





## Chapter 12

# Intra–African Migration and the Prospects for Regional Integration

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### Introduction

The African Union (AU) has a four-pronged agenda for continental unity and integration: peace and security, democracy and governance, socio-economic development, and repositioning Africa in the global arena. A major theme that cuts across the four agendas is migration (i.e. human movement). It needs to be emphasised that migration has been part and parcel of human life from time immemorial (Cohen 2019). It cannot be wished away. It is here to stay.

This chapter discusses intra-African migration of Africans with a special focus on the free movement of persons. The principal thesis of the chapter is that, while the free movement of persons is key for the pursuit of Pan-African unity from below, efforts of the AU on this front lag far behind its expansive and progressive normative frameworks. The key normative instrument of the AU in this regard is the 2018 Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment, together with its Implementation Roadmap.

The chapter advances knowledge on migration in general and free movement of persons in particular by arguing that to

open up the continent to its citizens to move freely across the colonially constructed borders, the noble idea of free movement of persons should be pursued with the same vigour with which member states of the AU are pursuing the African Continental Free Trade Area (AfCFTA). Although the easiest starting point is the relaxation (and ultimately abolition) of visas, a major catalyst for the free movement of persons is surely the issuance of an African passport to the public, which is bound to accelerate progress toward a common identity and a shared African citizenship.

This chapter reviews the AU's performance with respect to the facilitation of seamless migratory flows by Africans across borders of the continent over the past two decades. Migration is one of the most critical aspects of the socio-economic development of the African continent. However, one of the tragedies of Africa's development story is that some states on the continent perceive (erroneously) migration as a security and health threat, rather than a development imperative. It is this erroneous perception that often drives and undergirds xenophobic and Afro-phobic responses to immigration in some countries, notably South Africa (Matambo 2022).

It is this negative perception of migration by some states that has in turn led to poor political commitment of AU member states towards the idea of free movement of persons. Yet ironically, AU member states have enthusiastically embraced AfCFTA. But AfCFTA and the free movement of persons are inextricably intertwined and bound together such that one may not be achieved satisfactorily without the other. Therefore, this chapter reviews the AU's free movement of persons agenda. This chapter debunks this erroneous conventional wisdom. It is anchored on the ideation that migration is key for Africa's socio-economic development and structural transformation, in part because Africa is a continent of migrants (such as nomadic pastoralists), and because Africans are also by nature a communalist (not individualist) community.

Inclusive of this introduction, the chapter is organised into seven sections. The next section sets out the conceptual and normative frameworks upon which subsequent discussions will

be anchored. Section three articulates the problem statement that informs the analysis of the chapter. Section four explores the significance of the African passport as a key catalyst for the free movement of persons on the continent. Section five discusses the benefits and challenges of the free movement of persons. Section six gazes into the future and explores the prospects of Pan-African unity and integration from below. The seventh and final section winds up the discussion, teases out the main findings, and wraps up the chapter.

## Conceptual and Normative Frameworks

### Concepts

Migration refers to human movement from one region of a country to another (intra-state migration) or from one country to another (inter-state migration). It may be either permanent (as in the case of a migrant who moves to reside in another region/country) or oscillate between home region/country and another region/country for work purposes. Other related concepts are emigration, immigration, and displacement (Matlosa 2022; Matlosa 2023). This chapter focuses on the inter-state migration of Africans within the African continent.

Emigration is a component of migration, which represents movement out of a given country. It denotes “the act of moving from one’s country of nationality or usual residence to another country so that the country of destination effectively becomes his/her new country of usual residence” (IOM 2019:64). Conversely, immigration refers to a component of migration *into* a given country. This chapter is concerned with both emigration and immigration.

Displacement is a component of migration that is involuntary or forced upon the persons concerned due to circumstances far beyond their control. It denotes “the movement of persons who have been forced to flee or leave their homes or places of habitual residence, in particular as a result of, or to avoid, the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made

disasters” (IOM 2019:55). This aspect of migration is beyond the scope and coverage of this chapter.

