration. Those who do migrate usually move to neighbouring countries, simply because they lack the means to travel further. African countries that are more developed (comparatively speaking) tend to have the highest intensity of extracontinental migration. In fact, most international migrants worldwide originate from middle-income countries, and the number of migrants from these countries increased more rapidly than those from countries in any other income group.⁹³

“Increasing income, education and access to information and networks generally increase people’s capabilities and aspirations to migrate.”⁹⁴ This type of migration continues until countries reach a development threshold that allows individuals to imagine fulfilling their human potential in their home countries.⁹⁵ This illustrates, rather powerfully, the counter-intuitive argument that opening borders to foster greater prosperity may hold the key to eventually reducing the migratory pressures that have so dampened the enthusiasm of some African countries fearing sudden, large influx of economic migrants on the back of a pan-African free movement arrangement.

VII. COMPARABLE EXPERIENCES AND LESSONS FROM THE REGIONAL ECONOMIC COMMUNITIES

52. RECs have made significant strides in facilitating free movement in Africa. ECOWAS is the most advanced among them and is examined in greater detail than the others below. As early as 1979, ECOWAS Member States, for instance, had already embarked on efforts to facilitate free movement of persons in the region.⁹⁶ The ECOWAS Treaty makes provision for “90 days of visa-free stay, an ECOWAS passport, and the elimination of rigid border formalities and [stipulates] residence permit requirements.”⁹⁷

92 UNHCR, “Mid-Year Trends”, 2016:8. Available from www.unhcr.org/statistics/unhcrstats/58aa8f247/mid-year-trends-june-2016.html (accessed 20 April 2018).

93 United Nations Migration Report 2015, Highlights, 1. Available from www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2015_Highlights.pdf (accessed 20 April 2018).

94 M.L. Flahaux and H. de Haas, “African migration: trends, patterns, drivers”, in *Comparative Migration Studies*, 2016:4. Available from <https://doi.org/10.1186/s40878-015-0015-6> (accessed 20 April 2018).

95 Ibid.

96 ECOWAS Protocol on Free Movement of Persons and the Right of Residence and Establishment (1979).

97 See H. Klavert, “African Union Frameworks for Migration: Current Issues and Questions for the Future”, *ECDPM Discussion Paper No. 108*, June 2011:13.

53. In March 2000, ECOWAS Heads of State and Government convened to discuss fast-tracking the objectives of the Treaty. Key in the meeting was the resolve to create a “borderless subregion”.⁹⁸ This was to be achieved through, among others, the removal of all checkpoints on the international highways within ECOWAS – seen to be an antithesis to free movement of persons – and the reduction of border procedures.⁹⁹ Also worth noting is the agreement in the same meeting to issue and utilize the ECOWAS travel certificate and rationalize the features of each of the Community’s national passports to reflect a common ECOWAS document standard and design. Through this action and others, including the advent of the eECOWAS Brown Card Motor Vehicle Insurance Scheme, developed in 1982 to “provide a common minimum insurance coverage for vehicles travelling between participating states”,¹⁰⁰ free movement of persons as a goal of the Treaty and the Protocol is steadily being realized.
54. The most recent development towards this agenda is the December 2014 agreement of ECOWAS members to replace the antiquated ECOWAS Travel Certificate, approved in 1985 for intra-ECOWAS travel in lieu of a passport, with an upgraded biometric travel card called the National Biometric Identity Card (NBIC), effective 2015. While essentially a travel document upgrading the old one, the NBIC is important as it substantially upgrades the level of identity verification needed to travel throughout the region, bringing ECOWAS more into line with international standards – including those set by ICAO, as the NBIC is ICAO-compliant.
55. The NBIC is envisioned as having a dual role in some States – a national identity card and a facilitator of free movement. It is to be noted that not all West African States have a strong tradition of national ID cards and the ECOWAS directive does not mandate that its members adopt or strengthen national IDs if it is not their priority. This biometric card is to be issued to citizens of the Member States of ECOWAS in a bid to convert the “ECOWAS of States” to the “ECOWAS of People”.¹⁰¹ Its chief objective is the easy identification of ECOWAS citizens and consequently the facilitation of free movement of persons.¹⁰² It is intended to eventually replace the national ID cards (where they are used), the 1985 ECOWAS Travel Certificate and the residence permit. Alongside national passports, already issued in each State to a common ECOWAS standard, the NBIC is a logical step by ECOWAS to facilitate more secure movements in the region while advancing free movement in the Community.
56. EAC has equally made remarkable progress in facilitating free movement of persons and has attained the status of a customs union.¹⁰³ The Treaty Establishing the EAC provides that “Partner States agree to adopt measures to achieve the free movement of persons, labour and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the community”.¹⁰⁴ In addition, the EAC Common Market Protocol provides for cooperation by the partner States to achieve free movement of goods, persons, labour, services and capital, and to ensure the enjoyment of the rights of establishment and residence of the national within the Community.¹⁰⁵

98 A. Adepoju, “Operationalizing the ECOWAS Protocol on Free Movement of Persons: Prospects for Sub-Regional Trade and Development”, 2011:3. Available from www.gfmd.org/files/documents/AdepojuS8.pdf (accessed 20 April 2018).

99 Ibid., 4.

100 Organisation for Economic Co-operation and Development (OECD) and Sahel and West Africa Club, “West African Studies Regional Challenges of West African Migration African and European Perspectives: African and European Perspectives”, 2009:32.

101 ECOWAS CEDEAO, “ECOWAS Vision 2020; Towards a Democratic and Prosperous Community”, 2010:3. Available from www.ecowas.int/wp-content/uploads/2015/01/ECOWAS-VISION-2020.pdf (accessed 20 April 2018).

102 Zetes White Paper, “The Many Facets Of The ECOWAS ID Card: Recommendations For Successful Integration”:14. Available from http://peopleid.zetes.com/sites/peopleid.zetes.com/files/170510_zetesmedea_whitepaper_eng_01_spreads.pdf (accessed 20 April 2018).

103 African Union, “Minimum Integration Programme”, 2009. Available from www1.uneca.org/Portals/ctrci/6th/MinimumIntegrationProgrammeEng.pdf (accessed 20 April 2018):6.

104 EAC Treaty, article 104.

105 EAC Common Market Protocol, adopted in 2009, article 5.

57. While the right of entry in EAC has thus far been observed by all its Member States, some of the elements envisaged by the EAC Protocol on free movement have only recently begun gradual implementation by some EAC members.¹⁰⁶ Some of the EAC members – Kenya, Uganda and Rwanda – have adopted the principle of variable geometry towards facilitating free movement of labour.¹⁰⁷
58. COMESA adopted the Protocol on the Gradual Relaxation and Eventual Elimination of Visas as early as 1984 and the Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence in 1998 to facilitate free movement of persons. The COMESA Business Council has negotiated implementation and ease of movement of business people in the region.¹⁰⁸
59. The Southern African Development Community (SADC) introduced a draft Protocol on the Free Movement of Persons in 1996, but it was later revised and adopted in 2005, with the overall objective to “develop policies aimed at the progressive elimination of obstacles to the movement of persons in the Region”.¹⁰⁹ Since the Protocol is not yet in force and has only been ratified by four Member States,¹¹⁰ most SADC Member States have entered into bilateral agreements that allow their respective citizens visa-free entry.¹¹¹ The SADC Protocol provides for “entry, for a lawful purpose and without a visa, into the territory of another State Party for a maximum period of ninety (90) days per year for bona fide visits and in accordance with the laws of the State Party concerned; permanent and temporary residence in the territory of another State Party; and establishment of oneself and working in the territory of another State Party”. SADC has also adopted a Protocol on Employment and Labour, as well as a Labour Migration Policy Framework and Labour Market Information System. In addition, the SADC Protocol on Education seeks to ease mobility of students within the region. A Regional Qualifications Framework was developed by SADC to enable mobility of qualifications within the SADC region.
60. The 1989 Treaty of the Arab Maghreb Union, like other RECs’ founding instruments, envisages a region where people move freely across its Member States.¹¹² However, of the three Member States that have adopted the Freedom of Movement Protocol, Tunisia is the only one that has fully opened up its borders to the other Member States, while the other States still require travel visas.¹¹³
61. Similarly, the Community of Sahel-Saharan States (CEN-SAD), while sharing the vision of free movement of persons within the region,¹¹⁴ has been “stagnant”¹¹⁵ for a long time, guaranteeing free movement, residence and establishment only through temporary bilateral agreements, such as that between Sudan and Libya.
62. Article 7 (b) of the Treaty Establishing the Intergovernmental Authority on Development in Eastern Africa (IGAD) also envisions the free movement of persons but is yet to adopt a protocol to

106 See J.B. Kanyangoga, “Integrating Migration with Development in EAC: Policy Challenges and Recommendations”, Research Paper, Cuts International, Geneva Resource Centre, 2010.

107 Ibid.

108 See “COMESA – Free Movement of Persons”. Available from www.uneca.org/pages/comesa-free-movement-persons (accessed 21 April 2018).

109 Article 2 of the 2005 SADC Protocol on the Free Movement of Persons.

110 Botswana, Mozambique, South Africa and Swaziland.

111 Presentation by the SADC Representative to the African Union Member States Meeting of Experts on the Draft Protocol on Free Movement of Persons in Africa, in Accra, Ghana 20–24 March 2017.

112 Article 2 of the Treaty Establishing the Arab Maghreb Union.

113 See United Nations Economic Commission for Africa, “AMU – Free Movement of Persons”. Available from www.uneca.org/pages/amu-free-movement-persons (accessed 21 April 2018).

114 Article 1 of the Treaty Establishing CEN-SAD.

115 See United Nations Economic Commission for Africa, “CEN-SAD – Free Movement of Persons”. Available from www.uneca.org/pages/cen-sad-free-movement-persons (accessed 21 April 2018).

implement it.¹¹⁶ In its place are bilateral agreements, for example between Kenya and Uganda, Ethiopia and Djibouti, and Kenya and Ethiopia.¹¹⁷ Since there exists no bilateral agreement with Sudan, all IGAD nationals require visas to enter Sudan.¹¹⁸ The strides that African RECs have made have evidently been dependent on the political will of the Member States and their concerted effort to take integration to the people.

VIII. BENEFITS OF FREE MOVEMENT OF PERSONS IN AFRICA

63. This section examines six key benefits of facilitating free movement of persons in Africa:

- a. Boost intra-Africa trade, commerce and tourism;
- b. Facilitate labour mobility, intra-African knowledge and skills transfer;
- c. Promote pan-African identity, social integration and tourism;
- d. Improve transborder infrastructure and shared development;
- e. Foster a comprehensive approach to border management;
- f. Promote rule of law, human rights and public health.

VIII.1. Boost intra-Africa trade, commerce and tourism

64. Africans do not just want aid – they want trade that fuels progress.¹¹⁹ Yet, Africa’s position in trade both within and beyond the continent is still in its infancy. In global trade, Africa plays a peripheral role. In 2016, Africa represented only 3 per cent of the world economy, and that is only expected to increase by roughly one percentage point by 2035.¹²⁰ Yet, only 12 per cent of its total merchandise was directed to intraregional trade.¹²¹

65. While technology has helped Africa to become more connected, particularly from the second half of the twentieth century on, the continent’s economies remain functionally fragmented and relatively isolated from one another and from the rest of the world. Growing trade and other human development and capacity-enhancing flows between and within African countries are therefore an urgent imperative if the continent is to realize its potential. Experts project that:

The degree to which Africa’s emerging economies are integrated into regional and global value chains and trading patterns will have a significant impact on their future growth as well as development trajectories. That, in turn, requires improved connectivity to facilitate flows of goods, services, people and ideas across borders. Deeper regional integration can help African countries prioritize investment in sectors where they have a comparative advantage regarding their peers. Moreover, it can foster the establishment or promotion of industries in which African businesses have the potential to participate in and compete on global markets.¹²²

116 IGAD has begun a process of negotiating the possibility of adopting a Protocol on Free Movement of Persons in the Region.

117 See United Nations Economic Commission for Africa, “IGAD – Free Movement of Persons”. Available from www.uneca.org/pages/igad-free-movement-persons (accessed 21 April 2018).

118 IOM, *Free Movement of Persons in Regional Integration Processes*, 2007:19.

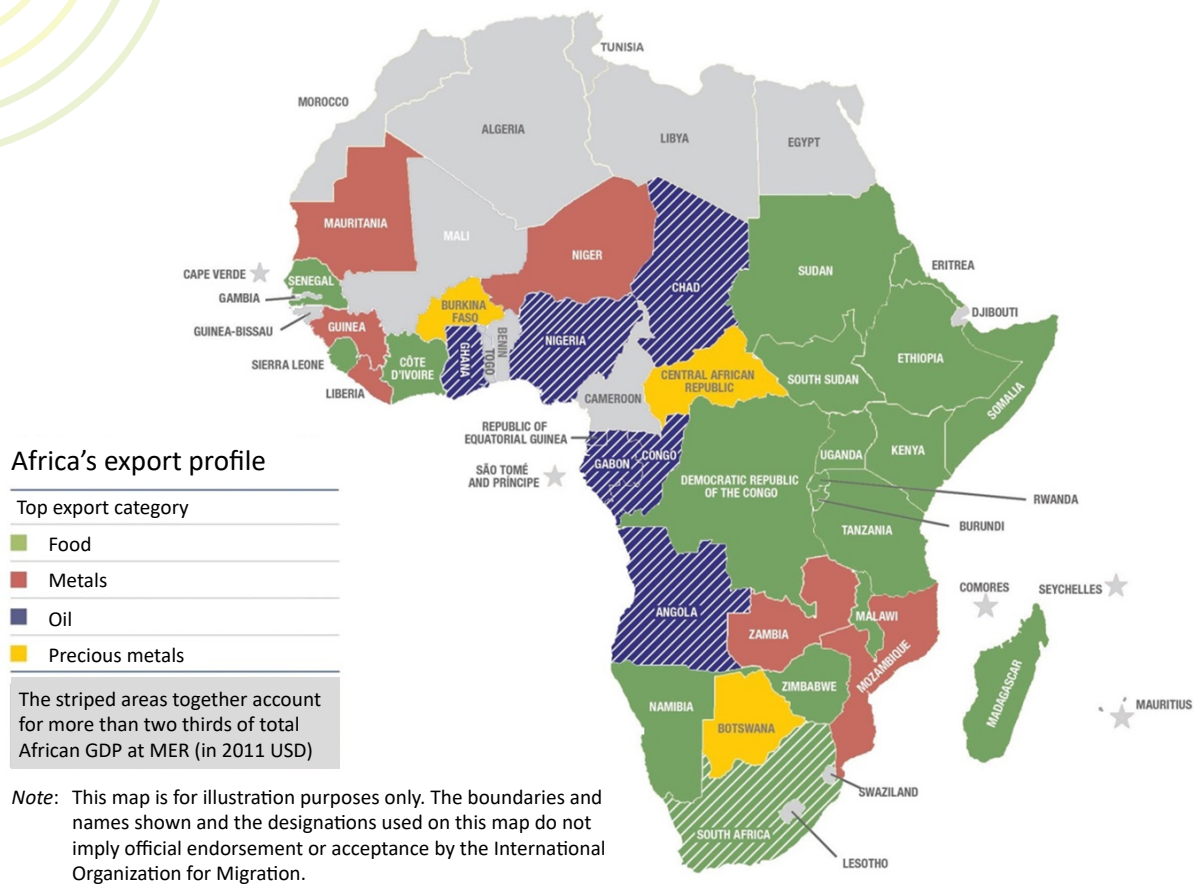
119 Remarks by United States President Obama to the People of Africa at the African Union Headquarters on 28 July 2015. Available from <https://obamawhitehouse.archives.gov/the-press-office/2015/07/28/remarks-president-obama-people-africa> (accessed 20 April 2018).

120 See Bello-Schünemann et al. (footnote 41 above).

121 See United Nations Office of the Special Advisor on Africa, “Africa Fact Sheet – Main Economic Indicators”. Available from www.oecd.org/investment/investmentfordevelopment/47452483.pdf (accessed 21 April 2018).

122 See Bello-Schünemann et al. (footnote 41 above):56.

Figure 3: Map of Africa, country groupings per export profile¹²³



66. In 2014, statistics on Africa’s intraregional trade were below par. While Europe scored 69 per cent, Asia 52 per cent and North America 50 per cent, Africa was only exporting 18 per cent of its merchandise within the continent.¹²⁴ In 2015, the World Bank found that Africa was only contributing 2.4 per cent to global export volumes.¹²⁵ Africa needs to boost trade within itself first in order to boost its standing in the global arena. Africans want to invest in the continent but it has been rightly pointed out that one of the reasons for this not happening is because of the regulatory impediments such as those relating to free movement of persons,¹²⁶ some of whom can have immense financial muscle to invest in the continent’s future. Experts agree that free movement of persons contributes to greater trade and investment.¹²⁷ Globally, trade and investment are facilitated by people. This truth has been aptly captured as follows:

At one level, people need to be able to easily cross borders to explore opportunities and determine the feasibility of efforts to engage in trade. At another level, the free movement of labour allows for the optimal utilization of human capital as skills go to regions, industries and countries where they command the highest value. Extortion and abuse at the borders are some of the many barriers that prevent the mobility of people intra-regionally in Sub-Saharan Africa.¹²⁸

123 Ibid.:19.

124 See World Economic Forum, “Africa needs to trade with itself – here’s how”. Available from www.weforum.org/agenda/2016/04/africa-needs-to-trade-with-itself/ (accessed 21 April 2018).

125 World Trade Organization, 55 *World Trade Statistical Review 2016*, 2016.

126 AfDB, OECD and the United Nations Development Programme, *African Economic Outlook 2016: Sustainable Cities and Structural Transformation*, 2016:88.

127 See “Is migration good for the economy?” OECD Migration Policy Debates, 2014. Available from www.oecd.org/migration/OECD%20Migration%20Policy%20Debates%20Numero%202.pdf (accessed 21 April 2018); see also speech by the Minister of Interior, Ghana at the Meeting of Government Experts on the Protocol on Free Movement of Persons in Africa, Accra, Ghana, 20 March 2017.

128 M.S. Kimenyi and J. Smith, “Intraregional Trade and Restrictions on the Movement of People”, (2016). Available from www.brookings.edu/wp-content/uploads/2016/07/01_intra_african_trade_full_report.pdf (accessed 21 April 2018).

