

POLICY DISCOURSE ON THE POSSIBILITY OF A PAN-AFRICAN FRAMEWORK ON THE FREE MOVEMENT OF PERSONS

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ABSTRACT

A fundamental corollary of deeper regional integration is the ability of citizens to move freely across national boundaries. The extent to which national elites have managed to relax, or completely eliminate, rigid visa and border requirements bears testimony to the commitment to and importance of creating an effective transnational community. This realisation has shaped, and continues to shape, regional integration efforts across the globe. In the African context, while some regional economic communities (RECs) such as the Economic Community of West African States (ECOWAS) and the East African Community (EAC) allow some form of free movement of persons, there is no definitive continental legal framework. At the core of this article is an attempt to engage in a policy discourse regarding the possibility of such a framework, with particular reference to Africa. The role of the African Union (AU) in coordinating, monitoring and evaluating policies of the RECs is central to achieving this objective. This article examines the policy contexts capable of shaping the design and implementation of a continental framework on the free movement of persons.

Keywords: Africa, free movement of persons, regional integration policy, African Union, transnational boundaries

INTRODUCTION

A fundamental corollary of deeper regional integration is the ability of citizens to move freely across national boundaries. The extent to which national elites have



managed to relax, or completely eliminate, rigid visa and border requirements bears testimony to the commitment to and importance of creating an effective transnational community. An effectively implemented framework on the free movement of persons is, therefore, a key indicator of the depth of the regional integration process. This realisation has shaped, and continues to shape, regional integration efforts across the globe. The underlying logic is that in a way similar to free trade in goods and services, the free movement of persons can stimulate economic development and increased socialisation across regional boundaries. As the Economic Commission for Africa, African Union, and the African Development Bank (2012, 61) rightly note:

Any society that creates an enabling environment for the free movement of people invariably paves the way for the free movement of labour. Migration is accepted as a legitimate tool for adjusting the skills, age and sectoral composition of national and regional labour markets. Migrant labour has become an essential feature in meeting economic and labour market challenges – when people move from one region to another, they carry with them their skills and know-how.

On the African continent, there exist numerous policy and normative documents on the free movement of persons. At the continental level, the African Union (AU) is tasked with implementing a continental framework on the free movement of persons. Since some of the regional economic communities (RECs) already have normative frameworks and implementation mechanisms for achieving the free movement of persons, a key responsibility of the AU is to ensure the harmonisation and coordination of these standards so as to eventually create a continental framework (African Union Constitutive Act 2001, article 3 (1)). Although there is no definite normative framework at the continental level, the AU has through a number of its policy documents emphasised the imperative of the free movement of persons and the harmonisation of regional and national immigration standards as outlined in this article. The lack of a legally binding document applicable to the continent as a whole, coupled with the uneven development of policies on the free movement of persons at the sub-regional level, continues to serve as a major impediment. Rigid visa requirements and border controls continue to have negative impacts on economic growth. Referring to Mauritius and Seychelles, Ncube (2013) notes how the relaxation of visa requirements in the latter had boosted the number of tourists by 7 per cent per annum in the previous five years, while the former had remained stagnant in this regard. Curtis (2009, xiii–xiv) showed how the lengthy delay at the Chirundu border post between Zambia and Zimbabwe could be equal to an additional charge of over US\$ 100 million per annum. These are some of the negative implications of rigid mobility policies.

The benefits of an effective pan-African movement of persons cannot be overstated. As a key element of regional integration, such a framework has the potential to stimulate the deepening of both political and economic integration.

Increased socialisation across boundaries, more intra-regional trade, transfer of skills and positive economic development are just some of the benefits that can be derived from enacting and implementing a framework of this kind. A number of studies have shown the positive impact of migration. Nyandoro (2011, 116) and the Economic Commission for Africa, African Union, and the African Development Bank (2012, 63) for example highlight how remittances¹ play a central role in “social protection”. Social protection is a reference to all measures that assist individuals, households and communities in better managing their income and other risks that create perpetual vulnerability (Nyandoro 2011, 116). Other positives include increased levels of domestic capital formation, and the reduction of income inequality (Chiswick 2005). The inability of African governments to counteract the rigidity of colonial boundaries by turning them into lines that promote rather than frustrate development remains a fundamental obstacle to fruitful integration.

