Facilitating Regional Integration through Free Movement of People in Africa: Progress, Challenges and Prospects

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Abstract

African regional integration has seen a multiplicity of efforts being made to overcome barriers that impede the free movement of goods and services. The free movement of people is one of the cornerstones and pillars of regional integration in Africa as it promotes tourism, intra-African trade, investment, labour mobility and skills circulation, employment creation and foster social integration on the continent. Although there may be identifiable achievements since the Abuja Treaty of 1991, such as the African Union Protocol on the Free Movement of Persons, Right of Residence and Right of Establishment; African Charter on Human and People's Rights; and the Migration Policy Framework for Africa and the free movement of people, the continent is still confronted

with a myriad of constraints. Using the *African Development Bank's Africa Visa Openness Index*; the *United Nations Economic Commission for Africa's African Regional Integration Index*, as well as qualitative analysis of a wide array of relevant reports and literature; this paper seeks to assess the collective progress achieved and challenges faced in facilitating regional integration through the free movement of people on the continent. The concept of Free Movement of People was used for conceptual analysis. The paper recommended strategic interventions at national, regional and continental levels, that may assist to accelerate the implementation of policy instruments meant to facilitate the free movement of people on the continent to accelerate African regional integration and create a 'continent with seamless borders' envisaged by the African Union's Agenda 2063.

Introduction

One of the chief aspirations and objectives of the Organization of African Unity (OAU) in 1963, which later transformed into the African Union (AU) in 2002, was to promote continental unity, brotherhood and solidarity among African states as well as to coordinate and intensify inter-state cooperation for development. For these objectives to be attained, free movement of people across the continent is *conditio sine qua non*. Experiences in other continental successful and near-successful integration initiatives in Europe, North America and Asia have proven a strong case for the need to allow free movement of people to facilitate economic development, skills circulation, labour mobility, intra-regional trade and investments, tourism and strengthen people-to-people ties which intensify and deepen regional integration. In May 2023, the AU will be celebrating its 60th Anniversary since the formation of the OAU. The almost 60-year journey of implementing several continental unity initiatives by the AU concerning the free movement of people has had its challenges, successes and complexities. Being a group of 55 different countries, with diverse colonial, historical, political, economic, and socio-cultural backgrounds, the AU's efforts towards effecting a free movement of people and the continental regime has understandably had its fair share of complexities and intricacies. This article assesses the collective progress achieved and challenges faced by AU member countries in facilitating regional integration through the free movement of people on the continent. Prospects of attaining free movement of people on the continent are also evaluated. The first section presents an analytical overview of the policy and legislative instruments that have

been formulated to facilitate free movement of people at the continental and regional level. The methods and materials utilized for analysis in this article as well as the conceptual framework of analysis, are articulated in the third and fourth sections respectively. The fifth section is dedicated to providing an in-depth assessment of the substantive progress made in Africa with respect to the free movement of people. Lastly, the prospects in continental free movement of people are discussed in the sixth section before conclusions and recommendations are made.

Background: African Instruments for Free Movement of People

The global best practice has been that regional integration arrangements should be characterized by free movement of goods, services, capital and labour. The European Union (EU), which is by far the most advanced and successful regional integration community, has prioritized the free movement of EU nationals across its member states' borders. The Treaty of Paris (1951), the Treaty of Rome (1957) and the Treaty of Maastricht (1992) have over time incrementally assisted to facilitate the free movement of people in the EU. In the present day, the Directive 2004/38/EC, Directive 2014/54/EU and Regulation 492/2011 allow EU citizens and workers to freely move and reside within the territory of EU member states. The Directives and Regulations also entitle EU citizens to seek employment in any EU country without any work permit and enjoy equal treatment with nationals in access to employment opportunities, working conditions and other social benefits. The greatest achievement of the EU has been the implementation of the Schengen Area Visa Policy, from 26 March 1995 through the Schengen Agreement, which allows for nationals of the 22 out of 28 EU member states including Norway, Switzerland, Iceland and Liechtenstein; to enter into Schengen Area member states visa-free for up to 90 days. It is the EU success story that continues to inspire many regional integration attempts towards freeing the movement of people within regional integration schemes.

In Africa, the free movement of people as a vision and aspiration is expressed in the OAU Charter within the objective of achieving a united Africa. The same is articulated in Article 3 (a) of the Constitutive Act of the AU that espouses the commitment by AU member states to promote greater unity and solidarity between African countries. The vision of achieving free movement of people on the continent is also part and parcel of the regional integration agendas of most African Regional

Economic Communities (RECs) and is embodied in most RECs' founding treaties, protocols, legislative and policy frameworks.