67. Therefore, unless the movement of persons across borders is eased and enhanced (in protected ways), continental trade and investments are severely curtailed. SADC has been making incremental advances in pursuing free movement of persons, among other factors of production, and it is no surprise that in 2010 it was the leading REC in the value of goods exported within the region (SADC – 14,173; ECOWAS – 8,910; COMESA – 8,092; EAC – 1,996; and IGAD – 1,664).¹²⁹ As noted in the preceding section, the idea behind free movement is to loosen the stringent requirements on intra-African travel, mainly by removing the need for a visa for short visits but still requiring a work permit for intended residency or other longer stays, or by issuing visas on arrival.
68. To facilitate this, it is important to consider first who is struggling to travel without visas. In reality, representatives of large companies do not have serious difficulties in obtaining visas, since they have the resources to overcome most existing barriers. In addition, since the majority of intra-African investment and trade (weighed by value) is driven by big companies,¹³⁰ free movement will not of itself radically change the economic picture unless other complementary interventions – such as shared infrastructure plans, joint development zones, harmonization of border formalities, qualifications recognition and integrated planning such as shared visas for non-African tourists – are also introduced. Free movement of persons in Africa would equally have minimal impact on big sectors such as mining, whose senior executives and mine labourers have crossed national frontiers unimpeded over generations.¹³¹
69. However, free movement of persons has the potential to facilitate movement for a number of other economic actors. The likely big direct effects would be on small-scale traders, low and semi-skilled job seekers, small business entrepreneurs and perhaps on tourism. For the non-tourist groups, it would help to optimize more mobile, nimble operations that can readily take advantage of scale and opportunities beyond the confines of a national regulatory jurisdiction. Tens of millions of African traders already operate in one form or another on borders where crossing is easier, but the implementation of free movement of persons could help those operating along more difficult borders, and will likely reduce, if not eliminate, unnecessary harassment by border agencies. Again, this type of business person or job seeker does not have the benefits of a large company to help smooth the path across the border. The power of this level of business and entrepreneurship is yet to be unleashed in a meaningful way as a cross-border force in Africa.
70. Although accurate statistical data on informal cross-border trade in Africa are scarce due to their nature, many agree that such trade is a “significant feature of regional trade and international mobility”¹³² and is a major source of income to an estimated 43 per cent of Africa’s population.¹³³ In fact, OECD has found that, in Africa, informal cross-border trade is larger than its formal

129 Brookings Africa Growth Initiative, “Accelerating Growth through Improved Intra-African Trade”, 2012:2. Available from www.brookings.edu/wp-content/uploads/2016/07/01_intra_african_trade_full_report.pdf (accessed 21 April 2018).

130 J. Fortin, “Surprise! Africa’s Fastest-Growing Foreign Direct Investor Is Now...Africa”, 5 August 2013. Available from www.ibtimes.com/surprise-africas-fastest-growing-foreign-direct-investor-nowafrica-1243695 (accessed 21 April 2018). Companies driving these changes are among Africa’s largest, including Ecobank, Oando (Nigerian multinational energy company), and South Africa’s MTN. They have more recently been joined by Standard Bank and the Dangote Conglomerate, etc.

131 O. Bello, A. Benkenstein and R. Harvey, “The security dimension of labour relations conflicts in Africa’s minerals sector: Experiences from South Africa and Zambia”, 2014. In K.S. Ewusi and J. Bosco Butera (eds.), *Beyond Statebuilding: Confronting Africa’s Governance and Socioeconomic challenges in the 21st century* (Addis Ababa, United Nations University for Peace). Available from <https://idl-bnc-idrc.dspacedirect.org/handle/10625/54158> (accessed 30 April 2018):260.

132 The Southern African Migration Programme and International Migration Research Centre, *Calibrating informal Cross-border trade in Southern Africa*, 2015:1. Southern African Migration Programme, Cape Town.

133 J.-G. K. Afrika and G. Ajumbo, “Informal Cross Border Trade in Africa: Implications and Policy Recommendations”, *AfDB Africa Economic Brief*, 2012, 10:1. Available from www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Economic%20Brief%20-%20Informal%20Cross%20Border%20Trade%20in%20Africa%20Implications%20and%20Policy%20Recommendations%20-%20Volume%203.pdf (accessed 21 April 2018).

counterpart in terms of gross domestic product (GDP) and share.¹³⁴ For instance, within COMESA, informal cross-border trade rakes in about USD 2.9 million monthly as opposed to USD 1.6 million per month in formal trade.¹³⁵ It has been reported that 30–40 per cent of intra-SADC trade is informal¹³⁶. In 2014, Uganda (within the EAC) recorded an impressive USD 414.6 million income from informal exports and an estimated USD 65.8 million from informal imports.¹³⁷ Many join the informal trade to avoid the administrative procedures and fees, which are seen to be “costly, complex and time-consuming”.¹³⁸

71. One of the demerits of informal cross-border trade that free movement of persons can remedy is that it “undervalues the figures in the national accounts, and also inhibits the formulation of appropriate policies and strategies to exploit its potential impact, particularly on food security”.¹³⁹ Free movement of persons would encourage those participating in the informal and usually illegal cross-border trade to come out into the light and show their real force as drivers of economic development and integration. It could help those operating along more difficult borders, and will certainly reduce, if not eliminate, unnecessary harassment by border agencies. In essence, free movement would be a win–win situation for both the traders and the States.
72. At the same time, it is important to discuss the benefits that industrialization in Africa can derive from free movement of persons. Economic development cannot happen in the absence of industrialization. AfDB has observed that “no country or region in the world has ever achieved prosperity and a decent socioeconomic life for its citizens without the development of a robust industrial sector”.¹⁴⁰ The African Union’s Agenda 2063 recognizes this and hopes to achieve a prosperous Africa by transforming Africa’s economies through industrialization. This is a tall order considering that Africa is the least industrially developed – and the poorest – region in the world.¹⁴¹ The adoption of the Action Plan for the Accelerated Industrial Development of Africa was a significant step towards this goal, but its strategies have not been “transformed into reality”.¹⁴²
73. In 1989, the World Bank, while commenting on the then-African crisis, noted that “donor agencies and foreign advisors have been heavily involved but Africa’s future can only be decided by Africa” and that “like trees, countries cannot be made to grow by being pulled upward from the outside – they must grow from within; from their own roots”.¹⁴³ This truth stands to date, and free movement of the African people is the African solution to this African problem. The significance of human capital for industrialization has been richly documented.¹⁴⁴ In Africa, free movement of

134 See OECD and World Trade Organization, “Women Informal Traders Transcending African Borders: Myths, Facts and Ways Forward”. Available from www.oecd.org/aidfortrade/47715006.pdf (accessed 21 April 2018).

135 See Afrika and Ajumbo (footnote 133 above):5.

136 N.O. Ama, K.T. Mangadi and H.A. Ama, “Characterization of Informal Crossborder Traders Across Selected Botswana Borders”, *International Journal of Management and Marketing Research*, 2014, 1:85.

137 Bank of Uganda and Uganda Bureau of Statistics, “Informal Cross Border Trade Survey Report 2014”, 2015:8–9.

138 D. Njiwa, “Tackling informal cross-border trade in Southern Africa”, *Bridges Africa*, 2013. Available from www.ictsd.org/bridges-news/bridges-africa/news/tackling-informal-cross-border-trade-in-southern-africa (accessed 21 April 2018).

139 R. Nkendah, “The Informal Cross-Border Trade of Agricultural Commodities between Cameroon and its CEMAC’s Neighbors”, 2010:4. Available from www.theigc.org/wp-content/uploads/2014/08/nkendah.pdf (accessed 21 April 2018).

140 See <https://www.afdb.org/en/> (accessed 30 April 2018).

141 EX.CL/379 (XII), Action Plan for the Accelerated Industrial Development of Africa. Available from www.au.int/web/sites/default/files/documents/30985-doc-plan_of_action_of_aida.pdf (accessed 21 April 2018).

142 United Nations Economic Commission for Africa, “Industrialization for an Emerging Africa”, 2013. This was discussed during the Sixth Joint Annual Meetings of the ECA Conference of African Ministers of Finance, Planning and Economic Development and African Union Conference of Ministers of Economy and Finance in Abidjan, Côte d’Ivoire. Available from www.uneca.org/sites/default/files/uploaded-documents/CoM/cfm2013/industrialization-for-an-emerging-africa-issuespaper.pdf (accessed 21 April 2018).

143 World Bank, “Sub-Saharan Africa; From Crisis to Sustainable Growth,” 1989:194. Washington, D.C.

144 See for instance, M.P. Squicciarini and N. Voigtländer, “Human Capital and Industrialization: Evidence from the Age of Enlightenment” (2014, rev. 2015). Available from www.anderson.ucla.edu/faculty/nico.v/Research/Encyclopedie_forthcoming.pdf (accessed 21 April 2018); and the International Labour Organization (ILO), *A Skilled Workforce for Strong, Sustainable and Balanced Growth* (Geneva, 2010).

persons would mean free movement of human capital, allowing people with different sets of skills to plant their knowledge within the different countries accessed. Citizens from more developed African countries can introduce their techniques and share their experiences with those from less developed countries. The *Economic Report on Africa 2015* emphasized the importance of “reinforcing trading relationships within the continent as a stronger basis for industrializing”¹⁴⁵ – relationships which can best be promoted by allowing Africans to move, seek and exploit the innumerable opportunities within Africa. African States have to look beyond the relaxation of trade barriers to boost industrialization – they must let the people themselves drive industrialization.

74. The excerpt below highlights opportunities that industrialization can bring to the African Union Member States through, for example, facilitating free movement of persons in Africa, given its high potential to attract and incentivize highly skilled labour migration, innovation and technology.

Industrialization in Africa

Without strong industries to create jobs and add value to raw materials, joblessness and poverty will likely remain prevalent in African countries. Côte d’Ivoire and Ghana produce 53 per cent of the world’s cocoa. But the supermarket shelves in Abidjan and Accra, their respective capitals, are stacked with chocolates imported from Switzerland and the United Kingdom of Great Britain and Northern Ireland, countries that do not farm cocoa. This scenario is repeated throughout the continent in different contexts. For example, Nigeria, the world’s sixth-largest producer of crude oil, exports more than 80 per cent of its oil but cannot refine enough for local consumption. In 2013 it spent about USD 6 billion subsidizing fuel imports, estimated former Finance Minister Ngozi Okonjo-Iweala.

In such apparently baffling scenarios lies one of Africa’s greatest challenges – and opportunities. The continent possesses 12 per cent of the world’s oil reserves, 40 per cent of its gold and between 80 and 90 per cent of its chromium and platinum, according to a 2013 report from the United Nations Conference on Trade and Development. It is also home to 60 per cent of the world’s underutilized arable land and has vast timber resources. Yet together, African countries account for just 1 per cent of global manufacturing, according to the report. This dismal state of affairs creates a cycle of perpetual dependency, leaving African countries reliant on the export of raw products and exposed to exogenous shocks, such as falling European demand. Without strong industries in Africa to add value to raw materials, foreign buyers can dictate and manipulate the prices of these materials to the great disadvantage of Africa’s economies and people.

“Industrialization cannot be considered a luxury, but a necessity for the continent’s development”, said South Africa’s Nkosazana Dlamini-Zuma shortly after she became chair of the African Union in 2013. This economic transformation can happen by addressing certain priority areas across the continent.

L. Mbae, “Industrialization in Africa: Can the Continent make it?” 4 March 2014. Available from www.tonyelumelufoundation.org/articles/industrialization-africa-can-continent-make/ (accessed 20 April 2018).

145 United Nations Economic Commission for Africa, *Economic Report on Africa 2015: Industrializing Through Trade*, 2015:149.

75. The former chairperson of AUC, Dr. Nkosazana Dlamini Zuma, once noted that “if we move faster on the free movement of people, goods and services, and the African passport, we are sure to see an increase in trade, as well as tourism and economic growth”.¹⁴⁶ For tourism, the benefits are significant, as exemplified by statistics from African Union Member States that have opened up their borders for African citizens to enter on the basis of gratis visas or visas on arrival. The data suggest that free movement of persons promotes intra-African tourism, continental integration and a stronger sense of pan-Africanism.¹⁴⁷ This is evident in some of the African Union Member States that have opened up their borders, such as Seychelles, Mauritius, Rwanda, Ghana and Senegal.
76. Seychelles, in particular, is an excellent illustrator of the link between free movement of persons and tourism performance. It has been ranked as the highest performer on visa openness and is the first country on the continent to embrace and adopt “visa-free access for all Africans”.¹⁴⁸ This openness propelled Seychelles’ international tourist arrivals by a 7 per cent yearly growth between 2009 and 2014.¹⁴⁹ The world took note of this at the 2015 World Economic Forum, and ranked Seychelles eighth in the world among countries that have prioritized travel and tourism,¹⁵⁰ and first in Africa on tourist service infrastructure.¹⁵¹ In the same year, Seychelles was promoted from the upper middle-income category to the high-income category.¹⁵²
77. However, maximizing the benefits of free movement to foster tourism would require complementary initiatives in other specific areas, both on a national and continental scale, to make it affordable and less logistically onerous to travel within Africa. It should be noted that one of the reasons cited for the decline of Africa’s international tourism from 5.7 per cent of worldwide arrivals in 2014 to 5.3 per cent in 2015 was the “increased competitiveness from emerging global tourist destinations”.¹⁵³
78. African countries have to come together to make free movement of persons a reality and scale up the gains achieved by Seychelles. Free movement has to be supported through other strategies, such as encouraging the proliferation of low-cost airlines that provide direct flights across Africa, or (more likely) by improving the rail and road infrastructure and cross-border connectivity. The African Union–NEPAD Tourism Action Plan adopted by the African Union in 2004 is also worth highlighting. It is a strategy aimed at making efficient interventions in the continent’s tourism sector,¹⁵⁴ with implementation taking place on three levels; national, subregional and continental.¹⁵⁵ The continent is dependent on the strength of the subregions and the latter on the strength of individual States. The outcome has been disappointing so far. Continental tourism is only as strong as the weakest link in Africa,¹⁵⁶ mainly due to the absence of formalized free movement of persons.

146 Statement by the Chairperson of the African Union Commission, H.E. Dr. N. Dlamini Zuma, to the 25th Ordinary Session of the African Union Assembly of Heads of State and Government Johannesburg, 14 June 2015. Available from www.au.int/web/en/speeches/statement-chairperson-african-union-commission-he-dr-nkosazana-dlamini-zuma-25th-ordinary-0 (accessed 21 April 2018).

147 See AfDB Group, “Africa Visa Openness Report 2016”. Available from www.afdb.org/en/search/?query=Visa+Openness+Report (accessed 30 April 2018) :14–23.

148 Ibid.:15.

149 Ibid.

150 World Economic Forum, *The Travel and Tourism Competitiveness Report 2015*, 2015:38. Geneva.

151 Ibid.:44.

152 See World Bank, “WB Update Says 10 Countries Move Up in Income Bracket”, 1 July 2015. Available from www.worldbank.org/en/news/press-release/2015/07/01/new-world-bank-update-shows-bangladesh-kenya-myanmar-and-tajikistan-as-middle-income-while-south-sudan-falls-back-to-low-income (accessed 21 April 2018).

153 AfDB, “Africa Tourism Monitor; Sustainable Tourism through Innovation, Entrepreneurship and Technology”, 2016. Available from www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Africa_Tourism_Monitor_2016.pdf (accessed 21 April 2018).

154 See “The NEPAD Tourism Action Plan”. Available from www.au.int/web/sites/default/files/documents/32250-doc-2017_nepad_proposed_tourism_work_plan.pdf (accessed 21 April 2018).

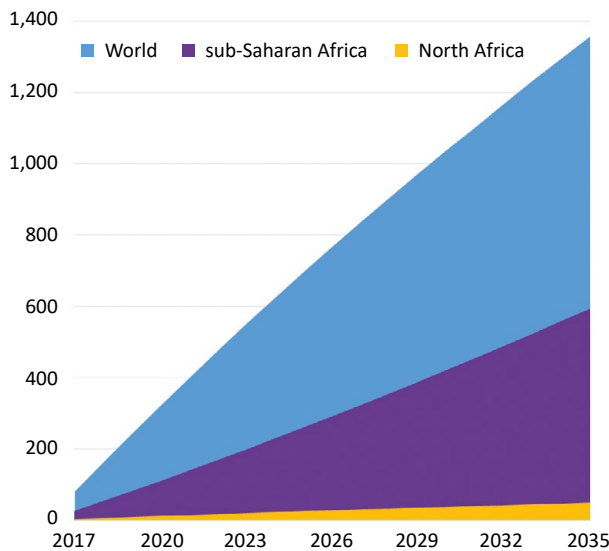
155 See “The NEPAD Tourism Action Plan: Challenges and Opportunities for America and Turkey to Cooperate”. Available from www.tasam.org/Files/lcerik/File/challenges_and_opportunities_for_africaand_turkey_to_cooperate_541acc11-016d-4219-8052-dd04974bf228.pdf (accessed 21 April 2018).

156 Ibid.: 120–121.

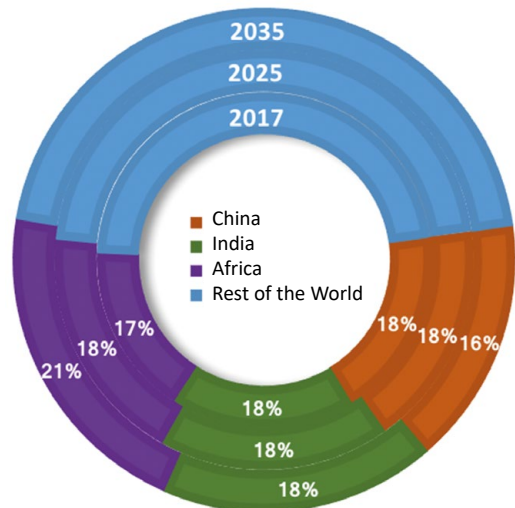
79. There are other promising opportunities that could be effectively exploited by promoting free movement of persons within Africa. With a steady rise of the middle class – 3.2 per cent annually since 1983¹⁵⁷ and projected to reach 1.1 billion by 2060¹⁵⁸ – there is a demand by this class of consumers for easier travel within the continent, and this should be seen as an opportunity for countries and Africa at large to boost tourism.
80. The middle class category has been used to refer to people who earn between USD 2 and USD 20 per day¹⁵⁹ and who have been reported to have similar consumption trends and to be the “carriers of societal progress”.¹⁶⁰ Free movement of persons in Africa will be a boon to the middle class and at the same time will propel the tourism sector within Africa.
81. The Continental Free Trade Area (CFTA) should be seen as a precursor of free movement because, other than promoting free movement of goods within Africa, it seeks to promote the “movement of business persons across fifty-four African countries with a combined population of more than one billion people”.¹⁶¹ On one hand, the pre-existence and success of the CFTA means that the concept of free movement of persons is not an alien one and that a discussion can be built on that. On the other hand, the CFTA will be able to realize its objective of expanding intra-African trade and expediting regional and continental integration.¹⁶² Free movement of persons can fan the flames of the CFTA goals. The figures below show Africa’s population growth statistics in comparison to several other regional and global players and make a convincing case for optimizing the untapped opportunities to increase trade among them, noting the significant market size and vast human resources involved.