The importance of public policy in harnessing the benefits of mobility and migration is at the heart of this article, especially at the regional level. This article therefore engages in a policy discourse on the feasibility of having a normative pan-African framework on the free movement of persons. In this regard, it examines the policy contexts that could shape the design and implementation of such a framework. It starts with a consideration of how the present African boundaries came into existence. This is followed by an investigation of existing sub-regional and continental frameworks on the free movement of persons. It concludes by exploring feasible policy options regarding the free migration of people in Africa.

A CONTINENT APART

While Europe’s cartographic experiment in Africa was not novel,² it ensured that the continent remained the most fragmented region in the world. According to Akonnor (2007, 200), there are 165 demarcated boundaries in Africa.³ This was a consequence of the scramble for Africa, an idea that was formalised by the Berlin Conference of 1884–1885. In an attempt to bring the continent under the European sphere of influence, illegal methods were employed to dispossess Africans of their territories. Treaties were used as pretext for acquiring territories. In most cases, either the content of these treaties was misinterpreted to African chiefs, or coercive measures were employed to make them sign. For example, the King of Lagos, Dosumu, and his chiefs were forced to sign a treaty of cession in 1861 which stipulated that:

I, Docemo, do with the consent and advice of my Council, give transfer, and by these presents grant and confirm unto the Queen of Great Britain, her heirs and successors forever, the Port and Island of Lagos, with all the rights, profits, territories and appurtenances whatsoever thereunto belonging, and as well the profits and revenues and direct, full and absolute dominion and sovereignty of the said port, island and premises, with all the royalties thereof, freely, fully, entirely and absolutely. I do also covenant and grant that the quiet and peaceable possession thereof shall, with all possible speed, be freely and effectually delivered to the

Queen of Great Britain, or such persons as Her Majesty shall thereunto appoint, for her use in the performance of this grant; the inhabitants of the said island and territories, as the Queen's subjects, and under her sovereignty, crown, jurisdiction, and government, being still suffered to live there. (Quoted in Oyebode 2003, 90–91)

Another example is the agreement signed in 1884 with chiefs of Ngombi and Malefa in what is today the Democratic Republic of Congo, where in return for “one piece of cloth per month” they entered into an “agreement” in which they:

[f]reely of their own accord, for themselves and heirs and successors for ever ... give up to the said Association the sovereignty and all sovereign and governing rights to all their territories ... and to assist by labour or otherwise, any works, improvements or expeditions which the said association shall cause at any time to be carried out in any part of these territories ... All roads and waterways running through this country, the right of collecting tolls on the same, and all game, fishing, mining and forest rights are to be the absolute property of the said Association. (Quoted in Hochschild 2012, 72)

Some colonial administrators even commented on the absurdity of these agreements. For example, a British administrator who was involved in drawing the boundary between Nigeria and Cameroon remarked that:

In those days, we just took a blue pencil and a rule, and we put down at Old Calabar, and drew that line to Yola...I recollect thinking when I was sitting having an audience with the Emir of Yola, surrounded by his tribe, that it was a very good thing that he did not know that I, with a blue pencil, had drawn a line through his territory. (Quoted in Mutua 1995, 1135)

Another colonial administrator, Lord Salisbury, sarcastically noted:

We have been engaged in drawing lines upon maps where no white man's feet have ever trod; we have been giving away mountains and rivers and lakes to each other, only hindered by the small impediment that we never knew exactly where the mountains and rivers and lakes were. (Quoted in Hargreaves 1985, 22)

These colonial political units became not only a space for administrative control, but also a platform for contestation between the colonisers and the colonised. The nationalist resistance to colonialism entailed a paradox: the oft-derided colonial boundaries were used as a legitimate instrument of resistance. While the idea of affirming national boundaries may be perceived as pragmatic, it was to set the tone for a post-colonial attachment to national sovereignty and the sanctity of colonial boundaries. Once the majority of African countries gained independence in the 1960s, they turned their attention to consolidating nationalism rather than focusing on trans-boundary integrative matters (Mazrui 1963, 92). The ease of movement across the boundaries during the colonial period, fostered mainly by colonial policies that facilitated labour movement and also by the sense of cultural affinity amongst separated ethnic groups (Agyei and Clottey 2007; Nyandoro 2011, 114), gradually evolved into rigidity after independence.