The Treaty Establishing the African Economic Community (the Abuja Treaty of June 1991) which came into force in May 1994, laid the basis for the commitment by African member states to adopt instruments at regional and continental level to facilitate the free movement of people. Article 4 (2) (i) of the Abuja Treaty provides for "[t]he gradual removal, among Member States, of obstacles to the free movement of persons, goods, services and capital and the right of residence and establishment". Coded in Chapter 6, Article 43 of the Abuja Treaty, member states agreed to "adopt, individually, at bilateral or regional levels, the necessary measures, in order to achieve progressively the free movement of persons, and to ensure the enjoyment of the right of residence and the right of establishment by their nationals within the community". In addition to this, member states also agreed "to conclude a Protocol on the Free Movement of Persons, Right of Residence and the Right of Establishment". It is under the Fifth Stage (from 2019 to 2023), as provided for in Article 6 (2) (e) (iii) of the Abuja Treaty, that the AU member states envisaged that all African states will be at a phase where they can apply "the principle of free movement of persons as well as the provisions [relating to] the rights of residence". This is the stage where an African Common Market is established and common policies adopted.

Whilst such milestones have often been considered to be too ambitious, with little progress made in the practical effectuation of free movement of people on the continent, the AU member states adopted the Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment. This took place on 29 January 2018 at the 30th Ordinary Session of the AU Assembly in Addis Ababa, Ethiopia. However, ratification of the Protocol by AU member states have been very slow which will ultimately delay its implementation. As of 16 July 2019, it was reported that the Protocol had been signed by 32 out of the 55 African countries, with only four countries having ratified the Protocol, that is, Mali, Rwanda, Niger, and Sao Tome and Principe (African Union Commission, 2019).

Through the Protocol of the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment, member states seek to achieve such in three clear phases as outlined in Article 5 of the Protocol. In Phase Two, member states shall implement the right of entry and

abolition of visa requirements whilst in Phase Two member states shall implement the right of residence. In the last Phase, member states committed to implement the right of establishment (that is the right to set up a business, trade, profession, self-employment or vocation in another member state). The same Protocol provides for the adoption of an African Passport; and also commit countries to adopt a framework for mutual recognition of qualifications; non-discrimination of nationals of other member states; free movement of residents of border communities; free movement of students, researchers and workers; facilitate the portability of social security benefits to nationals of other member states; prohibition and restrictions of mass-expulsions, deportation and repatriation of nationals of other member states; protection of properties acquired by nationals of other member states in host states; as well as coordination and harmonization of laws and policies of RECs that facilitate the free movement of people on the continent.

Other than instruments adopted at continental level, almost all RECs have founding treaties with express and implicit provisions that aspire for the attainment of free movement of people between member states. Further, several RECs have also adopted different policy and legal frameworks to facilitate the free movement of people at sub-regional level. This is in line with the Migration Policy Framework for Africa adopted in Banjul, Gambia in 2006 which encouraged RECs to adopt and implement protocols that progressively seek to achieve free movement of persons within the respective regions. In place now is the AU Revised Migration Policy Framework for Africa (MPFA 2018-2030) and Plan of Action adopted by member states in 2018.

The African Charter on Human and People's Rights, which was adopted by OAU member states in June 1981 and entered into force in October 1986, also presents a powerful instrument intended to ensure free movement of people on the continent. Specifically, Article 12 of the Charter provides African nationals with the right to freely move and reside within state borders, leave and return to any country including his own, and lawfully seek and obtain asylum in other countries, whilst prohibiting mass expulsion of non-nationals.

Key decisions, whose outcome constitutes key policy instruments, have also been made by some AU organs with a view to promote the free movement of people. For instance, the Peace and Security Council (PSC) made a decision (PSC/PR/COMM.1 (DCLXI) at its 661st Meeting in Addis Ababa, Ethiopia on 23 February 2017, which acknowledged the

importance of free movement of people in integrating the continent and facilitating economic growth and development whilst urging member states to sign and ratify AU instruments meant to facilitate the free movement of people (African Union Commission, 2017:1).

Even the Agreement Establishing the African Continental Free Trade Area (AfCFTA), which was adopted on 21 March 2018 and entered into force on 30 May 2019, provides, under Article 3 (a), that one of the general objectives of the agreement is *"to create a single market for goods, services, facilitated by movement of persons in order to deepen the economic integration of the African continent". The agreement, which* has now been signed by 54 out of the 55 African countries, and ratified by 28 member states as of August 2019, thus values the importance of allowing free movement of people in Africa. This will deepen regional and continental integration, and ensure that member states reap maximum benefits from the AfCFTA while promoting trade, tourism, skills circulation and investments.