Recent and emerging literature also points to climate change forcing people to migrate and this is referred to as environmental migration (Hocheleithner & Exner 2018; AU/IOM 2020). Environmental migration denotes “the movement of persons who, predominantly for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are forced to leave their places of habitual residence, or choose to do so, either temporarily or permanently, and who move within or outside their country of origin or habitual residence” (IOM 2019:65). As with the displacement component of migration, this chapter does not address migration induced by climate change.

Simply defined, free movement of persons in Africa means unrestricted mobility or migration of African citizens across borders for various reasons, including livelihood needs. The usage of the notion of free movement of persons in this chapter denotes travel of Africans across borders of African countries, primarily for economic, tourist, or study purposes, based on an open visa policy as against a restrictive visa policy. The AU defines free movement of persons as “the right of nationals of a Member State to enter, move freely and reside in another Member State in accordance with the laws of the host Member State and exit the host Member State following the laws and procedures for exiting that Member State” (AU 2018:11).

### **Norms**

While free movement of persons was prevalent during pre-colonial Africa without clear-cut geographic boundaries, it was restricted during the colonial era with the introduction of the advent of the Westphalian nation state and formal borders. However, the idea was reignited by the ideals of Pan-Africanism in the early 20<sup>th</sup> century (Mathews 2018; Adi 2018). Pan-Africanism denotes a set of ideas and a worldview “expressing the desire for political and psychological liberation and unity of all Africans on the continent or those in the diaspora” (Mathews 2018:15-16).

While there is no precise consensus on the definition of Pan-Africanism, its core principles upon which there is unanimity among activists, policy actors, and the academic community are “the unity, common history and common purpose of the peoples of Africa and the African diaspora and the notion that their destinies are interconnected” (Adi 2018:2).

When celebrating the 50<sup>th</sup> anniversary of the OAU/AU in 2013 under the appropriate theme ‘Pan-Africanism and African Renaissance’, the AU defined Pan-Africanism as “an ideology and movement that encouraged the solidarity of Africans worldwide. It is based on the belief that unity is vital to economic, social, and political progress and aims to unify and uplift people of African descent. The ideology asserts that the fates of all African peoples and countries are intertwined. At its core, Pan-Africanism is a belief that African peoples both on the continent and in the diaspora share not merely a common history, but a common destiny” (AU 2013:1). The main thrust of this chapter is anchored on the powerful ideation of Pan-Africanism which still influences the AU today. One of the core values of the AU is actually “Think Africa Above All”.

There is a plethora of normative OAU/AU instruments that have informed the evolution of the idea of the free movement of persons in Africa (Matlosa 2023). We will discuss some of these here.

First, the 1963 Charter of the Organisation of African Unity (OAU) had as one of its noble goals the promotion of unity and solidarity of African states and the co-ordination of efforts to achieve a better life for Africans in the spirit of Pan-Africanism. Although the OAU Charter did not explicitly refer to the free movement of persons, it is implied by reference to unity, solidarity, and achieving a better life for Africans.

Second, The OAU’s commitment to the free movement of persons became more explicit 18 years after its establishment. In 1981, the OAU adopted the African Charter on Human and Peoples’ Rights. The charter provided for the promotion and protection of the rights of African citizens to leave their countries of origin and reside in other African countries with the rights to return to

their countries of origin. Six years later, the African Commission on Human and Peoples' Rights, based in Banjul, The Gambia, was established to oversee the implementation of this charter. Article 12 of the African Charter on Human and People's Rights provides that (a) every individual shall have the right to freedom of movement and residence within the borders of a state, provided s/he abides by the law, and (b) every individual shall have the right to leave any country including his/her own, and to return to his/her country. This right may only be subject to restrictions provided for by law for the protection of national security, law and order, public health, or morality (OAU 1981:4-5).