The 1960s witnessed the tightening of rules and regulations governing the free movement of persons in some African countries (Agyei and Clotney 2007; Adepoju, Boulton, and Levin 2007). As Agyei and Clotney (2007, 5) observe:

The late 1960s witnessed the enactment of rules and regulations to control immigration into their countries in order to protect the job security of their nationals. For instance, Ghana enacted Aliens Compliance Order (Act 1960) in 1960. Section 10 of Act 1960 prohibits the engagement of foreign nationals to reside and work in Ghana ... Among other things, this Act was passed to regulate immigrants and thereby protect the domestic labour market opportunities available for citizens.

The ideological position that fostered an attachment to colonial boundaries was further cemented by the triumph of the minimal integrationists (or member states that preferred a gradual approach to regional integration) at the establishment of the Organisation of African Unity (OAU) in 1963. Opposed to the “Nkrumahist” agenda of a political union of African states that prioritised, amongst other measures, free movement of persons across African boundaries, the majority of African leaders at the Addis Ababa Summit opted for a weakly structured organisation. The first prime minister of Nigeria, Tafawa Balewa, a prominent minimal integrationist, enthusiastically remarked in 1963:

The Addis Ababa Charter is ninety-nine per cent what I hoped for. I would not have signed it if it did not satisfy me ... Just as we in Nigeria have been laying down one stone after another in the process of nation-building ... just as we were determined to preserve our unity in diversity; so the Addis Ababa conference ... recognised the fact that unity should not be tantamount to uniformity. (Quoted in Bukarambe 2010, 62–63)

The arbitrariness of these colonial boundaries and the imperative of fostering regional integration mattered very little in the face of the complete prioritisation of territorial sovereignty.⁴ The adoption and implementation of a feasible continental policy on the free movement of persons was thus relegated to the realm of rhetoric and romanticism. Meetings and summits have been held to affirm the importance of the idea of free movement, with no real action taken to implement decisions and policies in that regard. Rigid national policies that frustrate migration continue to exist alongside a number of sub-regional frameworks on the free movement of persons. The existence of these sub-regional frameworks (which are discussed below), without an effective coordinating and harmonisation mechanism at the continental level, is indicative of a continent that is still very much at odds with itself in terms of policy articulation and implementation. According to the World Economic Forum (2013, 52), Africa is characterised by the most prevalent use of traditional visas, with Central Africa and North Africa standing at 92 per cent and 84 per cent respectively. Ncube (2013) further observes that African citizens require visas to visit 60 per cent of African countries.

As will be shown below, even the sub-regional frameworks on the free movement of persons continue to be hampered by lack of political will on the part of member states to harmonise national policies, and the regular violation of regional standards by the same member states.

AN OVERVIEW OF EXISTING POLICY FRAMEWORKS ON THE FREE MOVEMENT OF PERSONS IN AFRICA: A CACOPHONY

Continental frameworks

At the continental level, the AU is charged with establishing a normative framework for achieving the goal of the free movement of persons. Taking into account the existence of a number of normative frameworks on the free movement of persons at the sub-regional level, the AU (Constitutive Act 2001, art. 3(l)) is specifically mandated to coordinate and harmonise the policies of RECs. This provision should be understood in the context of stipulated principles such as peace and security, democracy and good governance, human rights, and sustainable development (articles 3 and 4) This provision has found expression in many of the policy documents of the organisation. These include the African Common Position on Migration and Development (ACPMMD) (2006), and the Migration Policy Framework (MPF) (2006).