Figure 4:

Left: Population increase forecast in millions, 2017–2035, world, sub-Saharan Africa, North Africa



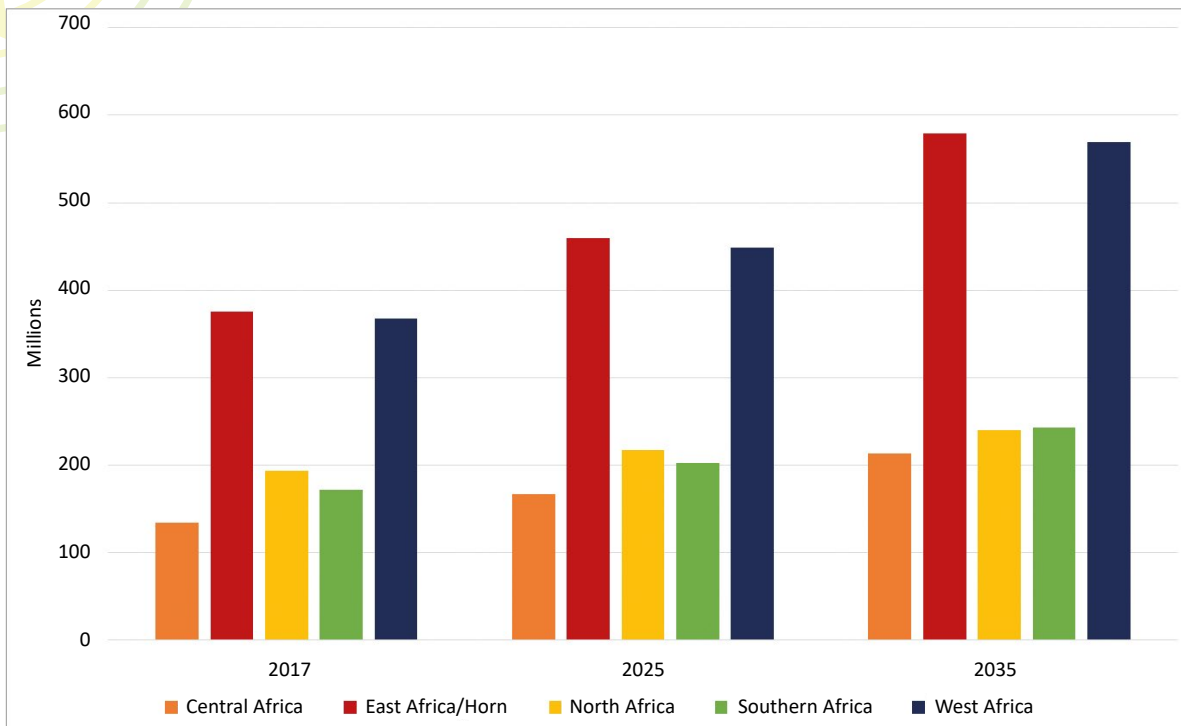
Right: African population as a percentage of global population forecast, Africa, China, India, rest of the world



Source: IFs v 7.26, historical data from United States Census Bureau via CIA and United Nations Population Division, 2015.

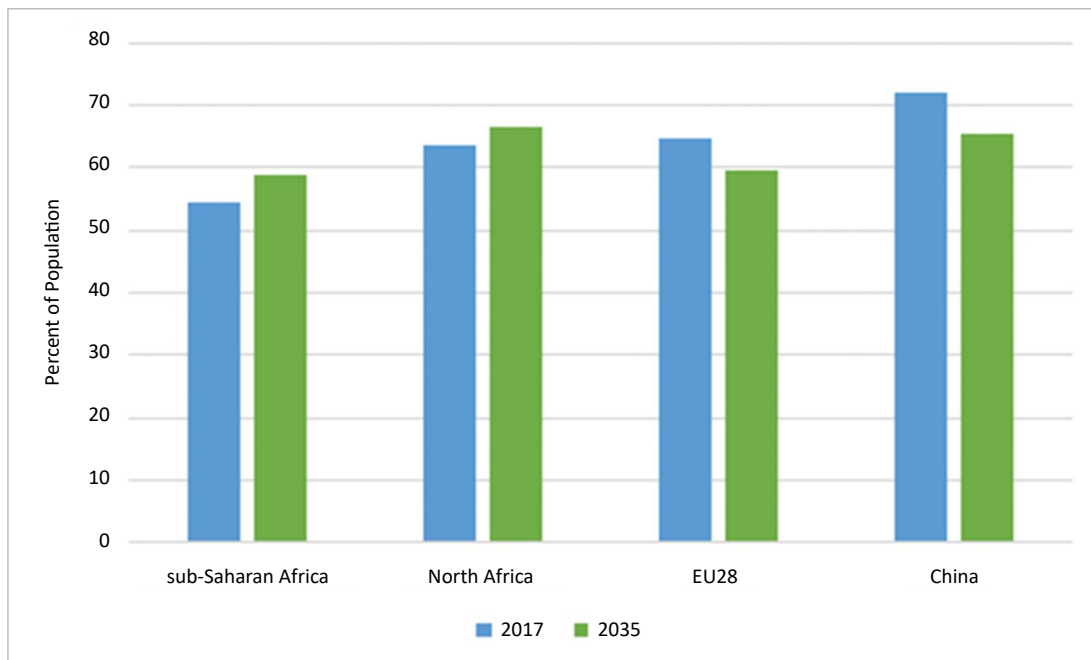
157 See IMF, “IMF Survey: Africa’s Middle Class Spearheads Economic Growth” 26 December 2013. Available from www.imf.org/en/News/Articles/2015/09/28/04/53/soint122613a (accessed 21 April 2018).
 158 AfDB, “Tracking Africa’s Progress in Figures”, 2014. Available from www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Tracking_Africa%E2%80%99s_Progress_in_Figures.pdf (accessed 21 April 2018).
 159 Ibid.:24.
 160 C. Lopes, “Emerging Africa, its middle class and new development challenges”, 2015. The Hague, International Institute of Social Studies in The Hague. Available from <http://allafrica.com/view/resource/main/main/id/00091949.html> (accessed 30 April 2018).
 161 African Union, “CFTA – Continental Free Trade Area”. Available from <https://au.int/en/ti/cfta/about> (accessed 21 April 2018).
 162 Ibid.

Figure 5: Africa's population, 2017, 2025 and 2035, per region



Source: IFs v 7.26, historical data from United States Census Bureau via CIA and United Nations Population Division, 2015.

Figure 6: Working age population as a share of total population, sub-Saharan Africa versus North Africa, European Union and China



Source: IFs v 7.26, historical data from United States Census Bureau via CIA and United Nations Population Division, 2015.

82. Other potentially indirect benefits include increased familiarity with a country due to regular travel and the attendant cultivation of networks with local and distant partners. This tends to improve understanding, and with it accelerate trade and investment links between and among countries. Given that big businesses already do this and very small firms tend not to export, the major beneficiaries here could be mid-sized businesses. While these firms are likely to benefit, it is difficult to quantify the benefits, since they are likely to be indirect benefits or enablers.
83. However, the specific nature and size of benefits on offer would depend on supporting changes, most particularly to work visas. Discovering a business or market opportunity abroad is not that useful if the individual business cannot start a local office, because they cannot secure a visa for staff to oversee the actual execution of a business plan or projects abroad, or if management cannot get a work visa without a difficult and complex process. Again, cultivation of a trusted network abroad can help in such cases, but cannot fully compensate for a full, functional presence on the ground.
84. The clear advantages of visa-free travel can also spill over from the commercial to non-economic benefits, such as developing a pan-African identity and improving the shared understanding of other countries across Africa. While difficult to prove, these efforts can potentially stave off the rising tide of nationalism and xenophobia, and indirectly defend regional integration. Evidence consistently shows that supporters of more nationalist movements tend not to travel or interact with people from other countries. Complementary interventions may address this challenge, which could take the form of programmes such as university exchanges facilitated by more liberal, less-restrictive travel regimes between countries. This would allow outreach and engagement of non-citizens, without full interaction with the local populace. The case of South Africa seems to support this view, where some of the xenophobic sentiment seems to have been driven by proximity without real connection.

VIII.2. Facilitate labour mobility, intra-Africa knowledge and skills transfer

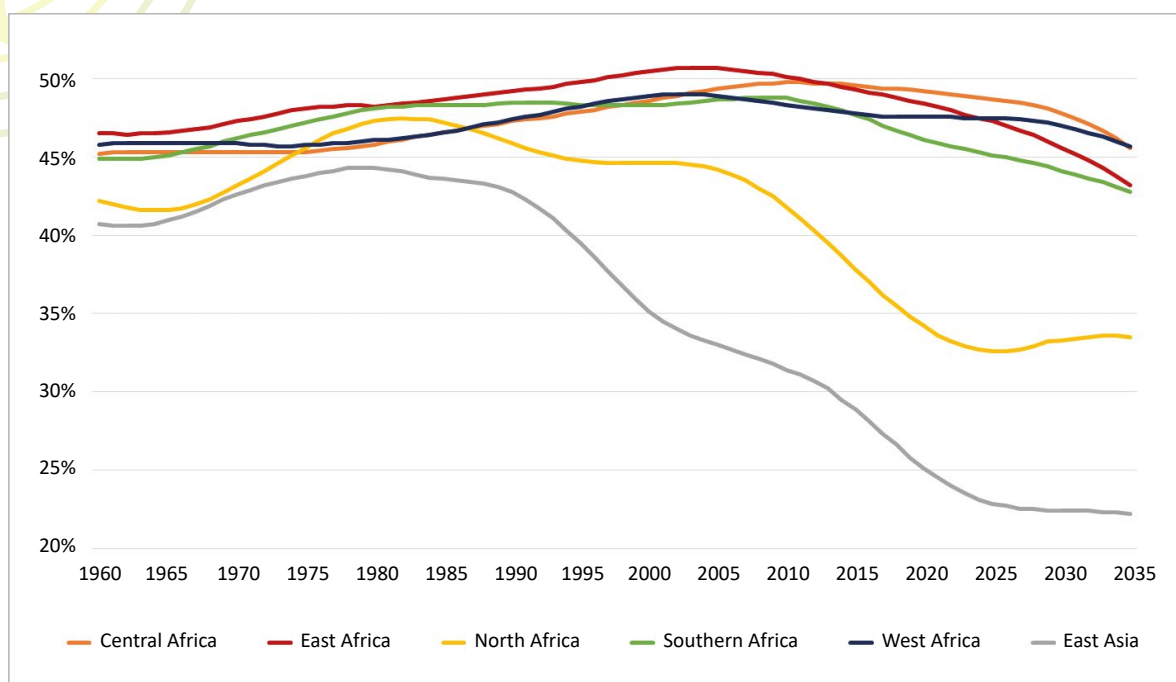
85. Africa's transformative development hinges on human capacity, skills and the ability of its population to affect inclusive growth. Education, technical skills exchange and transfers are at the core of strengthening human capacity. Accordingly, facilitating free movement of persons across the continent, particularly students to acquire relevant, quality education, is a central plank in Africa's integration agenda. Africa has the fastest growing and most youthful population.¹⁶³ Over 40 per cent are under 15 and another 20 per cent are between 15 and 24 – the definition of youth,¹⁶⁴ translating into the fact that more than 60 per cent of Africans are young people.¹⁶⁵

163 See AfDB, "Africa's youth: The African Development Bank and the demographic dividend". Available from www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/AFDB%20youth%20doc.pdf (accessed 22 April 2018).

164 Ibid.

165 See K. Ighobor, "Africa's youth: A 'ticking time bomb' or an opportunity? *African Renewal*, May 2013. Available from www.un.org/africarenewal/magazine/may-2013/africa%E2%80%99s-youth-%E2%80%9Cticking-time-bomb%E2%80%9D-or-opportunity (accessed 22 April 2018).

Figure 7: Youth bulge, history and forecast, per Africa's regions versus East Asia



Source: IFs v 7.26, historical data from United States Census Bureau via CIA and United Nations Population Division, 2015.

86. In 2015, the number of youths in Africa stood at 226 million, representing an astounding 19 per cent of the total global figure, and yet this is projected to have increased by 42 per cent by 2030.¹⁶⁶ Such statistics point to a dire state of employment in the continent with reports estimating that 72 per cent of the youths live on less than USD 2 per day.¹⁶⁷ Globally, data collected in 2016 indicated that sub-Saharan Africa accounted for 13.0 per cent of the unemployed youths, compared with 20.9 per cent in the European Union, 29 per cent in the Arab World and 16.9 per cent in Latin America and the Caribbean.¹⁶⁸ That Africa's levels are among the lowest is not good news. It only means that "young people in these countries must often work, typically in poor-quality and low-paid jobs, in order to provide the basic necessities of life for themselves and their families".¹⁶⁹
87. It is therefore not surprising that sub-Saharan Africa is leading the world in the number of youths willing to move permanently to another country – 38 per cent compared with 35 per cent in Latin America and the Caribbean, 31 per cent in Eastern Europe and 21 per cent in the Arab States.¹⁷⁰ Some view the high population growth rate in Africa as an alarming problem. This said, young people can and should be seen to be just diamonds in the rough, because they are the heartbeat of a nation, a continent and the world. ILO has rightly stated that "young people's integration into the labour market, their education and skills development are all crucial to the realization of a prosperous, sustainable and equitable socioeconomic environment".¹⁷¹
88. However, the power of youth to transform Africa can only be realized if the right policies and strategies are employed at a continental level through the cooperation of all States. It is therefore imperative for all African Union Member States to cooperate and collaborate in enhancing their

166 United Nations Department of Economic and Social Affairs, "Youth population trends and sustainable development", 2015. Available from www.un.org/esa/socdev/documents/youth/fact-sheets/YouthPOP.pdf (accessed 22 April 2018).

167 See OECD Observer, "Africa's young future". Available from <http://oecdobserver.org/news/fullstory.php/aid/3830> (accessed 22 April 2018).

168 The World Bank, "Unemployment, youth total (% total labour force ages 15–24)". Available from <http://data.worldbank.org/indicator/SL.UEM.1524.ZS> (accessed 22 April 2018).

169 ILO, *World Employment Social Outlook: Trends for Youth 2016*, 4 (Geneva, International Labour Organization, 2016).

170 Ibid.:13.

171 Ibid.:1.

capacity by investing in the education and training that has the greatest potential to harness their demographic dividend.

89. Adoption of a regional labour migration policy framework, such as that of SADC, ensures harmonized mechanisms for compatibility and comparability of higher education in Africa. Such a framework promotes cross-border recognition of qualifications and credentials based on international guidelines from ILO and UNICEF,¹⁷² and serves as a critical enabling factor for empowering the youth. It embraces a Regional Qualifications Framework that facilitates cross-border mobility of qualifications as well as a Labour Market Information System that monitors and provides analyses of the labour market in the region to inform employment and labour policies.
90. Further, the adoption of Intra-Africa Talent Mobility Partnership Programmes that compel States to establish functional labour market information systems and to allow for the portability of social security, qualifications and skills is key in facilitating labour mobility. The Intra-Africa Talent Mobility Partnership Programme for sub-Saharan Africa runs pilot initiatives in Kenya, Rwanda and Uganda, under which IOM and ILO helped Uganda develop its Labour Market Information System, now considered by the EAC as a model for other countries.¹⁷³
91. Labour mobility is an essential precondition for economic integration. Free movement of labour seeks, among others, to bridge the gap between skills surplus and deficit among African Union Member States. It also facilitates essential and unique skills transfer, innovation and optimal utilization of human resources in Africa. Noting that Member States' human capacities vary, free movement of persons increases opportunities to share skilled labour and address unemployment for surplus skilled labour among the States, thereby helping to reduce subregional inequalities and spur economic growth through, among others, promotion of remittances among Africans.
92. The Joint Labour Migration Programme for Africa, which was adopted by African Heads of State and Government in January 2015 as a comprehensive labour migration governance programme for the region,¹⁷⁴ is key in facilitating labour mobility. The Programme is currently being implemented by AUC in partnership with ILO, IOM and the United Nations Economic Commission for Africa. It serves to enhance and coordinate labour exchange across Africa which is protective of mobile workers and leverages the social and economic benefits they bring. This is in keeping with the global SDG 8 to "promote inclusive and sustainable economic growth, employment and decent work for all".¹⁷⁵ It will also foster a more coordinated approach to data collection on labour markets, migrant skills and employment profiles, conditions of work, social protection and portability of skills – all essential ingredients of a coherent continent-wide labour mobility regime.¹⁷⁶
93. According to research, "migrant workers make important contributions to the labour market in both high- and low-skilled occupations" in addition to addressing labour imbalances among countries.¹⁷⁷ Free movement will therefore allow persons in Africa to travel with ease, enhance cross-border skills exchange and lead to entrepreneurship and innovation, since it enables gains in time and resources, and in turn promotes economic and market competitiveness.¹⁷⁸

172 IOM, "2016–2019 IOM Regional Strategy: East and Horn of Africa" (Geneva, IOM, 2016). Available from http://ronairobi.iom.int/resources/publications/item/download/451_65f42fb6e47c670e70cb2adfaa7971ff (accessed 22 April 2018).

173 Ibid.

174 See ILO, "The Joint Labour Migration Program for Africa". Available from www.ilo.org/addisababa/media-centre/pr/WCMS_402369/lang-en/index.htm (accessed 22 April 2018).

175 See IOM (footnote 172) above.

176 Ibid.

177 See ILO (footnote 169 above).

178 Speech of the Chairperson of the African Union Ministerial Committee on Free Movement of Persons in Africa at the Meetings of Government Legal Experts on the Drafting of the Protocol in Accra Ghana, 20 March 2017.

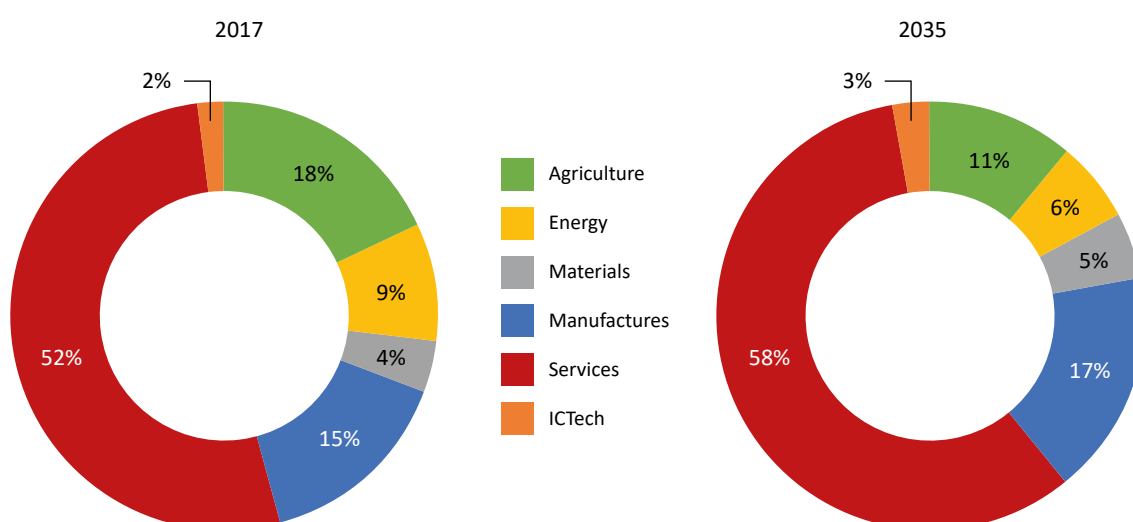
94. Historically, most developed countries and regions have leveraged manufacturing, powered by abundant youthful and working age populations, to build more diversified economies and prosperous societies. Without exception, African States equally need to embrace and adopt policies that bolster industrialization, innovation and manufacturing for local and export markets, nurture domestic firms to regional and global competitiveness, and promote industrial agglomeration and clusters. These will be facilitated to a great degree by more fluid factor mobility among African countries, especially skills, capital and technical know-how. Moreover, “[if] African countries pursue industrialization, they need to get the basics right: invest in infrastructure and human capital and improve the business and regulatory environment to attract investment”.¹⁷⁹

95. Unlike developed countries, whose economic development and growth were driven by industrialization, innovation and technology, most sub-Saharan African countries pegged their growth on primary commodities and increasing the service industry. Experts have noted that:

Sub-Saharan Africa’s value-add as a per cent of GDP from services is above 50 per cent and expected to increase to close to 60 per cent by 2035. In comparison, manufacturing in sub-Saharan Africa accounts for less than 16 per cent of value-add with little change expected by 2035 under the Current Path forecast. In fact, the current value-add from manufacturing is lower than during the 1970s (an estimated 16 per cent today versus close to 18 per cent back then). In absolute terms the manufacturing sector is growing but much slower than the services sector, or the agricultural sector (which also has great potential for increased employment and value-add).¹⁸⁰

96. According to the McKinsey Global Institute’s report “Lions on the move II: Realizing the potential of Africa’s economies”, the following six sectors have the greatest growth potential in Africa: wholesale and retail, food and agri-processing, financial services, small and medium-sized enterprises, light manufacturing, and construction.¹⁸¹

Figure 8: Value add as percentage of GDP in sub-Saharan Africa, 2017 and 2035



Source: IFs v 7.26, historical data from United States Census Bureau via CIA and United Nations Population Division, 2015.