Third, the OAU adopted the African Charter for Popular Participation in Development and Transformation following an international conference held in Arusha, Tanzania which it co-hosted together with the United Nations Economic Commission for Africa (UNECA) on 12-16 February 1990, under the theme "Putting the People First". This charter focuses mainly on advancing popular participation and empowering ordinary people in the process of achieving human-centred continental integration and unity. The rationale behind this charter is that the people must be the means and end of development. Development must be driven by the people. Development must benefit the people, especially women and the youth, who constitute most of the continent's total population. The charter was therefore critical of the 1980s' structural adjustment programmes imposed on Africa by the International Monetary Fund (IMF) and the World Bank. It, instead, embraced the African Alternative Framework for Socio-Economic Recovery and Transformation, which was developed by Adebayo Adedeji, then the United Nations (UN) undersecretary-general and executive secretary of UNECA. One of the core elements of popular participation in efforts aimed at Pan-African unity and integration is surely the free movement of persons on the African continent.

Fourth, in 1991, the OAU adopted the Treaty Establishing the African Economic Community (AEC) – The Abuja Treaty. Article 43 of the Abuja Treaty provides that: (a) member states agree 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 nationals within the community; and (b) for this purpose, member states agree to conclude a protocol on free movement of persons, rights of residence, and rights of establishment (OAU 1991:31).

Fifth, following the transformation of the OAU to the AU, the latter inherited the free movement agenda from the former. Thus, the AU adopted the Minimum Integration Programme (MIP) in 2009. Article 2.1.2, sub-section 93 of the MIP provides for the elaboration and ratification by the regional economic communities (RECs) and member states of protocols on the free movement of persons, and rights of residence and establishment as a priority of the MIP. Sub-section 94 of Article 2.1.2 provides that certain priority actions at the continental level, like visa exemption for Africans holding diplomatic and service passports among RECs, can facilitate the free movement of persons in Africa (AU 2009:31).

Sixth, during the celebrations of the golden jubilee of the OAU/AU in 2013, under the theme “Pan-Africanism and African Renaissance”, AU member states adopted the 50<sup>th</sup> Anniversary Solemn Declaration. In that declaration, committing themselves to the African identity and renaissance, African leaders proclaimed their “unflinching belief in our common destiny, our shared values and the affirmation of the African identity; the celebration of unity in diversity and the institution of the African citizenship” (AU 2013:2).

Seventh, it was based on this solemn declaration that Agenda 2063: The Africa We Want<sup>1</sup> was born. As enshrined in

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1 Agenda 2063 is the long-term development blueprint of the African Union which was developed between 2013 and 2015 through an inclusive and consultative process culminating with seven aspirations on “The Africa We Want”. These are i). a prosperous Africa based on inclusive growth and sustainable development; ii) an integrated continent, politically united and based on the ideals of Pan-Africanism and the vision of Africa’s renaissance; iii) an Africa of good governance, respect for human rights, justice and the rule of law; iv) a peaceful and secure Africa; v) an Africa with a strong cultural identity, common heritage, shared values and ethics; vi) an Africa whose development is people-driven, relying on the potential of its women and youth, and caring for children;

Agenda 2063, the vision of AU is “an integrated, prosperous and peaceful Africa, driven by its citizens, representing a dynamic force in the international arena” (AU 2015:1). Aspiration 2 of Agenda 2063 envisions “an integrated continent, politically united and based on the ideals of Africa’s Renaissance” (AU 2015:1). By 2063, Africa shall be: (a) a continent with seamless borders, and management of cross-border resources through dialogue; and (b) a continent where free movement of people, capital, goods and services will result in significant increases in trade and investments among African countries. Towards realising this vision, African leaders have agreed to “introduce an African passport, issued by member states, capitalising on the global migration towards e-passports, and with the abolishment of visa requirements for all African citizens in all African countries by 2018” (AU 2015:4-5). It was in the context of the above vision that African leaders adopted the free movement of persons and the African passport as a flagship project of Agenda 2063.

Eighth, at the 2015 Summit of the AU held in Johannesburg, South Africa, a declaration on migration was adopted, calling for its member states to accelerate the free movement of persons and the development of the African passport. In January 2016, African ministers of foreign affairs met in Mekelle, Ethiopia as part of the implementation of the Johannesburg Declaration on Migration. The ministers recommitted the AU to the free movement of persons, imploring the AU member states to relax visa regimes to allow for the free movement of persons. The ministers urged the AUC to develop the protocol on free movement of persons to be adopted in January 2018.