The ACPMD emphasises the strong nexus between migration and development. It stipulates 11 policy measures:

- Migration and development (migration as an effective tool of development, enhancement of income distribution, enhancement of women empowerment and gender equality)
- Human resources and the brain drain (the brain drain as an obstacle to sustainable development)
- Labour migration (establishing regular, transparent and comprehensive labour migration policies and legislation at the national and regional levels)
- Remittances (this plays a crucial role in development, and should not be confused with development aid)
- African Diaspora (strengthen and enhance the involvement of the Diaspora in migration issues)
- Migration and peace, security and stability (addressing the root causes of migration and putting in place migration management systems)
- Migration and human rights (ensuring the protection of fundamental rights of migrants)

- Migration and gender (the importance of protecting the rights of women migrants)
- Children and youth (developing policies to combat child trafficking)
- The elderly (catering for the needs of elderly migrants)
- Regional initiatives (the need to develop common regional policies for the management of migration within the RECs)

It further makes recommendations to national, continental and international actors. These relate to measures such as:

- Adherence to African Peer Review Mechanism (APRM) governance standards
- Adoption of migration policies at national level
- Improvement of border management and control
- Encouragement of the conclusion of bilateral and regional policies on migration
- Promotion of adherence to regional and international instruments

The MPF (2006) stemmed from the need to develop a comprehensive policy strategy for the continent. The policy document focuses on nine key points:

- Labour migration (incorporate International Labour Organization (ILO) Conventions, build national capacity to manage labour migration, involvement of civil society, provision of social security for labour migrants, harmonisation of labour migration policies)
- Border management (adoption and implementation of protocols on free movement of persons, establishment of labour relations exchanges)
- Irregular migration (strengthen national policies and structures dealing with transnational crimes and human trafficking, develop common regional countermeasures, encourage joint cross-border patrols, adopt comprehensive information collation system)
- Forced displacement (effective national implementation of protection obligations, increasing the capacity of law enforcement officials, public information and awareness campaigns, ensure that refugees and internally displaced persons (IDPs) have access to education and skills training)
- Human rights of migrants (harmonise national and international conventions, promote integration of migrants in host communities, ensure migrants' access to justice, ensure the socio-economic rights of migrants)
- Internal migration (effectively address the root causes of internal migration, access of internal migrants to education, health and employment, enhancement of democratisation, improve gathering of data on internal migrants)

- Migration data (develop a systemised registration mechanism, implementation of NEPAD ICT initiatives, capitalise on financial and technical assistance from international partners)
- Migration and development (enhance good governance, encourage the integration of migration policies into national development plans, enhance capacity of government ministries, establish a reliable database on the Diaspora)
- Inter-state cooperation and partnerships (include migration in national and regional development frameworks, consolidation of democracy, access to healthcare services)

Although commendable, none of these continental policies have legal force; they are merely recommendatory. As Klavert (2011, 14) points out, “the monitoring obligations of the AU are couched in weak terms and the frameworks do not call for follow-up proposals that would be legally binding on member states”.⁵ Unlike the continental sphere, there exist a number of normative instruments on free movement of persons at REC level. However, the implementation of these normative instruments varies from one REC to another.

Sub-regional frameworks

The level of formulation and implementation of mobility policies at the sub-regional level varies. Of the eight recognised RECs, only five have frameworks on the free movement of persons (African Union Commission 2013). They are the Economic Community of West African States (ECOWAS), East African Community (EAC), Common Market for Eastern and Southern Africa (COMESA), Economic Community of Central African States (ECCAS), and Southern African Development Community (SADC). COMESA, SADC and ECCAS have yet to implement their frameworks. The Intergovernmental Authority on Development (IGAD), Arab Maghreb Union (UMA), and Community of Sahel-Saharan States (CEN-SAD) do not have a framework on the free movement of persons.

ECOWAS and the EAC have both made relative progress in terms of implementing regional frameworks. In terms of its 1979 protocol on the free movement of persons and right of residence and establishment, ECOWAS has made progress with regard to the issuing of a regional passport and motor vehicle insurance card, and the development of a sensitisation campaign on the benefits of free movement of persons. In an effort to simplify travel process, the ECOWAS passport was introduced in 2000, with 10 out of 15 ECOWAS member states issuing the passport.⁶ Another development is the planned introduction of an ECO-visa that will allow non-community citizens to travel across the sub-region without requiring national visas (African Union Commission 2013, 81). In spite of these achievements, the implementation of the

protocol still faces many challenges. These include inadequate infrastructure to facilitate free movement of persons, corruption and intimidation at border posts, lack of harmonisation of national policies on immigration, a fragile security situation and ineffective monitoring capacities at the national level (Agyei and Clottey 2007; Adepoju, Boulton, and Levin 2007). As Butu (2013, 56–57) reports, countries such as Nigeria, Togo and Benin, in violation of the protocol, still maintain road blocks along their transnational highways. Political instability, particularly in the form of insurgencies in Nigeria and Mali, are major drawbacks. The cross-border effects and implications of these insurgencies heighten security concerns and in turn limit the effective implementation of the protocol.⁷