179 Bello-Schünemann et al. (footnote 41 above):23–24.

180 Ibid.

181 McKinsey Global Institute, “Lions on the move II: Realizing the potential of Africa’s economies”, September 2016.

97. Shifting the economic model in Africa from low value added economic activities and primary commodities to higher value outputs will require the pooling of Africa's resources and strengths across the different economies, including in the form of more liberalized movement of personnel, technology diffusion, ideas and shared infrastructure plans. Free movement of persons offers a great incentive to facilitate technology and knowledge transfer that is key to industrialization and innovation in Africa. Investment in infrastructure is usually targeted at facilitating existing mobility of either persons, goods and services.

VIII.3. Promote pan-African identity and social integration

98. Realized properly, free movement of persons in Africa will help to bolster pan-African identity, deepen social integration, and take the promotion and protection of economic, social, and cultural rights and material needs of the peoples as its starting point. It will prioritize joint actions to address shared challenges, such as harnessing and managing growing diversity, promoting social integration, optimizing surplus labour migration, and responding to the related challenge of reducing the cost and burden of intra-African remittances for migrant and itinerant workers. In so doing, free movement will help realize the second aspiration of the African Union's Agenda 2063 of an integrated continent based on ideals of pan-Africanism.¹⁸²
99. Agenda 2063 identifies the domestication of all protocols relating to free movement of persons as one of the strategies to achieve this goal, thus making a Protocol on Free Movement of Persons in Africa particularly important to Agenda 2063. Free movement will also promote the pan-Africanism stirred by platforms such as the "dotAfrica" initiative. The initiative is an "opportunity to forge a unique online identity which will associate your products, services and/or information with the continent and people of Africa".¹⁸³ The African Union sees the initiative as a "regional home for the pan-African Internet community"¹⁸⁴ and a tool that allows Africa to tell her "own story".¹⁸⁵ Given the potential of the dotAfrica initiative to unite Africans on a digital platform, free movement of persons will be a catalyst for social integration and pan-Africanism.
100. Although technology can also help catalyse socioeconomic and political integration of the continent, it has its limits: "[t]here is certainly potential for new technology to unlock economic growth and human development in Africa. However, the belief that technology will solve Africa's most tenacious problems paints an overly simplistic picture of the challenges faced by the continent".¹⁸⁶ Technologies to spur economic growth and integration should go hand in hand with policies to promote public-private partnerships. It is thus essential to "[aid and enable] the private sector to roll out networks and increase broadband service [to] help African countries foster the business environment and innovation",¹⁸⁷ without governments abrogating their responsibility to provide basic services or allowing private sector-led initiatives to disadvantage the poor. Otherwise, governments risk undermining the acceptance of free movement and support for liberalizing policies among the most vulnerable segments of their electorates.

182 African Union, Agenda 2063:63.

183 See dotAfrica (.africa), "What is dotAfrica". Available from www.africainonespace.org/content.php?tag=5&title=What+is+dotAfrica%3F (accessed 22 April 2018).

184 See dotAfrica (.africa), "The African Union and dotAfrica". Available from www.africainonespace.org/content.php?tag=1&title=&title=The%20African%20Union%20and%20dotAfrica (accessed 22 April 2018).

185 See African Union, "Launch of dotAfrica". Available from <https://au.int/web/en/newsevents/20170310/launch-dotafrika> (accessed 22 April 2018).

186 Bello-Schünemann et al. (footnote 41 above):61–62.

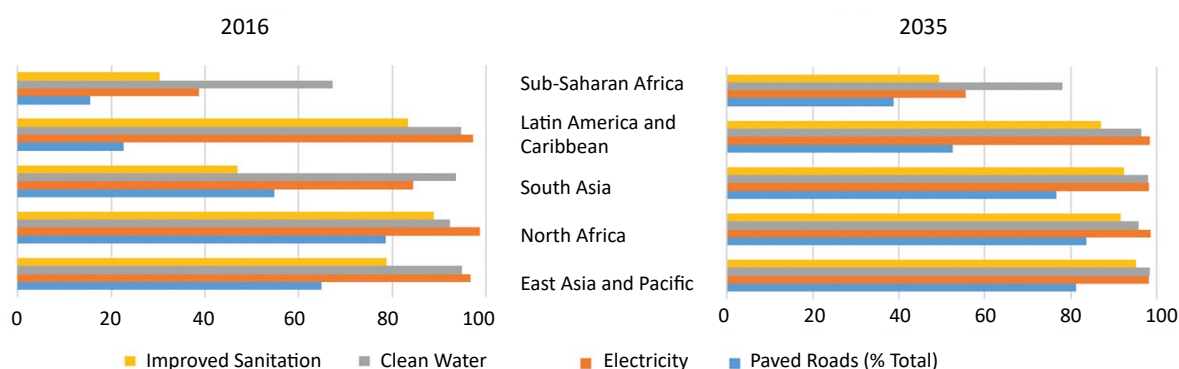
187 Ibid.

101. In addition, given the incontrovertible evidence of the contribution of labour mobility to social development in Africa, efforts to optimize remittances of migrant workers should be pursued as part of a comprehensive package of measures to enhance mobility and human development in Africa.¹⁸⁸ Urgent effort is also needed to better harness integrative technology platforms to these ends.
102. At a time of heightened anxiety across Africa and the globe about the negative implications of poorly managed or uncontrolled immigration, these issues rank among the top concerns of African workers. Dialogue on facilitating free movement of persons in Africa carries the added benefit of opening up long-overdue conversations about the institutions, processes and supporting agencies required to manage free movement in Africa in an inclusive, confidence-building and reassuring way to both citizens and their leaders. Given the pressing imperative to develop productive networks among people and businesses, including small and medium-sized enterprises, Africa’s efforts on free movement should also seek to unleash the huge potential of pan-continental tourism, with both African citizens and nationals of third States as its driving impetus.
103. Only with such an approach that explicitly puts citizens at its heart can free movement of persons in Africa help all stakeholders jointly harness its benefits to the advantage of governments, corporations, ordinary people and wider stakeholders.

VIII.4. Improve transborder infrastructure and shared development

104. Despite recent progress, Africa continues to face inadequate transborder and shared development infrastructure (within and between countries), which is a barrier to deeper connectivity and economic development.¹⁸⁹ A 2015 report from the World Bank found that intraregional trade costs were higher in sub-Saharan Africa than anywhere else on the globe, estimating these costs as 50 per cent higher than in East Asia due, among others, to inadequacy of shared infrastructure.¹⁹⁰

Figure 9: Levels of access to basic infrastructure (percentage of population) in developing regions in 2016 and 2035¹⁹¹



Source: UNICEF/World Health Organization joint monitoring programme (water and sanitation), International Road Federation (roads) and World Bank (electricity):85.

188 To reinforce this Labour Mobility and Human Development link, IOM in 2015–2016 prioritized its work to enhance and harness organized migration frameworks on two complimentary tracks: action plans to maximize the benefits of migration and reduce its negative effects for countries, communities and migrants; and expanding the channels for regular migration and refining existing national and regional frameworks/mechanisms to facilitate labour mobility (see www.iom.int/labour-mobility-and-human-development).

189 African Union Minimum Integration Programme, 2009:24. Available from www1.uneca.org/Portals/ctr/ci/6th/MinimumIntegrationProgrammeEng.pdf (accessed 22 April 2018).

190 The World Bank, “Deepening Africa Integration: Intra-Africa Trade for Development and Poverty Reduction”. Available from www.worldbank.org/en/news/speech/2015/12/14/deepening-african-integration-intra-africa-trade-for-development-and-poverty-reduction (accessed 22 April 2018).

191 See Bello-Schünemann et al. (footnote 41 above):57.

105. Intricately bound to the inadequacy of shared cross-border infrastructure, “there are ...a host of other non-tariff barriers that effectively limit the flow of goods, people and capital across borders in Africa, such as onerous regulatory procedures that frequently impose unforeseen costs and add uncertainty to intra-regional trade.”¹⁹² These factors combine to increase costs of production and transportation, and cause incessant delays. They also limit business competitiveness and create disincentives to investment flows, such as foreign direct investment needed to transform and modernize Africa’s economic sectors. Improving cross-border trade and shared transportation infrastructure could represent a “giant leap on the continuum towards deeper regional integration, allowing for better economies of scale and the development of cross-border public goods”.¹⁹³
106. Liberalization of people movement can lead to improved shared infrastructure and easier movement of goods and services, in turn creating greater economic efficiency and infrastructural development spin-offs. This has been well documented in such initiatives as border development zones, which have been aggressively pioneered by China, for example, in its border areas with neighbours such as Mongolia. One prominent, oft-cited example, is the town of Erenhot¹⁹⁴ on their shared border, which saw a significant proliferation of economic activities and clusters from 2002 to 2013.¹⁹⁵
107. Border development zones are projects to develop border areas, but most are effectively special economic zones, which leverage the advantages offered by the unique economic geography of border towns. They have demonstrated a broader potential to foster transport linkages and the presence of important trade-related industries, notably where the cross-border movement of people is facilitated with specific enabling arrangements on either side of the border.¹⁹⁶ It has been said that people are both the ends and the means of development, and studies indicate that shared development occurs where States are genuinely committed to easing the movement of people.
108. Africa’s RECs have invested significantly in initiatives to drive increased intraregional trade, but even within SADC, the most connected REC in terms of shared infrastructure, intraregional trade is roughly equal to intra-African trade, at 16 per cent. For the Association of South-East Asian Nations, the figure surpasses 20 per cent, while it is more than 30 per cent for North America.¹⁹⁷
109. In 2000, ECOWAS Member States, in renewing efforts to create a borderless zone, turned to regional infrastructure as a means of fuelling economic integration, with free movement of persons as a key ingredient. To this end, a two-rail link was commissioned to run as follows: (a) Lagos–Cotonou–Lomé–Accra; and (b) Lagos–Niamey–Ouagadougou.¹⁹⁸ In the same breath, States agreed to improve the transborder infrastructure by “modernizing border procedures through the use of passport scanning machines”.¹⁹⁹ In 2014, Nigeria and Benin saw the need

192 Quoted in Bello-Schünemann et al. (footnote 41 above).

193 L. Wentworth, “The Complexities of Regional Infrastructure Planning, Political Economy of Regional Integration in Southern Africa Series”, SAIIA, ECDPM, August, 2013. See also Minimum Integration Programme:24.

194 See SoCawlege, “The Kissing Dinosaurs of Erenhot, China”. Available from <http://whenonearth.net/the-kissing-dinosaurs-of-erenhot-china/> (accessed 22 April 2018).

195 C. Wood, “Borderline growth: Kickstarting development in South Africa’s border towns”, 12 October 2015. Available from www.saiia.org.za/opinion-analysis/borderline-growth-kickstarting-development-in-south-africas-border-towns (accessed 22 April 2018).

196 Ibid.

197 See McKinsey Global Institute (footnote 181 above). Cited in Bello-Schünemann et al. (footnote 41 above).

198 J. Ifeanyi, “The Impact of ECOWAS Protocol on Free Movement of Persons, Goods and Capital in West Africa: A Case Study of Nigeria–Benin Republic Border Relations, 1999–2012”, 2013:60. Available from <http://repository.unn.edu.ng:8080/xmlui/handle/123456789/756> (accessed 26 April 2018).

199 Ibid.

to make free movement of people between them easier and safer: therefore, together with Ghana, Côte d'Ivoire and Togo, they embarked on a multi-million dollar project to build a 1025-km road linking the region's major cities and ports through what was known as the Abidjan–Lagos Corridor.²⁰⁰ This project was launched, among others, to facilitate implementation of the ECOWAS Protocol on Free Movement of People²⁰¹ and today, an estimated 27 million passengers use it every year.²⁰²

110. From the perspective of shared development and regional integration, free movement of people is thus a necessity that becomes a mother of invention to the benefit of all parties involved. In the case of West Africa, States saw the need to implement the Free Movement Protocol, and the invention was the construction of a network of roads, rails and efficient border systems. This desire to make free movement of people a reality has seen countries upgrade their infrastructure to levels they would ordinarily not achieve if they did it alone.
111. Free movement of people is the heartbeat of economic integration, and creates a demand for infrastructural and communication development to sustain and ease this movement. It is when States join hands to meet this demand that development is realized – in roads, rails, ports and communication networks. Hence the assertion made earlier that people are both the means and the ends of development. The global SDG 9 also reinforces the need to build resilient infrastructure, including transborder infrastructure, especially in Africa.
112. African States have highlighted transborder infrastructure as a beneficiary of free movement and a target area of development in the African Union Convention on Cross-Border Cooperation (the Niamey Convention).²⁰³ The Convention was born of the realization that most border zones in Africa “tend to be less economically developed compared to interior region” and thus aims to “promote cross-border co-operation, facilitate the development of borderlands and ease free movement of persons and goods”.²⁰⁴ Article 2 of the Convention points out that one of its objectives is to “transform border areas into catalysts for growth, socioeconomic and political integration of the continent”.
113. Through the African Union Border Programme, the Niamey Convention is slowly transforming African borders from barriers to bridges, connecting people to places from where they would ordinarily be locked out, especially due to the absence of State cooperation.²⁰⁵ A good example of the practical effect of the Convention on transborder infrastructure and shared development is the establishment of the first-ever Cross-Border Health Centre at the border of Burkina Faso and Mali in 2012, which is now used by communities and citizens of both countries, which were once entangled in war.²⁰⁶ The Convention targets border management and development, but it is clear that free movement of persons is the backbone of what it stands for. When States allow

200 C. Blum, *Cross-Border Flows between Nigeria and Benin; What are the Challenges for (Human) Security?* 2014:8. Friedrich-Ebert-Stiftung, Abuja.

201 See AfDB Group, “The Abidjan-Lagos Corridor: a PIDA flagship programme and catalyst for economic growth in West Africa”. Available from www.afdb.org/en/news-and-events/the-abidjan-lagos-corridor-a-pida-flagship-programme-and-catalyst-for-economic-growth-in-west-africa-16078/ (accessed 22 April 2018).

202 See <https://www.thisdaylive.com/index.php/2016/06/23/abidjan-lagos-corridor-unaided-ecowas-fg-target-27m-people-on-health-security/> accessed 26 April 2018).

203 Available from www.peaceau.org/uploads/au-niamey-convention-eng.pdf (accessed 22 April 2018).

204 See www.peaceau.org/uploads/niamey-convention-quick-sheet-english.pdf (accessed 22 April 2018).

205 See the speech by H.E. Ambassador Smail Chergui, Peace and Security Commissioner of the African Union Commission, on the occasion of the African Border Day celebration, 7 June 2017. Available from www.tralac.org/images/docs/11721/african-border-day-celebration-message-from-message-from-he-amb-smail-cherqui-auc-peace-and-security-commissioner-7-june-2017.pdf (accessed 22 April 2018).

206 See African Union Border Programme, “From Barriers to Bridges”. Available from www.giz.de/en/downloads/giz2014-en-african-union-border-programme.pdf (accessed 22 April 2018).

their people to move freely across their borders, the ripple effect will be improved cross-border facilities and joint development, as envisioned by the Niamey Convention.

114. Within the African Union Border Programme, One-Stop Border Posts (OSBPs) along key trade routes play a critical role in facilitating movement and shared border clearance, and avoiding duplicative inspections. They have been defined as “projects that involve the implementation of border control procedures of two neighbouring countries in a single joint facility, as opposed to separate processing by the two countries in their respective national territories” and that incorporate “the harmonization of procedures and documents, ICT-based automation and facility development”.²⁰⁷ The concept is meant to eliminate the requirement for travellers to stop twice, on both sides of the borders, and instead allows for joint inspection by border officers from both States.²⁰⁸ Africa has in recent years embraced the concept and continues to reap the fruits, with OSBPs being planned or operationalized in more than 80 border posts across the continent.²⁰⁹
115. The most successful OSBP story is that of the Chirundu border post between Zambia and Zimbabwe, Africa’s first fully functional OSBP.²¹⁰ The post eliminates duplication of procedures by ensuring that “northbound trucks/traders are only checked and cleared once by the Zambian authorities, while southbound trucks/traders are cleared by the Zimbabwean authorities” and thus, “the border crossing time for trucks reduced from two to three days to only two hours”.²¹¹ Before the Chirundu border post, only 260 trucks were cleared per day and this number skyrocketed to 600 after the border post began operating.²¹²
116. Other OSBP success stories include the Beitbridge border post between South Africa and Zimbabwe, the Taveta/Holili border post between Kenya and the United Republic of Tanzania, and the Busia border post between Kenya and Uganda. The last of these, in particular has led to a “reduction of the average time it takes to cross from Busia, Uganda to Busia, Kenya by 80 per cent (17 minutes for trucks, against a baseline of 1 hour 26 minutes in 2011) while the average time to cross from Busia, Kenya to Busia, Uganda has recorded a 79 per cent reduction (2 hours 57 minutes against a baseline of 14 hours 20 minutes in 2011)”.²¹³
117. The European Union, under its ninth European Development Fund, earlier committed support to the OSBP effort, including at the rather infamous Seme–Krake land border between Benin and Nigeria. After eight years of work, that OSBP was expected to open in late 2017. Similarly, AfDB has committed to improving the extended trade corridor, including the provision of an OSBP, between Cameroon and Nigeria. This effort has started, but there is still much work ahead. Continental free movement of people should both spur and accelerate efforts to further improve transborder infrastructure in the spirit of SDG 9.