Overall, the AU Agenda 2063, which is the blueprint and masterplan for continental transformation, sustainable development and integration; enshrines an aspiration for free movement of people across the continent. Aspiration 2 of the Agenda seeks to achieve "[a]n integrated continent, politically united and based on the ideals of Pan-Africanism and the vision of Africa's Renaissance" (African Union Commission, 2015:1). In fact, one of the 12 Flagship Projects of the Agenda 2063, those identified to be key in accelerating economic growth and development in Africa, is the African Passport and Free Movement of People Initiative that seek to promote continental integration through Africa's reform laws that restrict the free movement of people on the continent.

At regional levels, several RECs have also adopted different policy and legal frameworks to facilitate the free movement of people. This is in line with the Migration Policy Framework for Africa adopted in Banjul, Gambia in 2006, which encouraged RECs to adopt and implement protocols that progressively seek to achieve free movement of persons within the respective regions. For instance, the SADC Treaty aims, as one of its objectives, to eliminate barriers to free movement of people. The REC, in 2005, adopted the Revised SADC Protocol on the Free Movement of People although it is yet to achieve the required ratifications from member states in order to be implemented. The REC also has in place the SADC Protocol on Employment and Labour (2014), SADC Regional Labour Migration Policy Framework (2014), and the

SADC Labour Migration Action Plan (2016-2019) which all aim at facilitating regional free movement of people.

The Common Market for Eastern and Southern Africa (COMESA) adopted the COMESA Protocol on the Free Movement of Persons, Labour, Services, the Right of Establishment and Residence in 2001. Prior to that, the REC had signed in 1984 the Protocol relating to the Gradual Relaxation and Eventual Elimination of Visa Requirements within COMESA (Visa Protocol). On the other hand, the East African Community (EAC) Common Market Protocol, which entered into force in July 2010, as well as the East African Labour Migration Policy Framework, provides for the free movement of people and workers in EAC Partner States. This has been the case in the Economic Community for West African States (ECOWAS) where the ECOWAS Protocol on the Free Movement of People was put in place in 1979 whilst the Economic Community for Central African States (ECCAS) adopted in 1983 its Protocol on Free Movement and Rights of Establishment of Nationals of Member States within the ECCAS region. In the Inter-Governmental Authority on Development (IGAD), the REC's Final High-Level Experts, Committee of Ambassadors and Ministers of Interior, Peace, Internal Security, Labour and Social Affairs of IGAD member states have just approved the IGAD Draft Protocol on Free Movement of Persons in the region on 26 February 2020 (IGAD, 2020). In the Arab Maghreb Union (AMU) and the Community of Sahel-Saharan States (CEN-SAD), the attainment of free movement of people is one of the main objectives of the RECs' founding treaties.

With a panoply of complementary legal and policy instruments at regional and continental levels, the AU has sufficient framework to facilitate the free movement of people. What matters, however, in the realm of policy governance is not necessarily the presence of frameworks. Rather, what matters most is the existence of sufficient political will, political energy, technical capacity and financial resources required for execution of agreed commitments.

Methods and Materials

This article made use of the African Development Bank's (AfDB) *Africa Visa Openness Index* and the United Nations Economic Commission for Africa (UNECA)'s *African Regional Integration Index* in order to measure and ascertain progress made in the pursuit of free movement of people in Africa.

The AfDB's *Africa Visa Openness Index* measures the extent to which African countries are open in terms of their visa requirements, visa processes, document requirements and time required in visa applications for foreign nationals from other African countries. On a score of 0 (lowest) to 1 (highest), the higher the *Visa Openness Index* score for a country, the more visa-open the country is, and vice versa.

There are three index categories used in the AfDB *Visa Openness Index* and each category is weighted based on its degree of openness, that is '*visa required*' (weighted by zero), '*visa on arrival*' (weighted by 0.8) and '*no visa*' (weighted by 1, indicating high openness)

A Country Visa Openness Index Score is therefore calculated by adding results from all the three indicators using the formulae below;

$$\frac{[(\% \text{ of visa required} \times 0) + (\% \text{ of visa on arrival} \times 0.8) + (\% \text{ of no visa} \times 1)]}{100}$$

The AfDB's *Africa Visa Openness Index* four reports from 2016 up to 2019 have been utilized for this article. On the other hand, UNECA's *African Regional Integration Index* is a multi-dimensional tool that is used to measure the five dimensions of regional integration in member states from the eight African RECs recognized by the AU as building blocs to the African Economic Community.[1] The five dimensions are Regional Infrastructure, Trade Integration, Productive Integration, Financial and Macro-Economic Integration, and Free Movement of People. This article therefore focused on the relevant dimension of Free Movement of People. The dimension of Free Movement of People is based on three indicators, that is, (a) proportion of REC member countries whose nationals do not require a visa for entry, (b) proportion of REC member countries whose nationals are issued with a visa on arrival, and (c) ratification or not of REC protocol on free movement of persons. UNECA's *African Regional Integration Index* makes use of Principal Components Analysis (PCA) to compute and assign weights to the indicators. It uses a scale of 0 (lowest/minimum performance score) to 1 (highest/maximum performance).