Ninth, during the AU Summit held in Kigali, Rwanda in July 2016, the AU Assembly adopted a decision on the free movement of persons and the African passport which identified the free movement of persons as a crucial element for deepening continental integration and unity in the spirit of Pan-Africanism, African Renaissance, and the realisation of Agenda 2063. During the same summit, the African Union Passport was issued to various

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and vii) Africa as a strong, united, resilient, and influential global player and partner (African Union 2015:1).

leaders in a symbolic gesture of political commitment towards the development, production, and issuance of the African passport.

Tenth, the Protocol to the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment was adopted by the African Union policy organs in January 2018. During the development of this protocol, the AUC worked closely with RECs and member states with technical backstopping from the International Organisation for Migration (IOM). Significantly, the protocol was adopted together with a comprehensive implementation roadmap with clear milestones and time frames as its annexure.

The protocol envisages a three-phased process: (a) Phase 1, focusing on the right of entry/exit, with special emphasis on visa relaxation (and ultimately abolition); (b) Phase 2, focusing on the facilitation of the right of residence (the African passport is a major catalyst at this stage); and (c) Phase 3, focusing on the right of establishment (this will solidify common African citizenship, a core pillar of Pan-Africanism). The protocol has been signed by 33 out of 55 AU member states. It requires 15 ratifications for it to come into force. So far, only four AU member states (Rwanda, Niger, Mali, and Sao Tome and Principe) have ratified the protocol. So far, 11 more ratifications are still required, and this does seem like a tall order, judging by the lacklustre political commitment of member states to the free movement of persons in Africa. The fact that only 33 countries have signed this protocol and only four have ratified it shows that a huge gap still exists between declarations and concrete action on the part of African leaders.

Following the adoption of the 2018 free movement protocol, the AUC set out on a broadly inclusive process of consultations aimed at developing the African passport, working in close collaboration with RECs and the International Civil Aviation Organisation (ICAO). This process culminated in the development and design of the African passport classified into three categories: the green passport for ordinary citizens, the blue passport for government officials, and the red passport for very important persons and diplomats. So, the African passport was developed and designed by the African Union Commission (AUC) in 2019.

What remains is its production and issuance to African citizens at the national level within the AU member states. This is not merely a technical decision. It is a fundamentally political decision, requiring visionary and transformative leadership that believes in Pan-Africanism and African Renaissance and leadership that “Thinks Africa Above All”.

## **Problem Statement**

Since the establishment of the OAU in 1963 and its transmutation to the AU in 2002, efforts geared towards Pan-African unity have tended to be largely state-led, elite-driven, and market-propelled. This conventional approach that tends to privilege states, elites, and markets in the process of continental integration, is not difficult to understand. This is because individual states and intergovernmental organisations, such as the AU, tend to be reluctant to involve non-state actors such as civil society organisations, the media, and academia until and unless these actors mount pressure for their meaningful inclusion in these processes. This predominantly top-down approach explains, in part, the limited successes towards continental unity and integration in Africa today. One of the policy domains where the OAU/AU’s top-down approaches to integration have not yet delivered palatable fruit is intra-African migratory flows, particularly the realisation of common African citizenship through the free movement of persons.

Available data show that, although the majority of migration by Africans is within Africa, Africans face more severe restrictions (especially acquisition of visas) than other nationalities (especially Europeans, Americans, and Chinese). The major weapon used against African migrants in Africa is the visa. The 2021 AfDB Visa Openness Report paints this alarming picture graphically, noting that “high visa fees and cumbersome application processes are a major deterrent to travel in Africa” (AfDB 2021:11). The statistical depiction of the problem illustrates that (a) the average visa fee for Africans travelling on the continent is USD63; (b) the range of visa fees, depending on the length of stay, is between USD12 and USD250; (c) the average processing time for visa issuance is 72

hours (three days); and (d) the processing time can be up to ten days (AfDB 2021:11).