207 C. Kingombe, “Hard and Soft Infrastructure Development in Africa; Implementing the WTO Trade Facilitation Agreement in Africa – The Role of the AfDB”, 2014. Available from http://unctad.org/meetings/en/Presentation/TLB_TF_2014MYEM_D2_P2_ChristianKingombe2.pdf (accessed 22 April 2018).

208 Ibid.:17.

209 Tralac, “One Stop Border Post Sourcebook”, second edition, 2016. Available from www.tralac.org/images/News/Reports/OSBP%20Sourcebook%202nd%20Edition%20May%202016.pdf (accessed 22 April 2018).

210 The Zimbabwe Ministry of Industry and Commerce, “Chirundu One Stop Border Post; A Regional Trade Facilitation Programme”, 2011. Available from www.oecd.org/aidfortrade/47750237.pdf (accessed 22 April 2018).

211 The Africa–EU Partnership, “One Stop Border Posts Make Their Way in Africa”. Available from www.africa-eu-partnership.org/en/newsroom/all-news/one-stop-border-posts-make-their-way-africa (accessed 22 April 2018).

212 See The Herald, “Barriers at border posts hinder trade in Africa”. Available from www.herald.co.zw/barriers-at-border-posts-hinder-trade-in-africa/ (accessed 22 April 2018). See also J. Amoako-Tuffour, N. Balchin, L. Calabrese and M. Mendez-Parra, “African Transformation Forum 2016; Trade Facilitation and Economic Transformation in Africa”, 2016:6–8. Available from <http://set.odi.org/wp-content/uploads/2016/03/SET-ACET-ATF-Trade-Facilitation-Paper.pdf> (accessed 22 April 2018).

213 See World Trade Organization and OECD, “Busia One Stop Border Post”. Available from www.oecd.org/aidfortrade/casestories/casestories-2017/CS-71-TMEA-Busia-one-stop-border-post.pdf (accessed 22 April 2018).

118. However, these successes also bring some serious challenges, which can jeopardize realization of the full potential of OSBPs. Studies have shown that, despite the high praise, there are still delays, all too often due to bureaucracy and rigidity on the part of some governments, poor disbursements of funds to the OSBPs, lack of trained staff, corruption and the closure of transit at night at some posts, forcing travellers to sleep at the borders.²¹⁴ At the Chirundu OSBP, for instance, there have been challenges with ICT connectivity, usually resulting in a “duplication of efforts”.²¹⁵ Congestion has been experienced in some OSBPs, resulting in long queues, hurting even passengers with little luggage or goods to be cleared to pass.²¹⁶
119. While the efforts made by OSBPs are highly commended, the concept has not delivered the vision of Agenda 2063, and certainly not for the African people. Fully supported free movement of persons is the only key to a reduction, if not elimination, of the delays caused by corruption, technical hitches in ICT systems and rigid bureaucracy. Free movement would obviate the delays in visa queues because people would not need visas to cross borders within Africa.
120. Of practical relevance are several model initiatives pioneered among other Asian countries, including in the area of tourism, shared cultural parks with museums, joint conference facilities, and several others that African States could seek to pilot as part of the incremental small steps towards actualizing free movement of persons in Africa. On the United States–Mexico border for instance, Friendship Parks, which straddle both sides of their common frontier to let people from either side enter and meet freely, could be a good example applicable to the African context.
121. The potential wider benefits of such complementary border initiatives to support free movement of persons in Africa cannot be overstated. For instance, they encourage the mixing of unique economic advantages in one country, such as abundant energy resources or technological bases, with cheap labour from another neighbouring country. This can deliver efficiencies otherwise unattainable for either country acting alone. They can also directly bolster regional integration, providing scaled models for cooperation between neighbours and encouraging logistical infrastructure investments around border regions. They can effectively act to distribute growth more geographically and with the attendant benefits.
122. There is a symbiotic relationship between vibrant and free movement of persons and broader efficiencies and gains that accrue from closer market integration. Firms, both large and small, are theoretically well placed to leverage efficiency spinoffs from closer spatial integration within a free movement zone. These benefits accrue not only in terms of larger markets created within mobility zones, but also provide the competitive edge that firms and individual business units often derive from the deeper, more diffused transfer of technology, skills, best practices and educational opportunities, as well as innovation, that such an arrangement helps to foster. As the world’s best known example of a large, integrated and liberalized internal market for people, goods and overall mobility, the productivity and innovative edge of the United States vis-à-vis its global peers is often ascribed to the elimination of borders and barriers within the United States internal market. It is also a strategy broadly vindicated by the success and expansion of the European Union market throughout its enlargement phases.²¹⁷

214 S. Muqayi, “The Impact of the Chirundu One Stop Border Post in Addressing Border Protectionist Challenges”, *Mediterranean Journal of Social Sciences*, 2015, 6:18.

215 Tralac, footnote 209:11–5.

216 See Tralac, “Challenges at Chirundu One-Stop Border Post” 23 September 2013. Available from www.tralac.org/discussions/article/5338-challenges-at-chirundu-one-stop-border-post.html (accessed 22 April 2018).

217 T. Petersen, “The EU single market – a success story that has stood the test of time”, Policy Review, July 2014. Available from www.policyreview.co.uk/the-eu-single-market-a-success-story-that-has-stood-the-test-of-time/ (accessed 30 April 2018).

123. The above examples of internal market dynamism have arguably been helped by free mobility and the provision of enabling complementary infrastructures, particularly around integrated transportation plans and regulatory harmonization. The United States Interstate highway system was developed in the twentieth century, and the European Union's cohesion fund dedicated to upgrading Member States' infrastructure, have both delivered a competitive edge to these economic giants. In the case of the United States, construction of the cross-United States road system directly facilitated a 10-fold increase in the country's GDP, from USD 421 billion at the system's inception in 1956 to more than USD 4.5 trillion in 1986.²¹⁸ As observed by one analyst, "[i]nvestment tends to follow infrastructural facilities. People follow transportation routes, job opportunities and money. Money attracts... talent [and an] infrastructure-supported mobility regime is sustainable and irreversible, even in the face of serious security and other challenges."²¹⁹
124. Furthermore, the propensity of such State-led investments in support of integration and mobility to attract private sector investment is clear. Larger cross-border investment opportunities, and the scale factor, help many economic sectors to invest within free movement zones, with the added benefits of highly mobile and open labour markets that tend to drive up overall business efficiency while unit costs, such as for transport, are lowered significantly. In other contexts, encouragement of labour migration – as seen, for example, among China's rural dwellers heading to cities in search of factory and other semi-skilled jobs – proved to be a boon to both the economy and society.
125. Not only did the liberalization of migrant labour rules smooth the path to increasing urbanization, it also helped to optimize the capacity of globally connected corporations to act as diffusers of skills and knowledge to previously unskilled rural populations and households, while enabling a major technical upgrade throughout the economy.²²⁰ Facilitating free movement of persons in Africa could pave a similar liberalization path to shared economic prosperity.
126. These positive assumptions may not hold across all contexts, but evidence suggests that microcosms of mobility-enhanced economic integration have often delivered shared prosperity that would not have been possible without such arrangements.²²¹ While economic integration also often distributes benefits unevenly, adjustment mechanisms exist to nudge outcomes towards equitable growth in a way that helps mitigate political anxieties over uneven competition and excessive opening of economies and borders. In its application, this proposed smoothing approach might be akin to South Africa's revenue distribution to its *Southern African Customs Union* (SACU) partners.²²² Similarly, the underlying principle of the European Union's cohesion fund²²³ is to reduce regional disparities and promote even, harmonious development across the entire European Union zone.

218 United States Department of Transportation, "America Celebrates 30th Anniversary of the Interstate System". Available from www.fhwa.dot.gov/infrastructure/30thannv.cfm (accessed 20 April 2018).

219 See M. Taddele Maru, "Going beyond symbolism: the missing item in the African Union Summit". Available from www.thereporterethiopia.com/content/going-beyond-symbolism-missing-item-african-union-summit (accessed 20 April 2018).

220 C. Fan, "Flexible work, flexible household: Labor migration and rural families in China", 2009. In L. Keister (ed.), *Work and Organizations in China After Thirty Years of Transition (Research in the Sociology of Work, Volume 19)*, Emerald Group Publishing Limited, 377 – 408.

221 See the European Union's TEN-T Integrated Infrastructure Development Plan. Available from https://ec.europa.eu/transport/themes/infrastructure/ten-t-guidelines/corridors_en (accessed 20 April 2018).

222 See especially the "development component" of the SACU Revenue Sharing Formula, which is weighted "in favour of the less developed Member States". Available from www.sacu.int/show.php?id=566#part7 (accessed 20 April 2018).

223 European Union Cohesion Fund, available from http://ec.europa.eu/regional_policy/en/funding/cohesion-fund/ (accessed 20 April 2018).

VIII.5. Foster a comprehensive approach to border management

127. As the free movement of persons initiative approaches reality, all involved States, their respective internal agencies and external partners are compelled to carefully review current practices and shortcomings, and reprioritize and make improvements in all aspects of managing cross-border movement, especially at the borders: border equipment, travel documents, registration of foreigners, strengthening immigration and police agencies' cooperation across borders, and other key aspects within a comprehensive approach to border management. What lessons should we take from other regions that have followed the path of integrated border and migration management, and what do we need to do to prepare for this comprehensive approach?
128. Although the management of borders is primarily the responsibility of the State concerned, the cross-border effects of technology and organized crime, including terrorism, have highlighted the need for States to look beyond their own agencies and seek cooperation with neighbouring ones. Enabling free movement of persons within Africa rouses States to cooperate in matters that relate to border safety and security. Such an imperative saw the European Union develop the Integrated Border Management (IBM) system for States to work together with internal and external competent authorities in the management of borders.²²⁴
129. This concept was embraced by the team involved in the Draft Strategy for Enhancing Border Management in Africa, which sees cooperation and coordination as one of its pillars.²²⁵ Further, with enhanced mobility, States can embark on collaboration with the people to combat illegal activities that the limited number of border officers may not be in a position to handle. Thus, free movement of persons does not mean States have to give up their territorial powers. Rather, it means they will have a more solid basis and common agenda to come together and protect those they are supposed to protect.
130. In ECOWAS, for example, although free movement of persons has been formally established, it is, as yet, not fully implemented and the concerned States continue to review cross-border movement practices and recommend or mandate further strengthening of, for instance, the intraregional travel document and cross-border police cooperation to enable full freedom of movement. For example, in the many official meetings leading up to the ECOWAS Declaration of December 2014 mandating the replacement of the antiquated ECOWAS Travel Certificate,²²⁶ the agreement to proceed with a recommendation for the upgrade of the Certificate was linked or predicated on other improvements in cross-border migration management also being put in place. Among the many examples of improvements identified in the lead-up discussions over the years were the following:
- a. Strengthened tools for control at the borders (digital cameras, fingerprint systems) and facilitating interconnectivity at the borders;²²⁷
 - b. Establishment of specialized Working Groups for improvement of travel documents in the region;²²⁸

224 See IOM, "Integrated border management". Available from www.iom.int/jahia/webdav/shared/shared/mainsite/activities/ibm/05-IOM-IBM-FACT-SHEET-Integrated-Border-Management.pdf (accessed 20 April 2018).

225 African Union Border Programme, Draft African Union Strategy for Enhancing Border Management in Africa, 2012. Available from www.peaceau.org/uploads/AU-DSD-WORKSHOP-MARCH-2013/Border-Programme-docs/AU-BM-Strategy-Revised%20Draft.pdf (accessed 20 April 2018).

226 See ECOWAS, Forty-Sixth Ordinary session of the Authority of Heads of State and Government, 15 December 2014. Available from www.ecowas.int/wp-content/uploads/2015/01/3-Travel-Certificate.pdf (accessed 20 April 2018).

227 ECOWAS Ministers of Security, 7 June 2012.

228 ECOWAS meetings, 7–10 October 2013.

- c. Updating and reinforcing the policy that official travel documents must be used to cross borders: “Any citizen of the Community who wishes to enter the territory of any Member State shall be required to hold a travel document in accordance with the provisions of... this Supplementary Act”;²²⁹
 - d. Updating and enforcing relevant data privacy acts: “Protection of data should be assured through the implementation of additional Acts”;²³⁰
 - e. Exchange of specimens of travel documents among Member States to aid clearance and check fraudulent use;
 - f. All major airports must be connected to INTERPOL I/24-7;
 - g. All travellers (including minors) should have travel documents issued by immigration authorities;
 - h. National legislation should back requirements for automated advanced passenger manifests (Advance Passenger Information (API));
 - i. Need to deploy technology in order to ensure effective border control/management;
 - j. Increase the number of female border operatives to handle migrants/vulnerable persons;
 - k. Need to eliminate extortion and corruptive tendencies among border operatives.²³¹
131. The benefits of this renewed and intense focus on the enabling policy and operational elements for free movement of persons will be felt first at the national and regional levels. Many African States have lacked adequate motivation, resources and partnership to prioritize improvements in comprehensive border management, and this contributes to the low level of trade among African States and limits national development. Unpredictable border clearance procedures and related inadequate border infrastructure create real obstacles to improvements in this area.
132. Additionally, this situation creates problems at later stages of the migration chain when migrants cannot be safely identified due to lack of border passage records and adequate travel documents. Vulnerable migrants are also unlikely to gain the protection and services they need. Finally, weak national borders are critical security gaps. Free movement initiatives require strong national capacities in these enabling areas. As these issues concern not only each African country of origin, but also the chain of States affected along the full continuum of migration, including on and off the continent, new commitments of national and donor–partner resources are likely to become available for the needed improvements.
133. West Africa best illustrates this point. Nigeria is by far the largest economy and most populated country in West Africa. It is also the main source of irregular African migrants to Europe; although Eritrea has occasionally been as strongly represented in those figures, Nigeria tends to dominate that trend consistently. Because Nigeria’s northern land border leads into an ECOWAS member’s territory (Niger), and Niger’s northern and eastern borders lead out of ECOWAS into the Maghreb and Chad, there is strong national and international interest in assisting Nigeria in managing its borders within the ECOWAS free movement context.
134. In the past five years, at least three major European Union-funded programmes have focused on building Nigeria’s and ECOWAS’ capacities to better manage national and regional movement respectively, including substantive projects focused on border and travel document improvement, biometrics in the migration sector, civil registry, returns, national and regional

229 ECOWAS, 10–11 July 2014.

230 ECOWAS, 3–5 December 2014.

231 ECOWAS, 3–4 August 2017.

migration policy, training in migration services, and related areas. In addition to the European Union's investments, at least four major programmes have been funded by other donors in these same areas and based on the same rationale in the last three years. It is in all affected States' interests to make free movement of persons work well in the region and, ultimately, throughout the continent. Strengthening national and regional capacities to effectively manage movements is key to this. Nigeria and other countries in the region benefit from their commitment to free movement through these partnerships.

135. The excerpt below is illustrative of the need for a more comprehensive system of border management made accessible and easier through the implementation of the concept of free movement of persons.

Building the future of Africa through sustainable border management systems: A case of Southern African States

"Africa has 109 international boundaries that are approximately 28,000 miles. Of these boundaries, less than 25 per cent are demarcated. African boundaries are characterized by a high level of porosity/permeability and poor or lack of management. For instance, African international boundaries are protected by about 350 official road crossing points, or one for every 80 miles of boundary (most control posts are 16–20 kilometres away from the border). Twenty per cent of African borders are less permeable because of 27 national parks and game/nature reserves along them. About 414 roads cross borders in Africa. There are 69 roads that cross borders with no customs posts. Only 20 African boundaries are crossed by railways.

"The high level of porosity has made African borders easily penetrable by smugglers of people, drugs, weapons and contraband. Furthermore, revenues generated on borders have been used to fund criminal activities and fuelled severe social problems such as prostitution and prevalence of HIV/AIDS and [sexually transmitted diseases] at border crossing points. In the last decades, deteriorating political, socioeconomic and environmental conditions, armed conflicts, insecurity, environmental degradation and poverty, have been significant root causes of mass migration and forced displacement in Africa. Border perimeter security in the region is challenging, as there are vast borders that need 24-hour surveillance. Troops within the region do not have the human capacity to man these perimeters and are turning to solutions that do not require physical human presence for surveillance."

M. Gwakwa, G. Ndebele and G.K. Kachere, "Building the Future of Africa through Sustainable Border Management Systems: A Case of Southern African States", *International Journal of Innovative Research and Development*, April 2016, 5(5): 340. Available from www.ijird.com/index.php/ijird/article/viewFile/93252/69095 (accessed 20 April 2018).

VIII.6. Promote rule of law, human rights and public health

136. Improving border and identity management should benefit the rule of law, human rights and public health in a number of ways. The global SDG 16 specifically notes the importance of promoting the rule of law at national and international levels and ensuring equal access to justice for all; the reduction of illicit financial and arms flows significantly by 2030, strengthening the recovery and return of stolen assets and combating all forms of organized crime; substantially reducing corruption and bribery in all their forms; development of effective, accountable and transparent institutions at all levels; and improving identity management and assigning and assuring legal identity for all: “By 2030, provide legal identity to all.”²³² Access to legal identity extends many advantages beyond improved travel documents, including right of access to health services, legal redress, banking and credit, and other rights and services.
137. Secure identity documents underpin secure travel documents and, when coupled with improved systems and standard procedures at borders, can also be important elements in protecting human rights, in particular migrants’ rights during border passage and other parts of the migration process. Without standard data systems at borders, criminal watch lists cannot function adequately and known or suspected traffickers have a low risk of apprehension at poorly equipped borders. Similarly, identification of known kidnapped or missing persons cannot be effectively accomplished. Better identification of traffickers and their victims, and timely interventions to remove the victim from harm’s way, are greatly facilitated by better border management.
138. Health inspections at the border are generally shared between the immigration officers and a specialized arm of the National Health Service assigned to the borders. A common approach is for immigration officers to inspect routine health documents, such as the International Certificate of Vaccination or Prophylaxis (or yellow card), while health specialists may focus their attention on special situations, such as providing inoculation or isolation for questionable cases, and special actions in the face of serious health crises such as the Ebola Virus Disease crisis. In line with International Health Regulations (2005) and World Health Assembly Resolutions WHA 61.17 and WHA 70.15, the advantage of well-structured border management systems, both for inter-agency cooperation on migration health, and for data capture, is obvious.
139. However, it is important to note that migrants do not always cross the official borders where immigration and health systems are in place. In this context, the concept of border control needs to be expanded; international borders should not be seen only as a line separating two countries, but “border spaces” that need to be recognized (e.g. both formal and informal pathways, communities on both sides linked through family and social ties). Therefore, investing in health systems, especially primary health care in and around the borders, is crucial, as they are the first points where threats are detected and addressed. Equally, understanding mobility patterns and types of people on the move is vital in preparing and identifying the key hot spots as well as the nexus of human mobility and transmission based on the mobility data.