The AfDB's *Africa Visa Openness Index* and UNECA's *African Regional Integration Index's* dimension on Free Movement of People do not

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[1] The eight RECs are Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC), Economic Community for Central African States (ECCAS), Economic Community for West African States (ECOWAS), Southern African Development Community (SADC), Arab Maghreb Union (AMU), Community of Sahel-Saharan States (CEN-SAD), and Inter-Governmental Authority on Development (IGAD).

measure the same given the fact that the former assesses the extent to which African countries have relaxed their visa regimes whilst the latter assesses the "effort and progress African countries have achieved in facilitating free movement of people, the Right of Residence and Right of Establishment" (ECA, 2019:103).

To complement the above, secondary sources of data were also consulted and used for analysis in the form of official reports from RECs, the African Union, the UNECA, AfDB, *et cetera* together with relevant literature on free movement of people, migration and regional integration.

Free Movement of People: A Conceptual Framework of Analysis

The concept of free movement of people features prominently in regional integration and migration. Greater unity, cohesion and solidarity of member states remain one of the most critical and essential conditions to foster political and economic integration in any regional integration arrangement. Free movement of people and human mobility therefore facilitates such process.

Whilst ideally, the free movement of people has proven to boost intra-regional trade and intra-regional tourism whilst also facilitating knowledge and skills circulation (see for instance Timo and Brucker, 2011:44-51; Atkinson, 199:335-341; Kayizzi-Mugerwa et al, 2014:1-6; Adepoju, 2002:3-28; Abdin, 2013:1-8), the reality has been that this has come with its own challenges and losses to different countries both receiving countries and sending countries. Within the African context, the free movement of people may assist to connect African societies and socially integrate Africans, sharing of new technologies and innovations, growth of business ventures and employment creation (African Union/International Organization for Migration, 2018: 31-53).

Due to the challenges that come with free movement of people, such as the expanding trans-border infrastructure, investing in border management and border security personnel, tightening national security, issuance of travel documents and identity documents for migrants, et cetera; relatively developed countries tend to be restrictive and protective in their migration regimes.The rationale is to minimize perceived potential losses that may result from free movement of people. These potential losses revolve around issues of economy, politics, and human security.

The concept of free movement of people is also central in the human rights discourse. Internationally, the Universal Declaration of Human Rights of 1948 embodies the right to free movement of all, specifically under Article 13 and Article 14. Article 13 of the Universal Declaration of Human Rights clearly states that "[e]veryone has the right to freedom of movement and residence within the borders of each State" and that "[e]veryone has the right to leave any country, including his own, and to return to his country" (United Nations, 2015:28). Further, the Declaration states, under Article 14, that "[e]veryone has the right to seek and enjoy in other countries asylum from persecution" (United Nations, 2015:30). The same is provided in the International Covenant on Civil and Political Rights of 1966 as well as the African Charter on Human and People's Rights of 1981. Thus free movement of people, from a human rights perspective, should be considered an entitlement without considering what countries stand to benefit from the process.

With this understanding and conceptualization, AU member states have had different approaches towards committing to facilitating the free movement of people on the continent. Perceived costs and benefits of such decisions have shaped policy positions at national levels, within RECs and at continental levels. This has largely influenced the progress made on the continent in terms of implementing agreements, protocols and decisions on free movement of people in Africa.

Assessing Progress in Free Movement of People: Analyzing Results from AfDB and UNECA Indices

The African Development Bank's *Africa Visa Openness Index* and UNECA's *African Regional Integration Index* are very useful tools to measure and assess progress attained so far in facilitating the free movement of people in African RECs and member states of the AU.

African Development Bank's Africa Visa Openness Index

The *Africa Visa Openness Index* developed by AfDB tracks changes in country scores on how AU member states are open to facilitate free movement of people through their visa regimes.

Travel visas are issued to authorize travelers to legally enter into a member state for a specific period and set the conditions of stay in that country until they leave the territory. There are also conditions of entry that should be satisfied prior entry for one to qualify for the visa. Whilst some African countries maintain stringent visa regimes and require visas

prior entry into their territories, others have either scrapped visa requirements for foreign nationals or issue visa on arrivals for foreign nationals.