This trend creates a situation where Africans tend to become foreigners in their continent. They are confronted with a multiplicity of obstacles to moving across borders in Africa as Africans. Stringent visa restrictions are imposed on Africans in Africa, predominantly for security and/or health reasons. The current continental record is such that 25% of countries welcome some or all African travellers visa-free, 24% of countries allow some or all African travellers to obtain a visa on arrival, and most of the countries (51%) require African travellers to obtain a visa before they arrive (AfDB 2021:1).

The onset of terrorism and violent extremism and the outbreak of health epidemics (notably Ebola and COVID-19) have given many African states the ammunition to tighten their borders against fellow Africans. Terrorism has afflicted all five regions of the continent (Central, East, North, Southern, and West Africa) and has, in turn, contributed to the current upsurge of military coups (Akinola 2023), especially in the Sahel belt (Mali, Sudan, Guinea, Burkina Faso, and Niger). Terrorism and militarism are used as an excuse for pushback and lack of political commitment to the free movement of persons in Africa.

The Ebola Virus Disease outbreak of 2016 affected mainly the West African region, most notably Guinea, Liberia, and Sierra Leone. While travel restrictions were imposed by some countries, the scale was not as widespread and severe as during the COVID-19 pandemic of 2020-2021, which affected the whole African continent and, in the process, negatively impacted the free movement project.

During COVID-19, almost all African countries declared states of emergency, implemented lockdown procedures, and effected border closures as well as the shutdown of seaports and airports, thereby obstructing human movement within and without the concerned countries. In fact, the Free Movement Protocol itself allows for such emergency measures as a temporary, but not a permanent, condition. Article 31(1) of the protocol provides that “state parties may suspend, temporarily,

the implementation of the provisions of the present Protocol in case of grave threats to national security, public order and public health” (AU 2018:42).

Be that as it may, this problem is much deeper than meets the eye. It has a lot more to do with the historical legacies of slavery, imperialism, colonialism, and contemporary globalisation, which have all contributed to the asymmetry of power within the global political economy. The global balance of power is skewed in favour of the Global North (the Western world) while the Global South (the non-Western world) barely survives on the periphery. This situation is problematic because it turns Africans into foreigners in their continent and Westerners have increasingly become the real owners of the continent and its vast resource endowment. This is part of the historical process of how Europe has underdeveloped Africa, (to borrow from a book title by Walter Rodney in 1972) and how Africa has developed Europe (to borrow from the title of a rebuttal book by Nkwazi Kkuzi Mhango in 2018).

New players are also coming into the fray in the form of the Chinese, competing fiercely with the West in the current scramble for Africa’s abundant natural resources. Consequently, Europeans, Americans, and Chinese dominate the ownership of Africa’s expansive natural resources and crisscross the continent with fewer visa restrictions compared to Africans. As the English aphorism goes, when two elephants (in this case, the West and the Chinese) fight, it is the grass (in this case, Africa) that is bound to suffer.

This chapter argues that the free movement of persons project has to be pursued with the same vigour with which the African Continental Free Trade Area (AfCFTA) is being pursued in order to turn this dire situation around for the advancement of lives and livelihoods of ordinary African peoples. This will redefine continental unity and integration away from it being state-led, elite-driven, and market-propelled (top-down integration) towards being society-centred and people-led (bottom-up integration).

## The African Passport

The idea of the African passport is traceable to the Conference of Intellectuals of Africa and the Diaspora organised by the AU Commission in October 2004 in Dakar, Senegal. This conference called for the promotion of African citizenship and the development of the African passport. This idea was taken up by the African Union Conference of Ministers of Immigration held in Tripoli, Libya in June 2005. This ministerial conference considered possible options to facilitate free movement for African citizens within the continent. These options included (a) liberalisation or abolition of visa regimes; (b) relaxation of legal frameworks and procedures for the issuance of residence permits in favour of African citizens; (c) initiation of modalities for the introduction of an African passport; and (d) harmonisation of policies and practices regarding deportations and mass expulsions to institute humane implementation procedures consistent with the African Charter on Human and Peoples Rights.