232 United Nations, 2015, Sustainable Development Goal 16, Target 16.9. Available from <https://sustainabledevelopment.un.org/sdg16>.

IX. ADDRESSING CHALLENGES OF FREE MOVEMENT OF PERSONS IN AFRICA

140. This section examines four key challenges to the implementation of the free movement of persons and where appropriate makes suggestions on how these challenges could be addressed. These include:

- a. Social-political challenges;
- b. National capacity and resource challenges;
- c. National security and public order concerns; and
- d. Public health concerns.

IX.1. Social-political challenges

141. Free movement of persons, as stated earlier, is associated with rights of establishment and residence. With this kind of change, there are bound to be social challenges that have already given many States cause for concern and hesitation. Statistics given in earlier sections point to the disconcerting unemployment levels in many African countries. There is already fierce competition for jobs among the citizens themselves. Allowing free movement has been seen to increase this strain, especially where the migrants are workers with higher skills.²³³ This perception that “foreigners take up too many local jobs”²³⁴ was largely to blame for the xenophobic attacks in South Africa which some have called “afrophia”, because the hostility is mostly against African foreigners rather than white foreigners.²³⁵ In major African urban centres, high levels of conflict fuelled by both political and social violence, and a combination of the two, are already a challenge. Urban violence manifests itself in different ways, including armed battles between politically motivated groups, remote violence and terrorism, (organized) crime, riots and protests, xenophobic incidents, social violence, election-related violence, and conflict over land, among others.²³⁶

142. In South Africa’s Gauteng province (which includes Johannesburg and Pretoria), for example, people took to the streets more than 1,900 times between 1 January 1997 and 1 September 2016 – more often than in any of the other current or emerging African megacities. Over time, there has been a significant increase in riots and protests. The 2009 peak corresponds to a presidential changeover as well as high levels of xenophobic violence.²³⁷ Over the past 20 years, the number of politically violent events in Africa’s urban areas has surpassed those in rural settings, largely explained by the rise of riots and protests, a sizeable proportion of which are increasingly driven by tensions around migrant influxes, such as in South Africa (see figure 10 below).

233 R. Nedelescu, “Free Movement of Persons: The Mirage of Social Security Schemes”, *Bruges European Economic Research Papers*, 2015, 34:5.

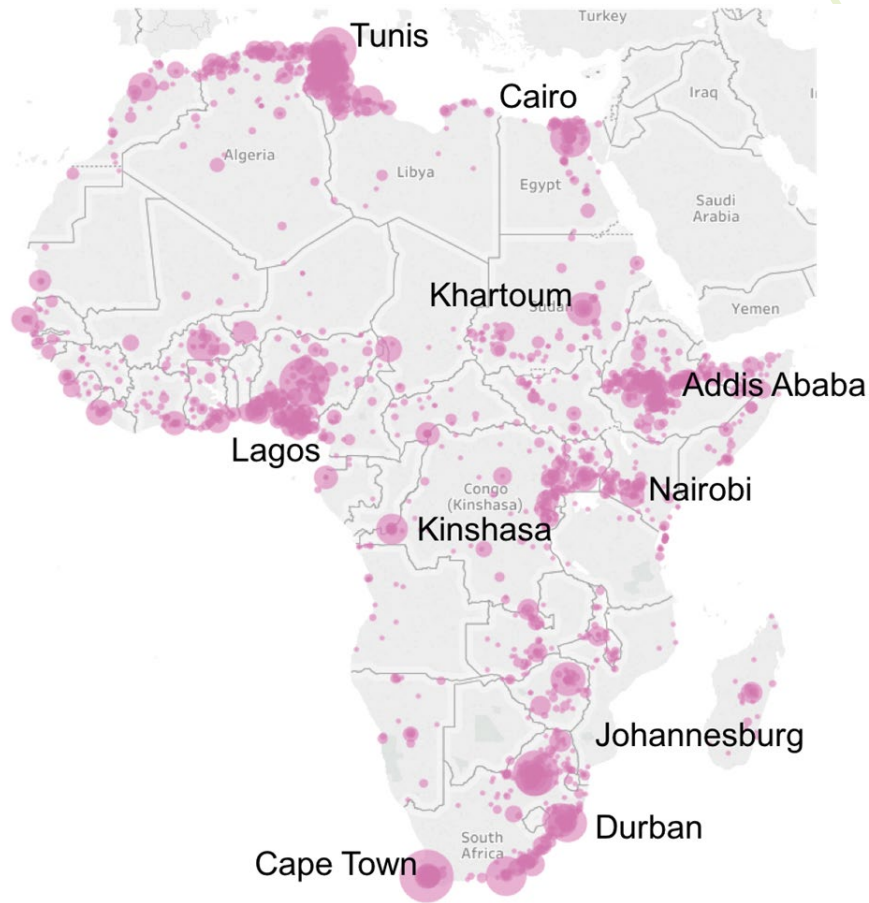
234 See Quartz Africa, “Reality check: The barriers to a pan-African passport may be insurmountable”. Available from <https://qz.com/737003/the-barriers-to-a-pan-african-passport-may-be-insurmountable/> (accessed 20 April 2018).

235 S. Tshabalala, “Why black South Africans are attacking foreign Africans but not foreign whites”, 15 April 2015. Available from <https://qz.com/384041/why-black-south-africans-are-only-attacking-foreign-africans-but-not-foreign-whites/> (accessed 20 April 2018).

236 Cited in Bello-Schünemann et al. (footnote 41 above).

237 J. Bello-Schünemann and C. Aucoin, “African Urban Futures”, *African Futures Paper* 20, 2016, Institute for Security Studies:22.

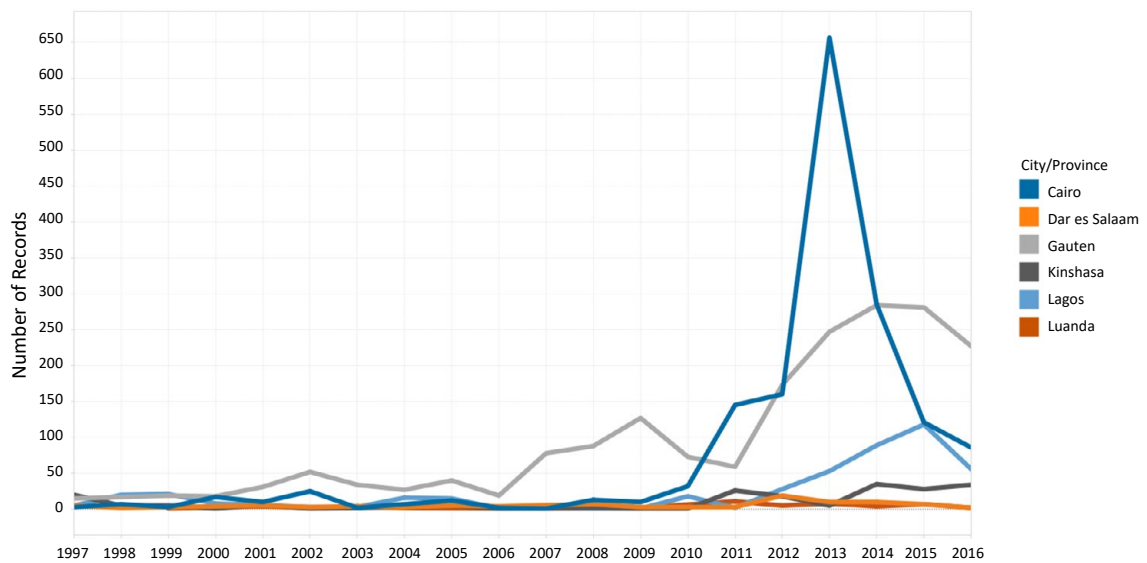
Figure 10: Riots and protests in Africa, 2016, major cities highlighted



Source: Armed Conflict Location and Event Data Project, Version 6.0.²³⁸

Note: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

Figure 11: Riots and protests in Africa, 1 January 1997–September 2016



Source: Armed Conflict Location and Event Data Project, Version 6.0.

238 Cited in Bello-Schünemann et al. (footnote 41 above):23.

143. The effects of contested free movement have been experienced even within the European Union. Nationals of the United Kingdom raised concerns over the influx of other Europeans taking up jobs in their country, noting that 6.8 per cent of the total United Kingdom workforce was comprised of European nationals.²³⁹ In addition to an anticipated increased demand on already straining social services, such as housing and health care, States have to launch intense campaigns to reassure their own citizens that free movement of persons has more gains than losses. The statistics and data below are further indicative of these fears.

Migrating for Work Research Consortium

The Migrating for Work Research Consortium, an organization that examines migration and its impact on the South African labour market, released two studies last year that drew on labour data collected in 2012 by Statistics South Africa.

They found that 82 per cent of the working population between 15 and 64 year of age were “non-migrants”, 14 per cent were “domestic migrants” who had moved between provinces in the past five years, and just 4 per cent could be classed as “international migrants”. With an official working population of 33,017,579 people, this translates into approximately 1.2 million international migrants.

A racial breakdown of the statistics reveals that 79 per cent of international migrants were African, 17 per cent were white and around 3 per cent were Indian or Asian.

International migrants are more likely to be employed than South Africans. According to the data from the Migrating for Work Research Consortium, international migrants in South Africa have much lower unemployment rates than others. This is unusual. In most other countries, international migrants tend to have higher unemployment rates than locals.

South Africa’s unemployment data show that 26.16 per cent of “non-migrants” are unemployed and 32.51 per cent of “domestic migrants” are unemployed. By comparison, only 14.68 per cent of international migrants are unemployed.

K. Wilkinson, “ANALYSIS: Are foreigners stealing jobs in South Africa?” 17 April 2015. Available from <https://africacheck.org/2015/04/17/analysis-are-foreigners-stealing-jobs-in-south-africa/> (accessed 23 April 2018).

144. Though relating to movement of labour, language barriers have also been cited as a challenge to free movement of persons. For example, in the EAC, people in Rwanda and Burundi predominantly speak French, while in Kenya, Uganda and the United Republic of Tanzania, English and Swahili prevail.²⁴⁰ This hurdle, however, can be overcome. People who move especially for trade will appreciate and act on the need to learn the language and the culture of the people.
145. Free movement of persons affects the territorial borders of States, meaning that the greatest challenge to be overcome is the political will or lack thereof. Nationalism has been cited as a

239 See The Guardian, “Are EU migrants really taking British jobs and pushing down wages?” 20 May 2016. Available from www.theguardian.com/politics/2016/may/20/reality-check-are-eu-migrants-really-taking-british-jobs (accessed 23 April 2018).

240 V. Ogalo, “Achievements and Challenges of Implementation of the EAC Common Market Protocol in Kenya: Case of Free Movement of Labour”, 2012. Available from www.fes-kenya.org/media/activities/EAC%20Common%20Market%20Protocol%20and%20Free%20Labour%20Mobility%20Workshop/Papers/CMP%20Implementation%20in%20Kenya.pdf (accessed 30 April 2018).

major political challenge to the concept of free movement or any form of integration because most governments make decisions to promote the country's identity and image rather than that of Africa. Leaders and citizens of an African State hold on to their identity as a country, not wanting to absorb or be absorbed into a wider African pool. One author presents this challenge as follows:

Will the desire for some form of unity among African countries be strong enough so that the citizens of the various nation-States would peel off or modify their allegiance to ethnic, national and political identities and transfer their loyalty to a supranational entity that has been referred to in some quarters as the African common home?²⁴¹

146. Additionally, past or present wars, disputes and/or tensions – such as those between Ethiopia and Eritrea, Rwanda and Burundi, the Democratic Republic of the Congo and Burundi, Somalia and Kenya – breed mistrust and suspicions and “divert attention from regional integration projects”.²⁴² The success of African regional integration would remain limited as long as members of the African Union continue to strictly maintain their sovereignty. In light of the fragmentation and various types of barriers,²⁴³ States will hide behind the cloak of State sovereignty.
147. The African Union Member States may make resolutions in their meetings, put in place institutions to promote free movement of persons and adopt conventions or protocols, but in the final analysis, political will may be the life or death of everything that the concept of free movement hopes to achieve. Governments will have to make concerted decisions and efforts to successfully turn this concept into a reality. Above all, political leaders will have to convince anxious constituents of the real benefits, while taking credible mitigation measures, all of which need to be part of securing solid and grounded support for the universal application of free movement of persons across Africa. Technocrats and political leaders will need to frontload early benefits to ordinary citizens, to drive up enthusiasm while assuaging citizens' well-founded concerns.
148. Effective implementation of free movement of persons in Africa will require nuanced and context-specific political understanding and advocacy to secure buy-in and support. In the short-to-medium term, policymakers must devote careful attention to the differential needs and capacities of individual countries to aid their seamless implementation of such a regime. Practical mutual assistance will support the relevant State institutions and bureaucracy, and help shape and apply the appropriate policy, regulatory and monitoring framework for successful free movement of persons.
149. The buy-in of citizens, key corporate players and wider socioeconomic actors and constituencies is also vital, underlining the need for discussions over the varied nature and direction of economic development across African States, what this is likely to mean for diverse local constituencies and the differentiated impact of more open borders. Such an approach will give due recognition to provisions in the Constitutive Act of the African Union, including on the respect of principles of democracy, due process, popular participation and good governance. Extensive consultation and creation of space for civil society and others to influence and help shape the conception and implementation process will therefore serve as an insurance policy for free movement of

241 E. Ike Udogu, “*Political Integration and the Contemporary Discourse on Continental Unification in Africa*”, 2011, Proceedings of the 19th Annual Conference of the Global Awareness Society International May 2011, Jagiellonian University, Krakow, Poland. Available from http://organizations.bloomu.edu/gasi/pdf_documents/2010_Proceedings_pdfs/UdoguGASI-4.pdf (accessed 23 April 2018).

242 A. Sesay and M. Omotosho, “*The Politics of Regional Integration in West Africa*”, 2011, WACSERIES 2:12.

243 World Bank, “*De-fragmenting Africa: Deepening Regional Trade Integration in Goods and Services*”, 2012. Washington D.C.

persons in Africa.

150. Furthermore, proactive public information campaigns, timely communication of information and plans on free movement of persons and transparency around stakeholder engagements, critical milestones and well-defined objectives must be regularly disseminated. This requires a shift from the practice of shrouding continental policy processes in officialdom and secrecy, as has been the case with similar past processes. These principles constitute minimum enabling conditions to set in motion a widely accepted, orderly and well-functioning strategy on free movement of persons in Africa that can better integrate the continent's economies and societies.
151. In more political terms, consideration needs to be given to an assortment of sovereignty-based challenges, including the possible constraints on governments of the obligations and commitments of standing bilateral agreements on deportation and similar protocols. Such agreements include the raft of immigration-focused deals recently concluded between the European Union and African States such as Niger, Mali and Senegal.²⁴⁴ These commitments and agreements will need to be comprehensively reviewed with third parties as part of the painstaking preparations for free movement of persons in Africa.
152. As a complement, other practical enablers will be needed to facilitate effective coordination and alignment of free movement of persons with wider plans, also as part of individual national economic blueprints. Expert input and engagement will help the seamless mainstreaming of free movement of persons into the workings of governments, national private sectors and other decision-making and implementing structures from the African grassroots through to the continental structures. Proper sequencing of key interventions, especially economically related clusters such as on intra-RECs movement of goods and people, must also be given priority.
153. As already acknowledged, African Union Member States are at different stages and levels of economic development. This should not, however, become an excuse to forestall facilitating free movement of persons on the grounds that citizens of less endowed Member States would flock to those that have more resources. While that argument has seen pockets of intolerance among Africans against other Africans, including xenophobia, research suggests that free movement of persons and labour has the greatest potential to stem the tide, by regularizing documented migration which allows fair and legitimate access to labour and other essential services without the need to resort to criminality.²⁴⁵ To take account of the genuine interests and concerns of African Union Member States in facilitating free movement of persons, given the variances in economic development, a phased or graduated approach is recommended – seeking inspiration from RECs such as ECOWAS in terms of making available the three rights – entry, establishment and residence.
154. The rising intensity of resistance and doubt in many countries, including in Africa, about current levels of migration, and the possible impetus to migration that a continental free movement regime may give, cannot be ignored in this process. Just as some of the anti-immigration advocates tend to broadly generalize about and stigmatize all or most migrants and their supporters, so many of the advocates of freer movement tend to generalize and dismiss the

244 E. Maurice, "EU hails first result in Africa Migration deals", *EU Observer*, 18 October 2016. Available from <https://euobserver.com/migration/135551> (accessed 23 April 2018).

245 See generally G. Rwanda Muchiri, "Xenophobia, A Critical Study of the Phenomenon and Pragmatic Solutions for South Africa", 2016. Unpublished Doctor of Laws Thesis, University of Pretoria, South Africa:61–96.

legitimacy of doubts or fears about increased migration, and cast all doubters in an unflattering light. Not all who doubt are xenophobic and uninformed; not all who support are naïve and out of touch. Since the latter are unlikely to dominate or marginalize the critics' views, an approach to create common ground and reassurance is needed if free movement is to expand.

155. Research and analysis should play a key role in creating this common ground. Nonetheless, while research on the effects of migration is plentiful, it does not yet show an unambiguous picture. Economic models tend to support more open borders and freedom of movement,²⁴⁶ but even in these perfect-world scenarios, it is recognized that some will lose in the process, and the losers are likely to be the lowest skilled in the destination countries. Similarly, the great potential economic gains touted in the best-case scenarios tend to be based on calculations of migration from very poor areas to much wealthier ones. They tend not to be based on migration of poor and marginally educated and often low-skilled persons from one unfavourable economic environment to another with similar characteristics and demographics – such as may be the case for freedom of movement in some regions of Africa or perhaps throughout most of the continent. Not surprisingly, it is also the unemployed and the less educated in the destination countries who are often least favourable toward immigration.
156. While Africa, as a case in point, is not uniform in its employment and poverty challenges, it is as a whole quite poor across much of the continent. The figures are oft-cited and well known: 75 per cent of the world's poorest countries are in Africa; the 10 countries with the highest proportion of residents living in extreme poverty are all in sub-Saharan Africa; approximately one in three people living in sub-Saharan Africa are undernourished;²⁴⁷ and Africa is experiencing unprecedented growth and numerical dominance of its working age population.²⁴⁸
157. Garnering public acceptance and active support is likely to be one of the greatest challenges to advancing free movement of persons in the current environment. For free movement promoters, it will not be sufficient only to voice disagreement and resistance to the strengthening conservative positions. Instead, it will be essential to plan and frame free movement as a gradual and managed process, one whose advantages can be clearly demonstrated both to senior policymakers and to the average citizen. It will be crucial to put in place a process of regular and objective review and assessment of the economic, social and security effects of implementation of free movement of persons on the participating States and their citizenry, and to leave the door open for whatever responses or adjustments such analyses may suggest.
158. In this regard, the Visa Openness Index recently launched by the AfDB can help assess the effectiveness and eventual benefits of open borders for regional integration and trade across Africa. Coupled with the proactive and transparent public information campaigns recommended above, the results from the Index will be instrumental in weathering resistance and dispelling doubt among critics, and aiding the adoption of measures to address any possible negative effects of free movement of persons.