In terms of general trends in facilitating the free movement of people as measured by the AfDB's *Africa Visa Openness Index*, it can be noted that between the periods under review, from 2016 to 2019, there is notable improvement across most countries. In 2016, 20 percent of Africans did not need a visa to travel to other African countries compared to 25 percent in 2019, itself a 5 percent increase (AfDB, 2019:10). Two countries are outstanding, that is Seychelles and Benin as these two are the most open countries in Africa as they offer visa-free access to all African countries. Other best performing countries in terms of facilitating the free movement of people on the continent are Senegal, Rwanda, Ghana, Uganda, Guinea-Bissau, Cape Verde, Togo and Mauritania (see Table 1 below).Worthwhile to note is that the most open countries are from ECOWAS and EAC where the implementation of their respective Free Movement of People Protocols is relatively advanced.

Table 1: Best performing 10 countries on Visa Openness country scores and ranking in Africa (2016-2019)

	2016			2017			2018			2019		
	Country	Score	Ranking out of 54 countries	Country	Score	Ranking out of 54 countries	Country	Score	Ranking out of 54 countries	Country	Score	Ranking out of 54 countries
1	Seychelles	1.000	1	Seychelles	1.000	1	Seychelles	1.000	1	Seychelles	1.000	1
2	Mali	0.874	2	Uganda	0.867	2	Benin	1.000	1	Benin	1.000	1
3	Uganda	0.863	3	Togo	0.859	3	Rwanda	0.857	3	Senegal	0.883	3
4	Cape Verde	0.859	4	Guinea-Bissau	0.852	4	Togo	0.857	3	Rwanda	0.864	4
5	Togo	0.856	5	Cape Verde	0.844	5	Guinea-Bissau	0.853	5	Ghana	0.853	5
6	Guinea-Bissau	0.852	6	Ghana	0.833	6	Uganda	0.853	5	Uganda	0.853	5
7	Mauritania	0.830	7	Mauritania	0.830	7	Ghana	0.849	7	Guinea-Bissau	0.853	5
8	Mozambique	0.830	7	Mozambique	0.830	7	Cape Verde	0.845	8	Cape Verde	0.845	8
9	Mauritius	0.822	9	Mauritius	0.807	9	Kenya	0.838	9	Togo	0.838	9
10	Rwanda	0.822	9	Rwanda	0.807	9	Mozambique	0.834	10	Mauritania	0.834	10

Generally, there is an improvement in country scores, denoting progress in free movement of people across the continent. Compared to 2018, 28 percent of African countries improved their scores whilst 59 percent maintained their scores (AfDB, 2019:13). Only 13 percent recorded a decline in their scores, which imply a change in their visa regimes, a trend that is unwelcome in view of the broader vision of a borderless Africa.

In the period under review (2016-2019), the five most improved countries on visa openness rankings are Benin (number 1 in 2019 up from 31 in 2016), Tunisia (number 27 in 2019 up from 36 in 2016), Angola (number 34 in 2019 up from 49 in 2016), Gabon (number 42 in 2019 up from 50 in 2016), and Sao Tome and Principe (number 43 in 2019 up from 52 in 2016) (*see* AfDB, 2019:22-23).

By 2019, 26 percent of Africans could get visas on arrival in other African countries as compared to 25 percent in 2016, 24 percent in both 2017 and 2018 (AfDB, 2019:10). This denotes progress albeit infinitesimal. Comoros, Madagascar, Somalia, Djibouti and Ethiopia are the five African countries that offer visas on arrival for almost all African countries (*see* AfDB, 2019:12).

In terms of visa requirements prior departure, 49 percent of Africans need visas to travel to other African countries as of 2019. This shows a marked decrease compared to 55 percent in 2016, 54 percent in 2017 and 51 percent in 2018 (*see* AfDB, 2019:10). As of 2019, the worst performing countries in terms of facilitating intra-African movement of people, as shown on Table 2 below, are the Democratic Republic of Congo (DRC), Algeria, Burundi, Morocco, Egypt, South Sudan, Eritrea, Sudan, Libya and Equatorial Guinea. These countries demand visas from nationals of almost all the African countries. Since 2017, Equatorial Guinea has been consistently ranked as Africa's most un-open country, with a zero score.