Subsequently, the Seventh Ordinary Session of the Executive Council of the AU, held in Sirte, Libya in June/July 2005, adopted Decision EX.CL/197(VII) on Free Movement of Persons in Africa, which accepted, in principle, the issuance of an African diplomatic passport. On 25 May 2007, the African Union Diplomatic and Service Passport was launched in Addis Ababa, Ethiopia by the then-president of the Republic of Ghana and chairperson of the AU, John Kuffor. At its Eleventh Ordinary Session held in July 2007 in Accra, Ghana, the Executive Council adopted Ex.CL/Dec.354(XI), in which it noted the symbolic launching of the African Union diplomatic and service passports and further requested the AU Commission to continue consultations with member states on the African Union diplomatic passport.

As highlighted earlier in this chapter, the ideal of free movement and the African passport was rekindled and given a further boost with the adoption of the 50<sup>th</sup> Anniversary Solemn Declaration adopted by African leaders in 2013 and the subsequent development of Agenda 2063: The Africa We Want. This explains, in part, why the Protocol for Free Movement of Persons and the establishment of the African Passport were flagship projects of

Agenda 2063. As indicated earlier in this chapter, during the AU summit held in Kigali, Rwanda in July 2016, the African Union diplomatic passport was issued to African leaders in a symbolic gesture of support for the development of the African passport. The Kigali summit implored member states to ensure issuance of the African passports to their citizens to facilitate the free movement of persons.

The Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment adopted by the African Union summit in January 2018 provides for the development of the African passport. Article 10 of the protocol provides that:

- State parties shall adopt a travel document called “African Passport” and shall work closely with the AU Commission to facilitate the processes towards the issuance of this passport to their citizens;
- The AU Commission shall provide technical support to member states to enable them to produce and issue the African passport to their citizens; and
- The African passport shall be based on international, continental, and national policy provisions and standards and on a continental design and specifications (AU 2018:9).

In order to facilitate the issuance of the African passport to African citizens, the AU Commission has facilitated the development of guidelines for the design, production, and issuance of the African passport, working closely with RECs and member states. During the development of these guidelines, the AUC received considerable technical support from the International Civil Aviation Organisation (ICAO). Once completed and adopted by AU policy organs, these guidelines will assist member states in issuing African passports to African citizens as a catalyst for the free movement of persons. With the coming into force of the Protocol on Free Movement of Persons and the issuance of the African Passport, a visa-free Africa is likely to be within reach.

The African passport is not merely the precursor to a visa-free Africa, but also a solid foundation towards a borderless Africa.

With such a passport,<sup>2</sup> which is bound to eliminate the need for all national passports, a common African identity and citizenship will evolve, thereby shattering the myth of a divided Africa balkanised through colonially imposed borders. This will go a long way to cementing Pan-Africanism, integration, and unity from below. Africa will then be widely open to its citizens, and to other migrants from other continents on an even playing field, devoid of racism, xenophobia, and Afrophobia. It is highly possible that the free movement of persons in Africa could considerably reduce the outward migration of Africans to Europe, risking their lives through long and arduous journeys across the Sahara Desert and the Mediterranean Sea. What are the benefits and challenges of the free movement of persons in Africa?

## **Benefits, Challenges, and Prospects**

This section discusses the potential benefits and challenges of free movement of persons sequentially.

### **Benefits**

A recent study undertaken by the IOM identifies the benefits and challenges of free movement of persons in Africa (AU & IOM 2018). Free movement of persons in Africa has a huge potential to facilitate a bottom-up and people-centred Pan-African unity and integration. It will boost intra-African trade, investment, and commerce, and foster intra-African tourism and increase tourism revenue. It will promote Pan-African identity and African citizenship.

It will improve trans-border infrastructure and shared cross-border community development, including a seamless cross-border flow of remittances (Akinola 2022). It will improve cross-border management and shared interstate security arrangements. It will facilitate intra-African knowledge sharing, skills sharing, and cultural exchange, and ease intra-African remittance flows. It will enhance the preservation, promotion, and protection of the fundamental rights of African migrants. It

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<sup>2</sup> The passport will be issued by AU member states exactly the same way as is the case in ECOWAS and EAC.

will reduce the incentive (push factors) for Africans to migrate outside the continent, curbing brain drain.