246 *The Economist*, "A world of free movement would be \$78 trillion richer", 13 July 2017. Available from www.economist.com/news/world-if/21724907-yes-it-would-be-disruptive-potential-gains-are-so-vast-objectors-could-be-bribed (accessed 23 April 2018).

247 The Borgen Project, "Top 10 Facts About Poverty in Africa", 2015. Available from <https://borgenproject.org/10-quick-facts-about-poverty-in-africa/> (accessed 23 April 2018).

248 See African Development Bank Report (2012).

IX.2. National capacity and resource challenges

IX.2.1. Standard travel documents and national IDs

159. Internationally standard travel documents, underpinned by breeder documents and civil registration systems of high integrity, are key enablers of free movement of persons in a managed and trustworthy process. Such free movement requires the harmonization, adoption and operationalization of certain travel documents and standards, such as those set by ICAO. Additionally, the African passport envisioned by the African Union requires biometric systems of registration. The big challenge is the availability of resources and means to actualize these arrangements. Biometric systems, for instance, are only available in 13 of the 54 African Union Member States.²⁴⁹ Studies in Southern Africa have shown that even when there is the will to implement free movement of persons, a lack of resources can hamper any meaningful advancement.²⁵⁰
160. It is beneficial to the facilitation and recording of movements, assurance of identities and efficiency of equipping borders for inspection of travel documents, if these documents, whether passport or ID card-sized, are ICAO-compliant. One advantage of using ICAO standards is the guarantee that any standard travel document-reading device, and standard border management information system (BMIS) software, will be able to read the document. Departing from ICAO standards jeopardizes all previous investments in border data systems, and lends no clear guidance to future procurements across the many African countries involved.
161. ICAO is responsible for creating and disseminating standards for both ID card size and passport book size travel documents. There are separate clear standards for documents containing biometrics and other electronic data, and documents that do not. ICAO does not require travel documents to contain electronics (chips) or biometrics, though they must have a visible machine readable zone on the card. However, if travel documents are produced with electronic storage of the travel data, and provide biometric operability, then ICAO standards must be followed. ECOWAS requires ICAO compliance and biometric capabilities in the new definition of its intraregional travel document, the National Biometric Identity Card (NBIC), as specified in a December 2014 Decision.²⁵¹
162. In 2016, IOM surveyed ECOWAS members States' costs of travel and ID documents,²⁵² and noted that the ECOWAS Travel Certificate was more expensive for a Nigerian to use (per year of its validity) than a Nigerian ePassport. This is due to the very short validity period of the Certificate (two years, extendable by two more). The report also noted the following sample costs (in EUR equivalent, from least expensive to costliest), comparing some West African documents with relevant European documents:
- a. Senegal national ID, EUR 12, valid 10 years: EUR 1.20/validity year;
 - b. Nigerian ePassport, EUR 24.20, valid 10 years: EUR 2.42/validity year;
 - c. Ireland Passport Card, EUR 35, valid 10 years: EUR 3.50/validity year;
 - d. ECOWAS Travel Certificate, EUR 18.35, valid 4 years: EUR 4.63/validity year;
 - e. Sweden National ID/travel document, EUR 46, valid 5 years: EUR 9.20/validity year.

249 C. D'Orsi, "The barriers to a pan-African passport may be insurmountable", 20 July 2016. Available from <https://qz.com/737003/the-barriers-to-a-pan-african-passport-may-be-insurmountable/> (accessed 23 April 2018).

250 L. Fioramonti, "Is it time to take free movement of people in Southern Africa seriously?" 7 June 2013. Available from www.afdb.org/en/blogs/industrialisation-and-trade-corner/post/is-it-time-to-take-free-movement-of-people-in-southern-africa-seriously-11975/ (accessed 23 April 2018).

251 ECOWAS, Forty-Sixth Ordinary session of the Authority of Heads of State and Government, 15 December 2014.

252 International Centre for Migration Policy Development and IOM, 2016.

163. The inclusion of the Swedish document in the comparison is instructive, as it is the only known dual-purpose biometric national ID and ICAO-compliant biometric travel card (electronically enabled machine readable official travel document (eMROTD)). It includes separate electronic chips for each purpose, which currently appears to be the sole acceptable technical solution for cards serving both purposes. It is by far the most expensive of the noted documents – well out of reach of most Africans for regional cross-border travel documentation. The ECOWAS States that wish to combine biometric travel functions in an ICAO-compliant manner with their already biometrically enabled national IDs will need to meet the same technical standards as the Swedish ID unless or until international travel document standards are changed.
164. Although ICAO has no authority over national IDs, its core standards require that national IDs that are also used as international travel documents must be made to ICAO standards for the travel information: “A State whose identity documents are recognized by another State as a valid travel document shall design its identity documents such that they conform to the specifications.”
165. Travel and identity documents of high integrity, consistent with international standards, are a key enabler of free movement of persons, but also are often one of the most significant costs, particularly for free movement in development contexts. The challenge is making any type of travel document affordable for the average user – particularly those travelling across land borders. Unlike the seasoned international air traveller, migrants moving overland are likely to have far fewer means to apply for a travel document. National IDs, where in use (not all countries have a strong history of such use), have naturally become a focus of attention in attempts to solve this problem. They are commonly linked to civil registries and are usually free or highly subsidized – particularly where they are mandatory. If national IDs can be enhanced to also serve as internationally standard travel documents consistent with ICAO standards, it would go a long way towards better managing cross-border movement in Africa when coupled with the installation and use of industry-standard border management information systems.
166. Fortunately, this is both possible and increasingly common practice for national IDs. Many of the European Economic Area (EEA) Member States issue national IDs which are also ICAO-compliant for non-electronic travel documents the size of a card (MROTDs). However, if the travel specifications on the card are to include travel biometrics (eMROTD standards), there is presently no easy and affordable way to combine the travel biometric features with national ID biometric features, while remaining ICAO-compliant, as ECOWAS has mandated with its NBIC (the new version of the antiquated ECOWAS Travel Certificate). It is yet to be seen how the ECOWAS Member States will resolve that issue.
167. The solution is clear in most cases: upgrade national IDs to also include ICAO MROTD features (non-biometric), thereby equipping most of the population of most countries with a machine-readable travel document useful for travel in the free movement area. These documents would not necessarily be valid for travel outside the agreed free movement area, but that is not the goal of the free movement of persons initiatives. The World Bank, through its ID4D (ID for Development) initiative, as well as others, have funding and an interest in improving national identification, and this makes the proposed solution even more viable for developing States, along with an ongoing national commitment to affordability of national IDs.
168. To further support this approach, it is notable that national IDs are already authorized for cross-border movement in some specific RECs or subregions (such as the eight members of the West

African Economic and Monetary Union, effectively a subregion within ECOWAS). Complementing World Bank and others' work on national IDs and civil registries, IOM (with funding from Germany) is working in West Africa, particularly Nigeria, on improving Nigeria's intra-ECOWAS travel document to meet both ICAO and ECOWAS standards.

169. The way forward is to enhance government and donor investment in civil registration and strengthen the identity chain, and to raise attention to and investment in travel documents for free movement areas. Earlier sections of this report have already discussed how free movement of persons initiatives help focus government and donor-partner attention to this issue, and expand the funding and technical support base. The ID4D programme, among other initiatives, is already giving substantial support in the civil registration area, and IOM and other international organizations are strongly engaged on the travel document side. Many of the national governments directly affected are also increasing their commitment and support. While there are certainly significant costs involved in upgrading both civil registration and travel documents, they are essential enabling factors for successful implementation of free movement of persons. Partnership and proper planning should make this an achievable goal.

IX.2.2. Border Management Information Systems

170. Borders are the elephant in the room where discussions on free movement are held. The challenges and pressures at borders can be overwhelming. Border officers must protect the boundaries from being used by criminal gangs and terrorists to gain entry to other countries, curb the smuggling of goods and people, and combat illegal migration. Free movement of persons will definitely increase the heat that border management is already facing. The excerpt below succinctly describes this challenge.

Building the future of Africa through sustainable border management systems: A case of Southern African States

“The level of chaos and misdemeanour taking place at most borders of developing countries is indeed a cause for concern for all of us. I want to assume at this juncture that border control tradition is no longer viable and that border management should focus beyond the physical borders of Member States. The magnitude, severity and complexity of border management problems in Africa call for urgent actions to be taken to turn borders into zones of peace, security, stability and development. It is plausible that the African Union has drafted a policy framework on security sector reform that guides it, the Member States, the Regional Economic Groupings and other stakeholders to, among other things, provide State security by defending the borders, national sovereignty and territorial integrity of Member States within the rule of law. Border management is no longer about physically seeing things happening, but involves a lot more than the traditional physical controls. The challenges facing African States to manage their borders are compounded by globalization that has changed the model of traditional borders through advancement in technology and transformation of international relations. One cannot deny the issue that increases in volumes of cross-border trading and movements of people from their countries of origin in search of greener pastures elsewhere have put enormous pressure on border control systems.”

M. Gwakwa, G. Ndebele and G.K. Kachere, “Building the Future of Africa through Sustainable Border Management Systems: A Case of Southern African States”, *International Journal of Innovative Research and Development*, April 2016, 5(5):339. Available from www.ijird.com/index.php/ijird/article/viewFile/93252/69095 (accessed 23 April 2018).

171. If States do not adopt effective border management mechanisms, the implementation of free movement of people could be a nightmare for border agencies. The good news is that BMIS can reduce the immense pressures on borders from the growing number of people crossing them on a daily basis. BMIS aims to record passenger movements more accurately, contribute significantly to the collection and processing of reliable, timely statistical migration data and assist in the formulation of strategic and tactical intelligence to inform proactive migration policies, among others.²⁵³
172. Streamlining of border management in Africa, particularly for land and sea border control posts, is dependent upon standard travel documents being used widely, but once these are in use, BMISs are needed to read, record and check the data on the cards. Without the BMIS, there will be no progress in travel facilitation or security – regardless of the quality of the new travel document. Yet, in many African countries, the borders still lack BMISs, possibly also the electrical grid access to power those systems. Communications infrastructure is often equally weak.
173. Several countries have commenced the major process of installing BMISs at their land and sea borders, with complementing power and communications systems. These are significant investments, but the improvements are critical if Africa’s land and sea borders are to be managed efficiently and in the service of the core intent of regional and continental free movement. Nigeria is a useful, current example for costs and process of deployment.
174. Since 2016, IOM has been equipping Nigeria’s land and sea borders with the Migration Information and Data Analysis System (MIDAS). MIDAS is now present in 17 African States,²⁵⁴ though not fully deployed in any of them. In Nigeria, the challenges include the lack of grid electricity at nearly all the border control checkpoints, and poor communications infrastructure at those locations. The average cost of installing the system, with an accompanying robust solar power system and sustainable low-tech communications, is approximately EUR 250,000 per site – inclusive of project management costs, data integration, communications and training components. No continuing licensing fees burden the beneficiary countries, which further improves sustainability of the systems. The beneficiary countries fully own and control their data.
175. With approximately 144 air, land and sea borders, an investment of approximately EUR 36 million is needed to cover all of Nigeria’s chartered checkpoints (including six air borders) with MIDAS – the air borders comprising a minor part of this investment. While other needs would remain, such as monitoring and managing the green and blue borders between the formal checkpoints, an investment of this magnitude can be considered reasonable and manageable for a country the size of Nigeria, and an essential enabling investment for free movement to proceed in a more efficient manner within the ECOWAS free movement area. This area of investment has also proved consistent with the interests of the donor–partner community, with several donors now actively engaged. The costs are scalable; and the level of investment is proportional to the number of checkpoints in other countries.
176. The way forward is the same as for travel and identity documents: heighten government and donor investment in border data systems as a necessary enabler of well-managed free movement of persons. Earlier sections of this report on the benefits of free movement have

253 See IOM, “The International Organization for Migration and Border Management Information Systems”, 2011. Available from www.iom.int/jahia/webdav/shared/shared/mainsite/activities/ibm/08-IOM-IBM-FACT-SHEET-Border-Migration-Information-System-BMIS.pdf (accessed 23 April 2018).

254 Through mid-2017, MIDAS was deployed in: Burkina Faso, Burundi, Chad, Congo, the Democratic Republic of the Congo, Djibouti, Guinea, Liberia, Malawi, Mali, Mauritania, Niger, Nigeria, Somalia, South Sudan, Uganda and the United Republic of Tanzania.

already presented evidence of growing donor interest and investment. In Nigeria, as a case in point, the European Union, Germany, Japan and Switzerland are or have recently been helping to fund the deployment of a BMIS. Costs, as noted, are challenging but manageable, and the systems deployed through such support in Nigeria have good prospects. Both BMIS and internationally standard travel documents also help facilitate the sharing of traveller information among participating States. This improvement in data sharing can assuage some of the fears or misgivings from the security sector about free movement of persons.

IX.3. National security and public order concerns

177. National security and public order are often cited as key challenges to facilitating free movement of persons in Africa, and these challenges must be seriously considered when planning expanded free movement areas. In Africa, for example, terrorist attacks on the continent increased five-fold between 2009 and 2015, from 171 to 738, with Boko Haram, Al-Qaeda in the Islamic Maghreb and Al-Shabaab as the primary actors.²⁵⁵ The same source notes that the level of collaboration between Boko Haram and the Islamic State (ISIS/D'aesh) is more significant than earlier thought. Further, Al-Qaeda in the Islamic Maghreb has extended its reach from a stronghold in northern Mali into Bamako, and into Burkina Faso and Côte d'Ivoire. Sixteen different African countries experienced terrorist attacks in the first nine months of 2016, accounting for more than 8,000 deaths.²⁵⁶
178. Another potential and real security threat is organized crime, including migrant smuggling, human trafficking and arms and drug trafficking. In parts of Eastern Africa, for example, the poor condition of the land borders is a contributing factor for the widespread smuggling of migrants from Ethiopia, and some from Eritrea, into Somalia for clandestine departure to Yemen. The United Nations Office on Drugs and Crime (UNODC) estimated that, in 2012, more than 100,000 people paid smugglers to transport them across the Gulf of Aden or Red Sea to Yemen, generating an income for the boatmen of more than USD 15 million.²⁵⁷ Non-Somalis made up approximately 73 per cent of this group, likely generating more than USD 11 million of the USD 15 million generated in illicit revenue for the smugglers.²⁵⁸
179. Terrorism adds to the challenges of insecurity and crime that States are already grappling with. Free movement has been viewed as adding salt to the wound, because there will be a huge number of people on the move from all over Africa whose intentions the State cannot ascertain. The following observation captures this concern.

255 IHS Markit, "Numbers Show Dramatic Rise of Terrorist Attacks in Africa Over Past Six Years, IHS Says", 27 June 2016. Available from <http://news.ihsmarkit.com/press-release/aerospace-defense-security/numbers-show-dramatic-rise-terrorist-attacks-africa-over-pa> (accessed 23 April 2018).

256 R. Cummings, Tony Blair Institute for Global Change, "Africa's 207 Terrorism Outlook", 19 January, 2017. Available from <https://institute.global/insight/co-existence/africas-207-terrorism-outlook> (accessed 23 April 2018).

257 UNODC, "Transnational Organized Crime in Eastern Africa: A Threat Assessment", 2013. Available from www.unodc.org/documents/data-and-analysis/Studies/TOC_East_Africa_2013.pdf (accessed 23 April 2018).

258 Ibid.:4.

Challenges to the implementation of the protocol on the free movement of goods, persons and establishment

“Issues of cross-border security are of serious concern in West Africa. For instance, during the Liberian and Sierra Leone crisis, respective ethnic groups from both countries supported their ethnic groups. Since the end of both the Liberian war and Sierra Leone war, there has been a proliferation of small arms and light weapons in the West African region. These arms are used for civil conflict, including ethno-religious crises, political violence and crimes in the states. Nigeria, for example, had witnessed ethno-religious conflicts in the northern parts and in the South, the freedom fighters (MEND) had challenged the Nigerian State over issues of fiscal federalism, injustice and environmental degradation in the Niger Delta region. Again, some politicians have provided sophisticated arms like AK47 Rifles to their thugs with which to attack their political opponents among others. These arms have fallen into the hands of ethnic militia groups such as the Oodua Peoples’ Congress (OPC), Movement for the Actualization of the Sovereign State of Biafra (MASSOB), Boko Haram, etc. that have caused havoc in the towns and other places. The ethnic militia groups noted that they are fighting against injustice, marginalization and oppression of their ethnic nationalities by the state. In the past five years, this has been a plague in the body politics of the Nigerian states. Again, the problem of terrorism in West Africa, especially in Nigeria where the Boko Haram (Islamic Sect) is causing havoc in the northern parts, including the Federal Capital, Abuja... The Gulf of Guinea has seen the surge in sea pirates’ activities in recent days that is constituting a grave threat to the subregion. In fact, sea pirates are posing menaces to shipping lines, including hijacking and boarding of ships carrying cargoes, crude oil and passengers to demand for money from the owners (corporations) and also rob the passengers of their possessions along the West African waters.”

E.V. Clark, “The Economic Community of West African States (ECOWAS): The Challenges to the Implementation of the Protocol on the Free Movement of Goods, Persons and Establishment”, *Developing Country Studies*, 2014,6:128–129.

180. While security threats are undoubtedly real, there are limited empirical evidence and data to suggest that free movement and migrants pose a greater danger to national security than nationals, as exemplified in Rwanda, Seychelles and Mauritius.²⁵⁹ Rwanda, for instance, has reported that, when it opened up the visa regime, it did not bring with it greater security challenges, as only 0.045 per cent of travellers visiting Rwanda in 2014 could potentially be considered suspects.²⁶⁰ In any case, it should be noted that there is not a single region in the world that is immune to transborder crimes.²⁶¹ To this end, the Peace and Security Communique, though acknowledging the concerns of States, assured them that the benefits they stood to gain from free movement of persons outweighed the security threats – real or perceived.²⁶² To this end, the countries below have been lauded as having the most relaxed travel regimes in Africa.

259 See AfDB, “Africa Visa Openness Report 2016”, 2016:14–23. Available from <https://www.afdb.org/en/search/?query=Visa+Openness+Report> (accessed 30 April 2018).

260 Ibid.:21.

261 A. Opanike, A.A. Aduloju and L.O. Adenipekun, “ECOWAS Protocol on Free Movement and Trans-border Security in West Africa”, *Covenant University Journal of Politics and International Affairs*, 2015, 1:46.

262 African Union Peace and Security, “Communique of 661st PSC meeting on Free Movement of People and Goods and its Implications on Peace and Security in Africa”, 27 February 2017. Available from www.peaceau.org/en/article/communique-of-661st-meeting-on-free-movement-of-people-and-goods-and-its-implications-on-peace-and-security-in-africa (accessed 23 April 2018).

Africa Development Bank, Africa Visa Openness Report 2017

The top 20 most visa-open countries are as follows: Burkina Faso, Cabo Verde, the Comoros, Djibouti, the Gambia, Ghana, Guinea-Bissau, Kenya, Madagascar, Malawi, Mauritania, Mauritius, Mozambique, Rwanda, Senegal, Seychelles, Somalia, Togo, Uganda and the United Republic of Tanzania.