Like ECOWAS, the EAC has made some progress concerning the free movement of persons across the region. The EAC's Common Market Protocol includes an Annex on the free movement of persons, which allows for visa-free entry into the five member states: Kenya, Rwanda, Tanzania, Burundi and Uganda. There is an EAC passport that allows for citizens of member states to travel freely within the region for six months (African Union Commission 2013, 84). Another key development is the introduction of the EAC single tourist visa by three member states of the community (Rwanda, Kenya and Uganda) (Kabeera 2014). These three member states have also introduced the use of national identity cards for travel within and across their boundaries (Mbanda and Kabeera 2014). A key concern relating to the effective implementation of the protocol is the apparent split in the EAC between member states willing to fast-track the process and member states that favour a gradual, cautious approach. The "coalition of the willing" (Kenya, Rwanda and Uganda) continues to promote free mobility policies, whereas Tanzania and Burundi favour a more limited approach to the idea of free movement (Wilson 2013).

Of the 19 member states of the Common Market for Eastern and Southern Africa (COMESA), only 4 (Kenya, Rwanda, Burundi and Zimbabwe) have signed the Protocol on the Free Movement of Persons, Labour, Service, Right of Establishment and Residence, and only Burundi has ratified the protocol (African Union Commission 2013, 82). The protocol has yet to become effective, as this requires ratification and signature by at least seven member states (African Union Commission 2013, 86). Although there has been no significant progress relating to the protocol, member states have adopted measures to relax rigid visa regulations. For example, eight member states allow for visas at the point of entry to citizens from some other COMESA countries (82).

The Economic Community of Central African States (ECCAS) protocol on free movement of persons and right of settlement of nationals of member states is yet to be implemented. Lack of political will and civil armed conflicts in countries such as the Democratic Republic of Congo and Central African Republic continue to hamper

the realisation of the protocol (African Union Commission 2013, 82). The region has the highest use of traditional visas of all the RECs in Africa; this figure currently stands at 92 per cent (82; World Economic Forum 2013). Free movement of persons in the region is practised only by the four countries that belong to the Central African Economic and Monetary Community (CEMAC) – Cameroon, Central African Republic, Chad and Republic of Congo (Economic Commission for Africa, African Union, and the African Development Bank 2012, 70).

The SADC protocol on facilitation of the free movement of persons was signed in 2005. The protocol, if successfully implemented, will allow for lawful free visa entry for a maximum of 90 days within SADC member states, and further authorises temporary and permanent residence. The protocol is yet to become law, as ratification by two-thirds of member states is still required (African Union Commission 2013, 86). As Fioramonti and Nshimbi observe, South Africa's approach of engaging in unilateral bilateral policies on migration with its neighbours is a major limiting factor. The disconnect between such bilateral arrangements and the multilateral SADC arrangement, or the inability to use bilateralism to advance regional causes is an undermining factor. Providing bilateral arrangements with regional elements, and syncing such arrangements with the objectives of the SADC protocol is imperative (Fioramonti and Nshimbi 2013, 3–4; Nyandoro 2011, 122).

Free movement of persons within the Intergovernmental Authority on Development (IGAD) currently exists within the context of bilateral arrangements, as there is no regional framework. These include bilateral arrangements between Kenya and Ethiopia, and Ethiopia and Djibouti (African Union Commission 2013, 83). Member states are in consultation regarding the development of an IGAD protocol on free movement of persons (African Union Commission 2013, 83). However, instability in the region, particularly in member states such as Somalia and Sudan, and the Al Shabaab cross-boundary insurgency, are factors capable of limiting the effective realisation of the protocol.