### **Challenges**

There is a plethora of challenges that face the AU in its quest for advancing a bottom-up approach to continental integration through the free movement of persons since its inception in 2002. First, rhetorical commitment to the free movement of persons is not matched by practical policy action on the part of AU member states (Hirsch 2021). Of the AU's 55 member states, only 32 have signed the 2018 Protocol on Free Movement of Persons. Of the 32 that have signed, only four have ratified the protocol (Mali, Niger, Rwanda, and Sao Tome and Principe). The AUC's position is that, while the AU has developed these progressive normative frameworks, member states lag behind in terms of their effective implementation.

Second, the AU member states do not seem to appreciate the reality that free trade goes hand in glove with the free movement of persons. These are flip sides of one coin: one may not be achieved without the other. The AU member states seem to give more pride of place to AfCFTA than the free movement of persons. Yet the reality is that there cannot be successful cross-border movement of goods, services, and capital, without a seamless cross-border movement of businesspeople and labour.

Third, the AU relies far too heavily on external resources for the implementation of the free movement of persons. Many of the resources have tended to come from Europe and the United Nations, especially the IOM. While this external support is important and has gone a long way in contributing to the progress outlined above, Africa must mobilise its internal resources to drive the free movement of persons agenda. The external resources from elsewhere should simply supplement Africa's resources. That way, Africa will be able to lead, own, and drive this important agenda, and not play second fiddle to external actors.

Fourth, evidence from studies conducted by the African Development Bank (AfDB 2021; AfDB 2022) points to the reality that bigger and relatively more developed African countries seem

less inclined towards free movement than smaller and relatively less developed countries. This trend is more pronounced in Southern Africa, where South Africa and Angola, as the two biggest economic powers, exhibit less appetite for the free movement of persons. The same is true for Egypt, Morocco, Algeria, and Tunisia in North Africa.

Fifth and finally, a majority of African countries tend to perceive free movement as a security threat, given the prevalence of terrorism and violent extremism. Terrorism has spread exponentially across the continent, leaving no region untouched, the latest being Southern Africa (Cabo Delgado in Mozambique) since 2017. Terrorism is much more entrenched in the Sahel belt stretching from Libya to Mali, Niger, Burkina Faso, Chad, North-East Nigeria, and Cameroon. The combined effect of the spectre of terrorism and narrow national sovereignty reinforces state security over and above human security, a trend that works against the free movement of persons.

What, then, are the prospects for the realisation of the free movement of persons as an integral part of Pan-Africanism and a core component of Agenda 2063: The Africa We Want? It is to this issue that the next section now turns the spotlight.

### **Prospects**

It is not easy to say definitively that the prospects for free movement of persons in Africa are gloomy or bright. Indeed, what exists currently is an admixture of both gloomy and bright prospects. The gloomy picture is presented by three main realities of the present African condition.

First, despite the long history of intergovernmental co-operation through the OAU/AU and RECs, narrow national sovereignty – bordering on national chauvinism – remains a strong norm on the continent and the idea of pooling sovereignty for purposes of continental unity and integration remains a distant mirage. Second, in the current conjecture, where nation states over-invest in security threats posed by terrorism and health threats posed by pandemics (such as Ebola and COVID-19), over-emphasising state security over and above human security,

prospects for free movement of persons look very bleak. Third and finally, challenges of underdevelopment, unemployment, and poverty have tended to turn Africans against one another based on an 'us and them' -inspired divide, fanning the flames of such vices as populism, racism, xenophobia, and Afrophobia – all of which are inimical to the noble AU efforts aimed at realising the dream of free movement of persons in Africa.

However, there is a ray of hope and bright prospects for free movement in Africa. Five conditioning factors are required for this bright prospect. First, the ongoing reform of the AU must include its transformation from being a mere intergovernmental organisation (as is currently the case) into a supranational entity whose power overrides that of its member states. Second, the AU must deliberately allow the RECs to lead on the free movement agenda with both the Economic Community of West African States (ECOWAS) and the East African Community (EAC) leading the way, while others such as the Southern African Development Community (SADC), the Economic Community of Central African States (ECCAS), and the Arab Maghreb Union (AMU) follow. The rationale here is simple: RECs are highly advanced compared to the AU in terms of their normative frameworks on the free movement of persons and actual policy practice (Matlosa 2023a). It makes perfect sense to ensure effective leadership of ECOWAS and EAC on the free movement of persons agenda. The success of ECOWAS and EAC should be replicated across the other three regions of the African continent. In that way, free movement of persons may be a reality throughout the continent contributing in no small measure to the realisation of the common African citizenship catalysed by the African passport and abolition of visas.