Table 2: Worst performing 10 countries on Visa Openness country scores and ranking in Africa (2016-2019)

	2016			2017			2018			2019		
	Country	Score	Ranking out of 54 countries	Country	Score	Ranking out of 54 countries	Country	Score	Ranking out of 54 countries	Country	Score	Ranking out of 54 countries
1	South Sudan	0.074	45	Burundi	0.093	45	DRC	0.121	45	DRC	0.121	45
2	Eritrea	0.052	46	Cameroon	0.093	45	Algeria	0.113	46	Algeria	0.113	46
3	Ethiopia	0.052	46	South Sudan	0.074	47	Burundi	0.113	46	Burundi	0.113	46
4	Sudan	0.048	48	Gabon	0.070	48	Egypt	0.075	48	Morocco	0.113	46
5	Angola	0.033	49	Eritrea	0.052	49	South Sudan	0.075	48	Egypt	0.075	49
6	Gabon	0.030	50	Ethiopia	0.052	49	Ethiopia	0.053	50	South Sudan	0.075	49
7	Libya	0.019	51	Sudan	0.048	51	Eritrea	0.034	51	Eritrea	0.049	51
8	Egypt	0.000	52	Angola	0.033	52	Libya	0.019	52	Sudan	0.030	52
9	Equatorial Guinea	0.000	52	Libya	0.019	53	Sudan	0.015	53	Libya	0.019	53
10	São Tomé & Príncipe	0.000	52	Equatorial Guinea	0.000	54	Equatorial Guinea	0.000	54	Equatorial Guinea	0.000	54

Source: *Author's construction based on data extracted from AfDB's Africa Visa Openness Reports for 2016 - 2019*

Whilst visa requirements still exist in a number of countries as presented above, a number of countries are reducing the burden and costs of acquiring visa by harnessing technology through the introduction of e-Visas so as to facilitate the free movement of people. As of 2019, 21 out of the 54 African countries (representing 39 percent) now offer e-Visas, itself an almost 400 percent increase from the mere 9 percent countries that offered e-Visas in 2016 (*see* AfDB, 2019:13).

In terms of regional comparison, West Africa and East Africa continue to register more progress in visa openness in the period under review when compared to Southern Africa, North Africa and Central Africa. Based on visa openness regional average scores for the year 2019, East Africa has the highest score of 0.588, followed by West Africa (0.583), Southern Africa (0.439), North Africa (0.258) and Central Africa (0.166). These trends and patterns are explained by the efforts being made on the ground by the respective RECs in the regions to implement their protocols relating to free movement of people. In EAC, there is

East African Passport, which eases cross border travel of citizens in the region. Further, the EAC Council of Ministers, in January 2018, directed Partner States to start issuing new EAC Electronic Passports to bolster the clearance of travelers at ports of entry and exit, a process which has already started in Partner States such as Rwanda which began issuing E-Passports in June 2019 (*see* East African Community, 2019; Xinhua, June 2019). Similarly, in ECOWAS, there is an ECOWAS Common Passport introduced in December 2000 to exempt citizens of the REC from intra-regional visa requirements.

United Nations Economic Commission for Africa's African Regional Integration Index

According to UNECA's *African Regional Integration Index Report of 2016,* ECOWAS had the highest number of countries that were performing well in the facilitation of free movement of people. This is based on the indicators of whether member states had ratified the REC protocol on free movement of people, proportion of member states whose nationals do not require visas for entry, and proportion of REC member states whose nationals are issued with a visa on arrival. All the ECOWAS member states were implementing the ECOWAS Protocol on the Free Movement of People of 1979, which is assisting to facilitate intra-regional trade. Thus ECOWAS was the best performing REC in facilitating the free movement of people with an index score of 0.80, followed by EAC (0.71 score), SADC (0.53 score), AMU (0.49 score), CEN-SAD (0.47 score), IGAD (0.45 score), ECCAS (0.4 score), and COMESA (0.26 score).

However, when compared to UNECA's *African Regional Integration Index Report of* 2019 (forthcoming), the free movement of people index scores show mixed performance results at country level, but almost similar trends at REC level (see Graph 1 below). Whilst this may be due to the changes in indicators used in the two reports, overall there is an improvement in the facilitation of free movement of people on the continent.