Of the five countries in the UMA, free movement of persons only applies amongst three: Libya, Morocco and Tunisia. Tunisia is the only country that allows the citizens of UMA member states to travel freely across its boundary. Bilaterally, Algeria and Tunisia impose no visa restrictions on each other (African Union Commission 2013, 84).

Like IGAD, CEN-SAD member states have not yet signed a protocol on the free movement of persons. However they have an arrangement that exempts holders of duly issued diplomatic passports, official passports and special envoys from the need for an entry visa for a period not more than 30 consecutive days (African Union Commission 2013, 83).

TOWARDS A PAN-AFRICAN FRAMEWORK ON THE FREE MOVEMENT OF PERSONS: EXPLORING FEASIBLE POLICY OPTIONS

The foregoing overview shows the state of the free movement of persons in Africa. Below are some of the variables that can be deduced from the policy articulation and implementation of mobility frameworks in Africa:

- There is no normative continental framework; rather, there are policy frameworks that are purely guidelines, and thus not legally binding.
- Only two RECs, EAC and ECOWAS, have made relative progress concerning the implementation of free movement of persons. SADC, COMESA and ECCAS have frameworks that are yet to be implemented. IGAD, UMA and CEN-SAD do not yet have such frameworks.
- There is a lack of political will to either ratify protocols and/or implement measures aimed at facilitating free movement of persons.
- Other factors that hamper implementation of the free movement of persons include the fragile security situation in some African countries, lack of coordination between member states, little commitment to implementation, violation of community standards, and the lack of adequate transport infrastructure to facilitate easy movement.

The points listed above show the general context within which mobility regimes in Africa exist. In addition, they provide the contexts that could guide the consideration of a feasible framework for realising the free movement of persons in a pan-African context. Notable is the lack of demonstrable political will to ensure that boundaries become less rigid, and are therefore transformed into a tool for enhancing closer cooperation and development.

While the enactment of a normative pan-African framework on the free movement of persons is the ultimate goal, it is also important to consider strategic imperatives that could shape its effective design and implementation.

Leading by example: Strategic intervention by regional powers

Regional powers such as Nigeria, South Africa, Kenya and Egypt have a major role to play in the implementation of the free movement of persons across Africa. The European Union (EU) provides useful lessons in this regard. The Franco-German partnership in the EU is credited with a number of developments in the EU – in particular, the strengthening of the mobility and migration regime. The role of both countries in shaping the Schengen Agreement, and eventually incorporating it into

the EU legal regime on mobility, is a key example (Koslowski 1998).⁸ In this respect, African regional powers can intervene in three key ways.

The first involves leading by example in terms of making their respective national frameworks on migration enhance the free movement of persons. These could include measures such as visa at the point of entry arrangements,⁹ exemption from visa requirements of certain categories of citizens,¹⁰ and the relaxation of permit requirements for African immigrants lawfully and legitimately residing within their territories. The second builds on the first, by finding means of cooperation amongst the regional *hegemons*. This could be done through a strategic framework that seeks to harmonise the national immigration policies of these regional powers. This will not only allow the citizens of these regional powers to travel freely, but will also incorporate the respective national policies on free movement into a broader framework. The third entails creating an “action group” of regional powers at the AU level. The purpose of this action group would be to consolidate the first two levels of suggestion, and find ways of channelling efforts into drafting a continental framework. The action group could engage in measures such as awareness campaigns, financing AU structures dealing with the drafting and implementation of mobility frameworks, and ensuring that they are centrally involved in the effective implementation of their respective sub-regional frameworks.

The interventions should be seen as only part of the measures for realising an effective pan-African framework on the free movement of persons, and not as a substitute for it. The rationale behind a continental framework is to ensure the representation of the majority of African states in its formulation and implementation. Therefore, the suggested cooperation amongst regional powers is aimed only at stimulating an active approach, similar to measures that led to the enactment of the Schengen Agreement in the EU.