Third, the political elites who control the levers of state power and the corporate elites who control the economy, business, and commerce may not advance the idea of the free movement of persons due largely to the fact that they already enjoy free movement based on their social status and acquisition of diplomatic passports. African citizens (both individually and collectively) must lobby and advocate for the implementation of free movement and the issuance of the African passport.

Free movement of persons will not fall from heaven like manna. It will be a culmination of popular struggles led by the poor masses (workers, peasants, women, youth, social movements, civil society organisations, and faith-based organisations). Women and youth formations are poised to play a critical role in pushing the free movement project forward, not only because they are the most mobile social groups, but also because they constitute the majority of Africa's current population of 1.3 billion. Women comprise more than 50% of Africa's total population, while the youth (age range 18–35) constitute more than 60%.

Fourth, as a vivid demonstration of their political commitment, all 55 member states of the AU must sign, ratify, domesticate, and implement the 2018 Free Movement of Persons Protocol and issue the African passport to Africans on the continent and in the diaspora. In fact, the relatively easiest starting point is the relaxation of the current stringent visa regimes. In this regard, the AfDB makes an important policy recommendation that “simplifying visa applications, reducing fees, and decreasing processing times are important reforms that countries can make to open their borders and ease movement across the continent” (AfDB 2021:11). Only then will it be possible for the free movement idea to move from just an idea to a lived reality that will change the lives and livelihoods of Africans for the better and forever. Only then will Africans feel that they are citizens and not foreigners on their own continent.

Fifth and finally, AU member states should ensure the simultaneous implementation of AfCFTA and the Free Movement of Persons Protocol as they are flip sides of one coin; one cannot be realised fully without the other. So far, African governments exhibit more appetite for AfCFTA and less appetite for the Free Movement of Persons Protocol. Non-state actors have to be mobilised to lobby and advocate for a balanced approach towards free trade and the free movement of persons. Efforts in this direction are already being championed by the AUC based in Addis Ababa and the Economic, Social and Cultural Council (ECOSOCC) based in Lusaka, Zambia, with support from the IOM and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), which should be sustained.

## Conclusion

This chapter has explored the state of migration in Africa. It found that the AU has a four-pronged agenda for continental unity and integration: peace and security, democracy and governance, socio-economic development, and repositioning Africa in the global arena. A core theme that cuts across the four agendas is migration (i.e. human movement). This means that migration is a strategically important agenda of the AU. The main thrust of this chapter is anchored on the powerful ideation of Pan-Africanism, which still influences the AU today. One of the core values of the AU is actually “Think Africa Above All”.

The chapter has discussed the intra-African migration of Africans with a special focus on the free movement of persons. It has unearthed that while the free movement of persons is key for the pursuit of Pan-African unity from below, efforts of the AU on this front have lagged far behind its expansive and progressive normative frameworks. It has found that while the AU normative instruments on this issue are many and varied, the latest one is the 2018 Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment, together with its implementation roadmap. This normative framework is itself a direct byproduct of the 2015 Agenda 2063: The Africa We Want, which is the current development blueprint of the AU.

The chapter has advanced the discourse on migration in general and the free movement of persons in particular. It has discovered the dire need to open up the continent to its citizens to move freely across the colonially constructed borders. In the spirit of Pan-Africanism and African Renaissance, the noble idea of the free movement of persons has to be pursued with the same vigour with which member states of the AU are pursuing AfCFTA. Although the easiest starting point is surely the relaxation of visas, a major catalyst for the free movement of persons is surely the African passport. The African passport is bound to accelerate progress toward a common identity and shared African citizenship (Matlosa 2023b).

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