Graph 1: Performance of African RECs on Free Movement of People as of 2019
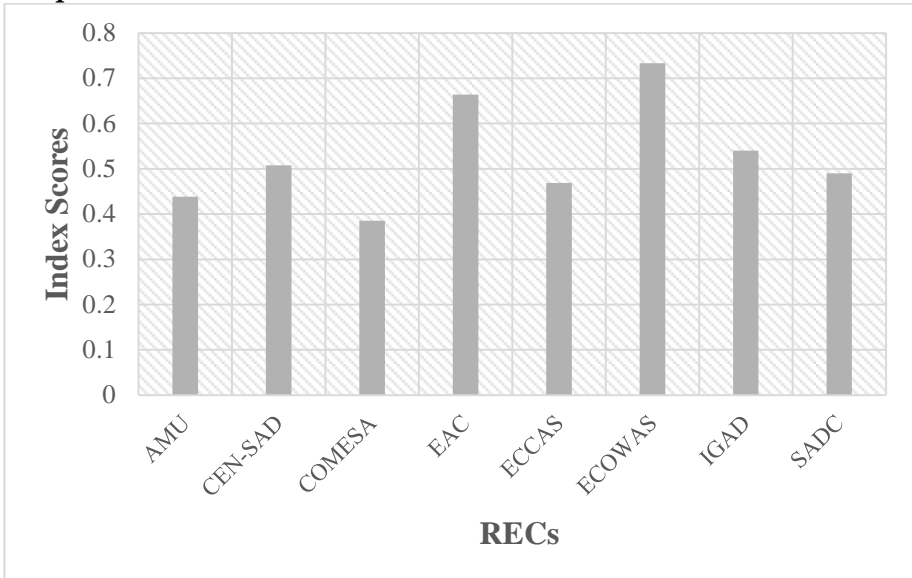
Source: *Author's construction based on data extracted from African Regional Integration Index Report of 2019 (ECA, Forthcoming)*

As shown above, UNECA's *African Regional Integration Index Report of 2019* presents ECOWAS as the best performing REC with a Free Movement of People index score of 0.73. Mali, Burkina Faso, Togo and Cote d'Ivoire are the best performing countries in ECOWAS. EAC is second with 0.66 index score, with Rwanda, Burundi, Kenya and Uganda as the best performing EAC Partner States in facilitating the free movement of people. Other best performing countries within RECs are Djibouti, Somalia, Uganda and Kenya (in IGAD); Comoros, Somalia, Djibouti and Mauritania (in CEN-SAD); Comoros, Mozambique, Zimbabwe and Malawi (in SADC); Rwanda, Central Africa Republic, Gabon and Congo (in ECCAS), Mauritania, Tunisia, Algeria and Morocco (in AMU); and Somalia, Djibouti, Comoros and Rwanda (in COMESA).

On UNECA's *African Regional Integration Index Report of* 2019, the best performing countries in Free Movement of People index score rankings are Comoros, Djibouti and Somalia, followed by Mauritania, Mozambique, Togo, Rwanda, Ghana, Uganda, and Kenya respectively. On the other hand, the lowest performing countries are South Africa,

Namibia, Egypt, Morocco, Cameroon, Algeria, Burundi, Ethiopia, Eritrea and Libya respectively.

One of the indicators of the Free Movement of People index, which most countries have not performed well, is the ratification of the 2018 African Union Protocol on Free Movement of Persons, Right of Residence and Right of Establishment. The Protocol, which has been signed by 35 AU member states, requires 15 ratifications to enter into force, yet only four countries (namely Rwanda, Sao Tome and Principe, Mali and Niger) have ratified as of July 2019. This is despite the huge impact that the Protocol will have on facilitating the free movement of persons on the continent once it is domesticated and implemented by all member states.

Challenges and Prospects in Continental Free Movement of People

Whilst AfDB's *Africa Visa Openness Index* and UNECA's *African Regional Integration Index* Reports have shown that efforts are being made by African countries to implement measures to facilitate the free movement of people on the continent at both national and regional level, the pace has been very slow considering that this has been on the AU agenda since the formation of the OAU in May 1963.

The AU now has what appears to be adequate policy and legislative instruments as well as the institutional framework overseen by the AU Social Affairs Department and the Political Affairs Department. The greatest challenge has been the inadequacy of political will and commitment by AU member states as evidenced by the delays in ratifying the relevant instruments as well as implementing the same (*see* Vhumbunu, 2019:121). Without an effective enforcement mechanism to influence member states to ratify and implement the instruments, the over-reliance of the AU and RECs on diplomacy and persuasion may further delay the realization of the free movement of people vision as member states are often reluctant to make commitments and implement, thereby engage in foot-dragging.

The Agreement Establishing the AfCFTA, which was signed by AU member states in March 2018, and the operational phase of the AfCFTA itself launched in Niger in July 2019; presents an opportunity for AU member states to fast track the ratification of the Protocol on Free Movement of Persons, Right of Residence and Right of Establishment so that the maximum benefits of intra-African trade, intra-African tourism and intra-African investment are fully realized.