Interregional arrangements regarding the free movement of persons

Mobility and migration policies are at different levels of formulation and implementation in the RECs. This reduces the possibility of effectively harmonising and coordinating the policies of the eight recognised RECs. Consequently, the adoption of a flexible, interregional arrangement of free movement of persons appears to be a feasible option. The COMESA–EAC–SADC tripartite arrangement is an example. Comprising 26 member states, the tripartite arrangement was introduced in 2005 to harmonise policies and programmes in the three RECs involved, and establish a free trade area.¹¹ The facilitation of the free movement of persons across the three RECs is one of the key objectives of the tripartite agreement. This kind of arrangement should be encouraged, and seen as a feasible way of advancing policies on free movement of persons across the continent.

Understanding the design and implementation of transnational policies through the involvement of all 54 AU member states has been problematic, and implementation has been slow. In this context, the tripartite arrangement, or any other kind of interregional arrangement, provides a feasible means of achieving things. In addition, it allows for regional institutions at similar levels of development to find ways of efficiently harmonising and coordinating their structures. As already mentioned, both ECOWAS and the EAC have made some progress in terms of facilitating mobility within their respective regions, and any cooperation between these two RECs can benefit from such development. They could, for example, harmonise strategies relating to the single tourist visa, and the simplification and elimination of travel documents among their member states. This kind of measure could serve as a policy laboratory for a possible continental framework.

Strengthening the monitoring and evaluation capacity of the AUC

It is important to find more innovative ways of ensuring that the AUC plays a more effective role in enhancing the free movement of persons. While the absence of a normative framework remains a major lacuna, there are still measures that can be adopted to ensure that the AUC is strategically positioned for this task.

For example, the AU could develop a monitoring and evaluation framework that is strategically mainstreamed into the programmes of the RECs. The importance of this lies in the realisation of the objective of the AU to harmonise and coordinate structures of the RECs. This could be done through the establishment of AU liaison units within the RECs, dedicated to ensuring synergy of operation and reporting of activities on the free movement of persons. The presence of AU officials within the RECs is imperative, as it emphasises the issue of coordination and central planning with regard to regional programmes. In addition, the report could help inform strategies and policy formulation in other RECs, and further enhance the capacity of AU officials to oversee the implementation of mobility frameworks.

Another option is to ensure that AU officials are part of the design and implementation of policies at the REC level. As Klavert (2011, 15) points out, the AUC could also engage in the facilitation of free movement schemes between neighbouring countries. Such programmes could, therefore, be implemented as a joint project between the AUC and the relevant REC and/or countries involved. As pointed out in the preceding paragraph, this will enhance the visibility and technocratic skills of AU officials in implementing continental frameworks on migration. It further positions the AU as the primary driver in the integration process, a point that is of the utmost importance, considering the low visibility of the AU in the integration arena.

The AU also needs to step up awareness campaigns on the benefits of the free movement of persons. This should be done through seminars, workshops, the print and electronic media and training programmes. Partnership programmes with the RECs, civil society organisations, private sector and national bodies are essential in this regard. These have the potential to enhance both the legitimacy of the process and the issue of ownership. The involvement of the private sector could enhance the possibility of accessing more funding for projects. Similarly, organised civil society could be extremely effective in increasing awareness about projects and the involvement of broader civil society in the formulation and implementation of policies.

Lastly, the enhancement of the institutional capacity of the AU is important. Measures to achieve this include encouraging the departments of the AUC to work closely together on developing mobility frameworks, recruiting skilled personnel to work on migration issues, increased engagement with research institutes across the continent and the provision of adequate financial resources for the implementation of projects relating to mobility.

Enhanced participation of civil society

Since members of civil society in general remain the end users of policies on the free movement of persons, it is crucial that they be actively engaged in the formulation and implementation of such policies. Civil society in this context refers to non-governmental organisations, the private sector, and the general populace. It is essential that the design of the normative pan-African framework on free movement be widely advertised, so as to gain the input of civil society. Beyond engagement with the RECs and national governments, it is imperative that measures be introduced to explain the benefits of such a framework to Africans. In essence, the extent to which the participation of the civil society can further enhance the design and implementation of a continental framework has to be explored.

AU structures such as the Economic, Social and Cultural Council (ECOSOCC) and the Pan-African Parliament (PAP) have an important contribution to make. The PAP as a forum for participation of the African masses in the integration debate has a vital role to play. Although it remains a consultative forum with no real legislative power (Cilliers and Mashele 2004; Fagbayibo 2013), the PAP could nevertheless heighten its cooperation with sub-regional parliaments and provide the platform for civil society to discuss issues of mobility and migration.