AfDB, "Africa Visa Openness Report 2017", 2017:13. Available from www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/2017_Africa_Visa_Openness_Report_-_Final.pdf (accessed 23 April 2018).

181. Regarding the security implications of abolishing visa requirements, visas do allow States more time to check the background of persons intending to approach their borders. However, as information and data systems improve for those managing security of international movements, including at ports of entry (land, sea or air), there is more confidence that visas can be safely abandoned for certain categories of persons. This is predicated on having reliable data at the point of entry to aid in traveller inspection, and on the continuation of border inspection processes within the context of free movement. Some influential regional analysts have concluded that "Visas do not seem to be an effective solution... Rather, having strong systems in place, including biometric databases at border controls, and joining up IT systems with other countries and regions seems to be the answer."²⁶³
182. The previous section on travel documents and border data systems reinforces these points. An important part of this preparedness is the implementation of Advance Passenger Information (API) systems for air travellers arriving from international locations. API, while long a mandated system in other regions, has not been mandated for all countries but is strongly recommended. It was anticipated that ICAO would mandate API in its simplest application form for all international air travel as early as the end of 2017. Even without visas, API allows for the advance checking of air passengers against national and international watch lists and can also, in its more advanced application systems, stop travel of known threatening individuals before it begins. Following an assessment by the United Nations Counter Terrorism Centre in Nigeria in mid-2017, the Nigerian Government has committed to establishing and implementing an API system in the near future.
183. It can also be helpful to know that, while border security is among the main concerns of government authorities, it may be of less immediate concern to the border communities themselves. This is possibly due to the fact that crimes, terrorist acts and other security breaches planned or actually committed by a non-national present in the country do not necessarily target or take place in the border community. Government authorities have a wider knowledge of the scope of the threat and the relation of the threat to cross-border elements. In this scenario, it is reasonable for border communities to prioritize other, more immediate concerns – for example, more related to basic needs (e.g. food, water, poverty and employment). This seems borne out in a study of the Liptako–Gourma region of Burkina Faso, Mali and Niger.²⁶⁴ These are considerations when seeking community involvement and cooperation with border security initiatives.

263 AfDB Group, "Africa Visa Openness Report 2016":21. Available from www.afdb.org/en/search/?query=Visa+Openness+Report (accessed 25 April 2018).

264 Danish Demining Group, "Border Security Needs Assessment", July 2014. Available from <https://reliefweb.int/sites/reliefweb.int/files/resources/BSNA%20Summary%20ENG%202014.pdf> (accessed 23 April 2018).

184. As an overarching recommendation, it is suggested that, as part of the implementation of the free movement of persons in Africa, the African Union coordinate biannual Threat and Risk Assessment exercises to review the current state of threat and risk along the following key areas: national security, criminal enterprises, migration, agriculture and health. A useful example are the United States–Canada Joint Border Threat and Risk Assessment reports.²⁶⁵ At a recent meeting on security issues related to the prospect of a continental protocol on free movement of persons, national experts on security from these countries followed this line of thinking in emphasizing the need to collect and share analytical data and evidence on the threats posed by free movement and to establish ways to audit problems and mitigate them.²⁶⁶
185. According to migration experts, the solution to challenges related to national security and public order is not to prevent free movement of persons but rather to ensure that African Union Member States improve their civil registration, especially the integrity of identity documents, border management and law enforcement capabilities.²⁶⁷ Rwanda, for instance, began by strengthening its national security, border management and law enforcement capacities, and embraced innovation and information technology to ensure the integrity and credibility of its borders, immigration protocols, policies and mechanisms, before allowing visas on arrival for all Africans.²⁶⁸ There is little to suggest that free movement and migrants pose a greater threat to national security than nationals in Mauritius, Rwanda and Seychelles – all of which have eliminated advance visa procedures for visiting Africans.

IX.4. Public health concerns

186. Diseases do not care about borders – free movement of persons, where public health is concerned, also translates into free movement of diseases. In Africa, this is particularly worrisome because the national and cross-border monitoring systems are limited.²⁶⁹ Epidemics present numerous challenges to the public health safety of African Union Member States, as illustrated during the outbreak of the Ebola Virus Disease, particularly in Guinea, Sierra Leone and Liberia, in 2015. The first and expected reaction to an epidemic such as Swine Flu (H1N1 and H3N2 influenza virus) or Ebola Virus Disease is to greatly limit or altogether halt the free movement of persons across the border. The decision to quarantine and prevent free movement of persons during such times is necessary to prevent the spread and transmission of health epidemics across the continent. However, States are not just concerned about the health of their citizens. The greatest threat that an epidemic poses is the economic one.
187. The excerpt below indicates that some epidemics can bring a State and a region to its knees due to the costs of containing them, and States have found it safer to do without free movement than to attempt it and bring plagues upon themselves.

265 United States Customs and Border Protection; Canada Border Service Agency; Royal Canadian Mounted Police. (July 2010).

266 Committee of Intelligence and Security Services of Africa, 2017, 26–28 May.

267 See M. Lionel Isaacs, “Free Movement in Africa is desirable but how to realize it?” 26 August 2016. Available from www.afdb.org/en/blogs/integrating-africa/post/free-movement-in-africa-is-desirable-but-how-to-realize-it-16033/ (accessed 23 April 2018).

268 AfDB Group, “Africa Visa Openness Report 2016”:21. Available from www.afdb.org/en/search/?query=Visa+Openness+Report (accessed 30 April 2018).

269 See IOM Regional Office for Southern Africa, “Migration in Southern Africa”, 2016. Available from www.europarl.europa.eu/intcoop/acp/2016_botswana/pdf/warn-en.pdf (accessed 23 April 2018).

How the cost of Ebola damaged the entire African economy

“The outbreak of Zika provides a reminder of the cost of major outbreaks of serious infectious diseases. First, the direct costs of containing and controlling the outbreak are significant. The humanitarian and medical aid costs of the West African Ebola crisis has run into billions of US dollars. A 100-bed isolation facility costs around USD 1–1.5 million or about USD 10,000–15,000 a bed. It requires trained medical staff; Sierra Leone alone needed 750 additional doctors and 3,000 more nurses. These must be sourced from foreign countries, diverting resources.”

“Longer term, development of vaccines and prevention or treatment programmes becomes a significant recurring cost. One of the most insidious aspects of Ebola was the infection and death of West African health care professionals, already in limited supply. Rebuilding the health infrastructure is likely to be slow and expensive. Second, the indirect costs are equally great. Epidemics reduce economic activity and trade, as businesses cannot operate normally and movement of goods and people becomes difficult. In the affected regions, large numbers of the population fled or were cut off by quarantine, disturbing food production. In Liberia, the rice harvest fell 25 per cent due to the lack of workers and fear of congregating in groups.”

...

“Tourism is directly impacted, with falls of about 75 per cent in visitors. Businesses, dependent on foreign skills, were affected as many firms scaled back or shut operations, withdrew non-essential personnel and deferred new investment... A single episode also weakens the position of poorer countries, making them vulnerable to another outbreak.”

S. Das, “How the cost of Ebola damaged the entire African economy” 2016. Available from www.independent.co.uk/voices/how-the-cost-of-ebola-damaged-the-entire-african-economy-a6965081.html (accessed 23 April 2018).

188. However, the solution to containing health epidemics does not lie in blanket condemnation of citizens of other African Union Member States, but rather finding durable solutions to public health epidemics collectively through African solidarity. It is encouraging to see States adopt and implement protocols on the management of epidemics, such as the Cooperation Protocol on Epidemics Prevention and Control – Polio Eradication signed by the Great Lakes countries.²⁷⁰ Indeed, even the “exchange of epidemiological data across borders and responses to outbreaks improved after Member States with similar epidemiological profiles established intercountry protocols of collaboration”.²⁷¹ Accordingly, while it may be appropriate and acceptable to limit temporary movement of persons during a health epidemic, the overriding principle is that of non-discrimination on any grounds in facilitating free movement of persons in Africa.
189. African Union Member States should therefore adopt appropriate measures to deal with likely health epidemics that include strengthening governance structures and ability to prevent, screen and treat affected persons in the event of a public health crisis in any part of the continent. To this end, the requirement to provide the yellow fever card is applauded as a concerted effort to curb the spread of the disease across borders.

270 See World Health Organization Regional Office for Africa, “Great Lakes Countries Sign Cooperation Protocol on Epidemics Prevention and Control, Polio Eradication”. Available from www.afro.who.int/news/great-lakes-countries-sign-cooperation-protocol-epidemics-prevention-and-control-polio (accessed 23 April 2018).

271 See www.who.int/en/ahm/issue/15/reports/recurring-epidemics-who-african-region-situation-analysis-preparedness-and (accessed 26 April 2018).

190. Strengthening the capacities of national health systems in migration-affected areas to deal with migrant health issues serves as a critical enabler of free movement. States need to adopt a rights-based approach to migrant health and promote migrant-sensitive health services among migrants and migration-affected communities.²⁷² To achieve this, they need to develop partnerships with leading organizations in migration and health, such as IOM. Lessons can be drawn from IOM's successful implementation of the Partnership on Health and Mobility in East and Southern Africa programme, which has addressed health vulnerabilities of migrants and migration-affected communities in East and Southern Africa. With the technical assistance of IOM, African Union Member States can improve the monitoring of migrant health to inform policy and practices.
191. With such assistance, they can adopt national laws and practices that better provide for the health needs and rights of migrants and migration-affected communities based on international, regional and national commitments, while strengthening multi-country and sectoral partnerships for effective and sustainable responses to migration and health challenges.²⁷³
192. Member States, in partnership with IOM, should support the African Union in the development of African Centres for Disease Control and Prevention to facilitate effective responses to public health needs, health emergencies and cross-border health security.

272 IOM, "Partnership on Health and Mobility in East and Southern Africa (PHAMESA) – Health of Migrants". Available from <https://ropretoria.iom.int/sites/default/files/document/PHAMESA%20blurb.pdf> (accessed 30 April 2018).

273 Ibid.

X. CONCLUSION AND RECOMMENDATIONS

X.1. Conclusion

193. This study demonstrates how intra-African free movement of persons can bring enormous socioeconomic benefits to the continent. It also explores some real challenges and costs in pursuing such free movement, but finds that, if managed well as part of the overall African integration and development strategy, the benefits of free movement of persons in Africa by far outweigh the costs.
194. African States are invested in advancing and developing their economies by fostering greater intracontinental and global trade. The African people are part of that trade – ranging from small border traders, farmers, migrant workers to tourists, students or investors – and form a natural link or bridge between free movement and free trade. Free movement of persons is shown to be an integral part of the African free trade area strategy.
195. A well-managed system of free movement for Africans can thus provide an incentive to adopt complementary and harmonized policies in a much wider range of areas relevant for trade and development, such as cross-border infrastructure corridors, aligned immigration and border formalities, strengthened national civil registration systems and roll-out of standardized travel-related identity documents. Free movement and free trade present common challenges that call for common enabling solutions such as shared infrastructure, planning and development.
196. Set against ongoing efforts to promote sustainable development and reduce economic imbalances among African States, in line with the United Nations’ 2030 Agenda on Sustainable Development, free movement of persons is a work in progress and part of the way forward to pan-African development.
197. Yet the study finds that many African States still lack sufficient “enablers” to create and manage such free movement. It concludes that, since African Union Member States are at different stages of socioeconomic and political development, they will need to facilitate free movement progressively and in phases. A gradual, integrated and step-by-step approach based on common interests can offer the best prospects for integration.²⁷⁴ It allows States to assess its progress more effectively over time.
198. Where differences may arise among Member States during the process, those States could agree to proceed with implementation among themselves in the expectation that their success will attract other Member States, based on the principle of variable geometry. Careful attention to potential economic winners and losers, based on the objective economic status of key constituencies, will ease the way for acceptance of free movement endeavours.

274 See the World Bank press release of April 19, 2017, “Economic Growth in Africa is on the Upswing Following a Sharp Slowdown”:152. Available from www.worldbank.org/en/news/press-release/2017/04/19/economic-growth-in-africa-is-on-the-upswing-following-a-sharp-slowdown (accessed 20 April 2018).

199. Based on these findings, the study offers some voluntary steps or guidelines for African Union Member States to implement free movement of persons individually and together in a phased, step-by-step manner according to capacities and variegated stages of development. It builds on the progress already made by some African countries and RECs, such as ECOWAS and EAC. If governments take these actions together with key community, private sector and international partners, they will ensure that freedom of cross-border movement contributes to an integrated, whole-of-Africa approach to development and progress.
200. The findings of this study can be used to adjust the free movement strategy as needed, to maximize its benefits, minimize its possible disruptions, and continually strengthen public confidence in free movement as a well-governed process designed to benefit every State and community.

X.2. Recommendations

X.2.1. African Union Member States

201. African Union Member States should individually and collectively implement a phased approach to free movement of persons (where necessary on the principle of variable geometry), and take the following actions to both “enable” free movement and help free movement “enable” broader socioeconomic integration in Africa:

Phase I

- a. Strengthen, improve and integrate national civil registration systems, especially the integrity of ID and travel documents; enhance the security and issuance of biometric ID and travel documents, such as passports compliant with ICAO standards;
- b. Adequately equip borders and strengthen the related capabilities of all relevant agencies such as law enforcement, customs, migration and health;
- c. Domesticating REC protocols relating to free movement of persons; strengthen and harmonize national laws and policies to promote simpler, regular pathways for cross-border mobility in Africa, including mutual recognition of skills/qualifications/work experience;
- d. Sensitize citizens, businesses, media and other public agencies to the benefits of free movement of persons in Africa, including debunking misperceptions that fuel xenophobia, violence, crime and intolerance;

Phase II

- a. Align immigration, customs and border formalities and systems across African Union Member States, possibly including 24-hour open border posts; enhance inter-agency cooperation and information exchange at ports of entry based on compatible technology and innovation;
- b. Develop and improve cross-border infrastructure corridors that include telecommunications, Internet, roads, railways, waterways and airways;
- c. Through legislation and policy measures establish a regulatory environment in which labour migration policies support creation of jobs and businesses, facilitate mobility of the migrant workforce and ensure fair recruitment practices;
- d. Put in place legislative, policy and other mechanisms to guarantee protection and promotion of labour rights of migrants and to address abuse of migrant labour, unethical recruitment and human trafficking;

- e. Strengthen regional and national security systems including law enforcement, rule of law and public order, and capacity of Member States to deal with national and regional security challenges;
- f. Adopt a rights-based approach to migrant health and strengthen the capacities of national health systems in migration-affected areas to deal with migrant health issues.

X.2.2. African Union and regional economic communities

202. The African Union and RECs have a pivotal role in coordinating synergy, cooperation and harmonization of regional norms and standards, and as such should further enable the phased implementation of free movement of persons by the following actions:

Phase I

- a. Develop, adopt and promote a continental legal instrument to facilitate free movement of persons in Africa (i.e. the Protocol to Facilitate Free Movement of Persons in Africa, Right of Residence and Establishment for consideration by the African Union Assembly in January 2018);
- b. Prepare individual REC positions on how to implement free movement of persons in Africa in relation to the ongoing implementation process for REC free movement;
- c. Harmonize continental regional standards and norms on free movement of persons in Africa that include the CFTA and migration frameworks;
- d. Develop a common mechanism/dashboard/scorecard to monitor compliance and implementation of continental and regional legal and policy frameworks on free movement of persons in Africa;

Phase II

- a. Establish Joint Labour Migration Programmes as well as Intra-Africa Talent Mobility Partnership Programmes to facilitate labour mobility and contribute to economic development;
- b. Adopt regional labour migration policy frameworks that regulate compatibility and comparability of higher education in Africa and cross-border recognition of credentials;
- c. Convene annual dialogues and consultations with Member States to reflect and take stock of progress, challenges and opportunities for free movement of persons in Africa; and
- d. Organize biannual threat and risk assessment exercises to review current key concerns: national security and terrorism, international criminal syndicates and networks, commercial malfeasance and threats to agriculture, public health and intellectual property.

X.2.3. Private sector

203. The private sector needs to work alongside African Union Member States and help facilitate free movement of persons in Africa through following enabling actions, such as:

- a. Undertake research, analysis and evidence-based advocacy on the benefits and challenges of free movement of persons in Africa;
- b. Partner with the African Union Member States to help design, develop and implement better mobility policies and practices;

- c. Have a sustained relationship with governments and migration policymakers to maximize the benefits of free movement and in so doing minimize challenges associated with free movement as enumerated in the preceding sections;
- d. Partner with their governments to embrace and disseminate technology and innovation in infrastructure development, trade, industrialization and skills exchange; and
- e. Support implementation and monitoring of compliance with regional norms and standards on free movement of persons in Africa by the African Union and RECs in African Union Member States.

X.2.4. Civil society

204. Civil society should contribute to the efforts of African Union Member States to facilitate free movement of persons within Africa through enabling actions such as:
- a. Promote civic education, awareness and information sharing to debunk myths and concerns about free movement in Africa, including addressing xenophobia and crimes;
 - b. Carry out research analysis and evidence-based advocacy on the benefits and challenges of free movement of persons in Africa;
 - c. Partner with African Union Member States in promoting regular labour migration, within the framework of combating irregular migration, fostering social and economic development of countries of origin, transit and destination, as well as ensuring that integrity and labour rights of migrants are respected;
 - d. Cooperate with African Union Member States in organizing workshops, seminars and information dissemination campaigns, particularly directed at increasing awareness of the human rights of migrants. Civil society can also carry out research and collect information to ascertain and seek redress for any abuses; and
 - e. Support implementation and monitoring of compliance with regional norms and standards on free movement of persons in Africa by the African Union and RECs in African Union Member States.

X.2.5. Media

205. The media should contribute to the efforts of African Union Member States to facilitate free movement of persons within Africa through enabling actions such as:
- a. Play the critical role of raising awareness and sharing information to debunk myths and concerns about free movement in Africa, including addressing xenophobia and crimes;
 - b. Adopt an approach that avoids unbalanced, misinformed and biased coverage of migrant issues;
 - c. Involve migrant communities in debates, allow them to share their experiences and knowledge, and build trust and relationships with them.

X.2.6. Other partners

206. Africa's strategic partners, including IOM, should continue to provide technical and policy support to African Union Member States, the African Union and RECs to facilitate free movement of persons in Africa through enabling actions such as:

- a. Build capacities on migration, development and support programmes such as the FMM West Africa and enhancement of knowledge through migration profiles;
- b. Provide technical support to digitize civil registration and border management systems;
- c. Support adoption and issuance of secure ID and travel documents that meet ICAO standards;
- d. Facilitate data collection and comparable lessons-sharing on facilitating free movement of persons among RECs and benchmarking among Member States;
- e. Strengthen technical and resource capabilities of Member States' relevant agencies such as law enforcement, customs, migration and health to facilitate free movement of persons in Africa; and
- f. Support implementation and monitoring of compliance of regional norms and standards on free movement of persons in Africa by the African Union and RECs in African Union Member States.

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