Evidence in this lack of political will has been the counter-productive measures and at times contradictory policy decisions that are made by some countries which are in contradistinction to the efforts and agenda of facilitating the free movement of people. For instance, in August 2019, the Government of Nigeria closed the Seme-Krake Border Post that it shares with Benin in order to curb the smuggling of goods from Benin which is affecting the country's economy (Luke and Masila, 2019). Instead of resorting to border closures which certainly obstruct the free movement of people, Nigeria has other progressive options to pursue, such as making use of trade defense instruments under ECOWAS, national trade policy measures as well as other viable interventions to bolster border management security systems and border inspections so as to address this challenge.. Such progressive measures should be used by African countries when confronted with related challenges of drug trafficking, human trafficking, cross-border crimes, terrorism, national security and public order fears, public health concerns (as has been the case with Ebola Virus outbreaks in Central and West Africa, and other epidemics) and labour market distortions that may result from free movement of people on the continent.

The trend of economic deterioration in most African countries, at a time when the African youth population is burgeoning, gives effect to migration in search of opportunities. With dwindling job opportunities, and projection that by 2030 the number of youths in Africa will increase by 42 percent from the current 226 million to 321 million presents a likelihood that intra-African migration may surge (United Nations, 2019). The likely future challenge is that African countries that are relatively economically advanced may be forced to enforce stringent and protective visa regimes that may curtail the free movement of people. There is a likelihood that such countries may selectively relax visa regimes for prospective investors and tourists whilst tightening visa regulations and requirements for other travelers which may affect the free movement of people as provided for in the AU Protocol on Free Movement of Persons, Right of Residence and Right of Establishment; African Charter on Human and People's Rights; and the Migration Policy Framework for Africa.

Related to the above, has been the challenge of limited engagement of the general citizens in African countries on the desire, objectives and benefits of free movement of people. The attitudes of the general citizens in most AU member countries, which have been shaped by misperceptions and misconceptions, have often hindered free movement

of people on the continent through failure of most communities to peacefully co-exist and integrate with, as well as being tolerant to, foreign nationals. These have often manifested in xenophobic tendencies and violence as has been the case in South Africa prior 1994 and in post-apartheid era especially after 2008 as this has almost become a recurrent annual phenomenon.

Financial, technical, personnel and technological capacity deficiencies at national levels remain a huge challenge in facilitating the free movement of people. As rightly observed by the IOM/African Union (2018:60-64), even where there is political will, resources are often insufficient in most member states to standardize travel documents, and efficiently inspect these travel documents at national border. For instance, using biometric machines or document-reading devices (to enhance security and facilitate faster clearance of travelers at the border), putting in place border management information and security systems all require substantial resources at a time when most governments are operating on wafer-thin budgets. This will definitely frustrate efforts meant to facilitate the free movement of people in Africa. These are very important since scrapping visas alone does not automatically guarantee free movement of people.

Conclusion and Recommendations

The AfDB's *Africa Visa Openness Index* Reports; UNECA's *African Regional Integration Index* Reports analysed, have revealed collective progress achieved and challenges faced by AU member countries in facilitating regional integration through free movement of people on the continent. Whilst ECOWAS and EAC are leading other RECs and making strides in facilitating free movement of people, other RECs continue to lag behind in implementing their own Protocols and policy frameworks to allow for more free movement of people. With the potential benefits of free movement of people well understood, it is the fears (real and perceived) that continue to impede and retard the ratification, domestication and implementation of AU instruments for the free movement of people. To address the challenges faced at national, regional and continental levels in the drive towards achieving free movement of people in Africa as identified in this article, five recommendations are made below.

First, the AU needs to develop an enforcement mechanism that gives the continental body more powers and influence the ratification and implementation instruments on free movement of people. Second, visa

regimes in Africa remain fragmented and un-harmonized. It is recommended that the AU make bold steps towards establishing an equivalence of the 'Schengen Zone in Africa' to boost intra-African trade, tourism and investment. Real progress has to be made in pursuit of the 2020 target to roll out the African Union Passport launched by the AU in June 2016. Thirdly, there is need for experience-sharing by the best performing countries in free movement of people such as Seychelles, Benin, Senegal and Rwanda with other countries. This may assist not only to share best practices and practical opportunities realized through opening up but also to dispel and eliminate fears, misperceptions and misconceptions held by some leaders about free movement of people, which often inform their reluctance to embrace the vision.

Fourthly, national governments need to prioritize immigration authorities in budgetary allocation so that they are well-equipped to manage travelers without inconveniences. Such support has to include allocating resources from the national purse towards the continuous upgrading of immigration facilities, border management information and security systems, immigration staff skills building as well as border surveillance systems. Lastly, at regional levels, RECs need to encourage their member states to sign and ratify REC Protocols on Free Movement of People, whilst also engaging those countries ranked low on indices of free movement of people so that they seriously implement the necessary measures to catch up with other member states.

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