CONCLUSION

The realisation of African unity will require determination, dedication and hard work. The absence after five decades of independence of a continental framework on the

free movement of persons remains a key obstacle to regional integration. Political statements on African unity have not been matched by practical efforts to attain the desired level of integration. The varied levels of formulation and implementation of mobility frameworks at the RECs, coupled with the absence of a continental normative framework, indicate the absence of political will. The majority of member states have not demonstrated the requisite commitment to realising a pan-African framework on the free movement of persons. Rigid national policies on immigration, non-ratification of regional instruments on mobility, non-implementation of regional standards, and the lack of policies on free movement in some RECs are some of the factors that continue to militate against the realisation of an effective framework.

This article considered some of the policy measures that could shape the design and implementation of a normative pan-African framework on the free movement of persons. These include the active involvement of regional powers in the realisation of a viable framework, encouraging more interregional arrangements on the free movement of persons, strengthening the monitoring and evaluation capacity of the AUC, and the active participation of civil society in general in the formulation and implementation of the framework

Achievement of the objective of the free movement of persons throughout the continent is long overdue. The answer lies in transcending narrow national interests to understand the centrality of free movement and migration to general development.

ABOUT THE ARTICLE

* A version of this article was presented at the bi-annual European Conference on African Studies, held in Lisbon, Portugal, from 27 to 29 June 2013. The author would like to express his sincere gratitude to the College Research Committee of the School of Law, Unisa, for making available the funding necessary to attend this conference.

NOTES

1. As the Economic Commission for Africa, African Union, and the African Development Bank (2012, 63) note, remittance inflows into Africa quadrupled between 1990 and 2010 to about US\$40 billion. Remittances form a significant share of the GDP of some African countries. These include Lesotho (28.5 per cent); Togo (10.7 per cent); Cape Verde (9.4 per cent); Senegal (9.3 per cent) and Gambia (8.2 per cent).
2. Asiwaju (1985, 233, 248) notes that the boundaries of African countries such as Nigeria, Senegal and Mozambique are older than the boundaries of countries such as Austria, Hungary, Poland, Greece and Finland.
3. With the creation of the Republic of South Sudan in 2012, the number of demarcated boundaries is now 166.

4. In a bid to forestall fratricidal border struggles between post-colonial African states, the OAU in 1964 adopted the *uti possidetis* rule, which mandated member states to respect existing frontiers. This, however, failed to stem the tide of border clashes between African states – Somalia and Kenya, Somalia and Ethiopia, Libya and Chad, Nigeria and Cameroon, Morocco and Western Sahara, to mention just a few. See Oyeboade (2003, 24–25).
5. Some analysts observe that the frameworks are drafted as guidelines and non-normative instruments as a means of gaining the requisite consensus for adoption rather than of making them legally binding on member states (Klavert 2011, 9).
6. Senegal, Nigeria, Niger, Cote d’Ivoire, Benin, Guinea, Liberia, Sierra Leone, Togo and Ghana.
7. The Nigerian Boko Haram militant group operates across the boundaries of west and central Africa, especially in countries such as Niger, Cameroon and Chad. This has resulted in these three countries, in addition to ECOWAS, sharing intelligence and cooperating to combat terrorism. For a detailed analysis, see International Crisis Group (2014).
8. The Schengen Area remains the largest passport-free zone in the world, and was incorporated into the EU legal arrangement through the 1999 Treaty of Amsterdam. See http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133020_en.htm
9. Effective from 1 January 2013, Rwanda became the first country in Africa to issue visas at the point of entry to all African nationals transiting through or travelling to Rwanda. See http://www.newtimes.co.rw/news/index.php?i=15204&per_centa=61720
10. These could include national sports teams, artistic groups, students and duly invited researchers and academics.
11. The tripartite region has a population of 527 million people, making up 57 per cent of the population of the AU, and contributes just over 58 per cent of the GDP of the entire continent. See the COMESA-EAC-SADC official website: <http://www.comesa-eac-sadc-tripartite.org/home>

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