

***On the free movement of people in Africa : current situation,
constraints and prospects***

Achraf El Yahyaoui *

Researcher at the Faculty of Legal, Economic and Social Sciences-Souissi,

Mohammed V University of Rabat- Morocco

Achraf.elyahyaoui@um5r.ac.ma

 <https://orcid.org/0009-0000-5110-5169>

Received: 19/10/2024, Accepted: 27/12/2024, Published: 30/12/2024

Abstract: The free movement of people and goods in Africa has undeniably made significant progress in recent years, yet challenges remain. Many countries have abolished visas for African citizens, encouraging intra-continental travel. However, customs procedures and border controls often remain cumbersome and time-consuming. Transport infrastructure, especially roads and railroads, still requires investment to enhance regional and African connectivity. Despite these obstacles, most African leaders recognize the necessity of free movement to stimulate trade, investment and consequently economic development on a continental scale.

Keywords: Africa; Free movement; Borders; Regional Economic Community.

**Corresponding author*

حول حرية تنقل الأشخاص في أفريقيا: الوضع الحالي والقيود والآفاق-

أشرف اليحياوي*

باحث في كلية العلوم القانونية والاقتصادية والاجتماعية، السويسي. جامعة محمد الخامس الرباط-
المغرب

Achraf.elyahyaoui@um5r.ac.ma

 <https://orcid.org/0009-0000-5110-5169>

تاريخ الاستلام: 2024/10/19 تاريخ القبول: 2024/12/28 تاريخ النشر: 2024/12/30

ملخص: لا يمكن إنكار أن حرية تنقل الأشخاص والبضائع في أفريقيا قد أحرزت تقدماً كبيراً في السنوات الأخيرة، ومع ذلك لا تزال هناك تحديات قائمة. فقد ألغت العديد من البلدان تأشيرات الدخول للمواطنين الأفارقة، مما شجع السفر داخل القارة. ومع ذلك، لا تزال الإجراءات الجمركية والضوابط الحدودية في كثير من الأحيان مرهقة وتستغرق وقتاً طويلاً. ولا تزال البنية التحتية للنقل، لا سيما الطرق والسكك الحديدية، بحاجة إلى الاستثمار لتعزيز الربط الإقليمي والأفريقي. وعلى الرغم من هذه العقبات، يدرك معظم القادة الأفارقة ضرورة حرية التنقل لتحفيز التجارة والاستثمار وبالتالي التنمية الاقتصادية على نطاق القارة.

الكلمات المفتاحية: أفريقيا، حرية الحركة، الحدود، الجماعة الاقتصادية الإقليمية.

* المؤلف المرسل

Introduction

For decades, the free movement of people and goods has been a hot topic in many parts of Africa. Despite efforts to promote regional integration, many challenges persist in facilitating cross-border movements on the continent, especially for workers.

Moreover, national immigration and mobility regulations vary widely from country to country, often creating a headache for travelers. In addition, procedures for obtaining visas and residence permits can be lengthy and costly, filibustering the mobility of people.

In addition, transport infrastructures are often inadequate or in poor condition, making travel difficult and unreliable. Lack of coordination between border authorities also leads to delays and bureaucracy at border crossings.

At the same time, tighter controls and security measures, in response to threats such as terrorism, have also made free movement more complex and had increased requirements in terms of identity documents and supporting evidence are hampering movements.

Despite these obstacles, regional initiatives such as the Economic Community of West African States (ECOWAS) have attempted to facilitate mobility within Africa, mainly by the creation of regional passports and the softening of some procedures.

The actual setting up of these agreements remains complex. Many states are struggling to implement them fully, due to lack of political will or resources and achievements are often uneven from one sub-region to another.

In this context, free movement in Africa remains a real challenge, with significant economic, social, cultural and political repercussions. It would also help to strengthen regional integration, essential aim for many African countries, and improve the well-being of its citizens.

Scientific motivation

There are two fundamental reasons for producing this work. Firstly, it should be noted that there is a relative paucity of scientific papers on migration studies in Africa, and the number of researchers interested in the subject is smaller.

Secondly, it should be remembered that much of the current scientific literature on migratory flows in Africa is carried out by European research centers, without necessarily including or coordinating with those in Africa, thus calling into question the content, the orientation and also the credibility of their work.

Problematic

The aim of this work is to examine an old, evolving and highly dynamic phenomenon. The goal is to study new migration trends in Africa, and to highlight the various developments observed in the light of what are now known as the African Economic Communities (AECs), with all their contributions, especially in terms of the free movement of people.

Providing answer to this central problem implies a stratification into three main points, each of which will be the subject of an axis in the body of the text:

- New migration trends and dynamics in Africa ;
- The institutional framework associated with the free movement of people in Africa ;
- Challenges and prospects for the free movement of people in Africa.

Methodology

The methodology used to lead this work is based on an exploratory and analytical perspective. On the exploratory side, we had recourse to a series of reports and scientific documents mainly produced by African and international institutions, such as the African Development Bank (ADB), reports from the African Union (AU) and others from the International Organization for Migration (IOM).

The analytical perspective will be used to identify the various changes observed in the subject of our work, highlighting the contributions and

weaknesses of the established mechanisms, as well as their scope for development and emancipation, under the label of a major program called the *African Economic Community* (AEC).

1 . Major trends related to free movement of people within Africa

Africans have always emigrated, and will continue to do so. In fact, this dynamic is increasingly rooted in the DNA of the African people, as shown by the current mobility trends observed in the various African regions.

According to recent reports, 94 % of African migration across the oceans is legal (IOM, 2019). This point blatantly contradicts narratives emphasizing the clandestine nature of migration from Africa, and portraying Africans as a livelihood-seeking population and a danger to be countered.

According to the same organization, the survey results provide an insight into the migration intentions of people living in Africa, and show that only a relatively small percentage of people are actively planning and preparing to migrate. Similarly, a large proportion of those intending to emigrate are planning to settle in another African country.

However, between 2000 and 2019, the number of international migrants in Africa rose from 15.1 million to 26.6 million, the highest relative increase (76 %) of any major world region. As a result, the proportion of African international migrants in the global total rose from 9% in 2000 to 10 % in 2019 (IOM, 2019).

In addition, the striking aspect to note about international migrants in Africa, is the small number of migrants who were born outside of the region and have since moved there. From 2015 to 2020 (The latest available international migrant stock data), as shown in Figure 1, the number of migrants born outside the region remained virtually unchanged (around 2 million), most of whom were from Asia and Europe (IOM, 2024).

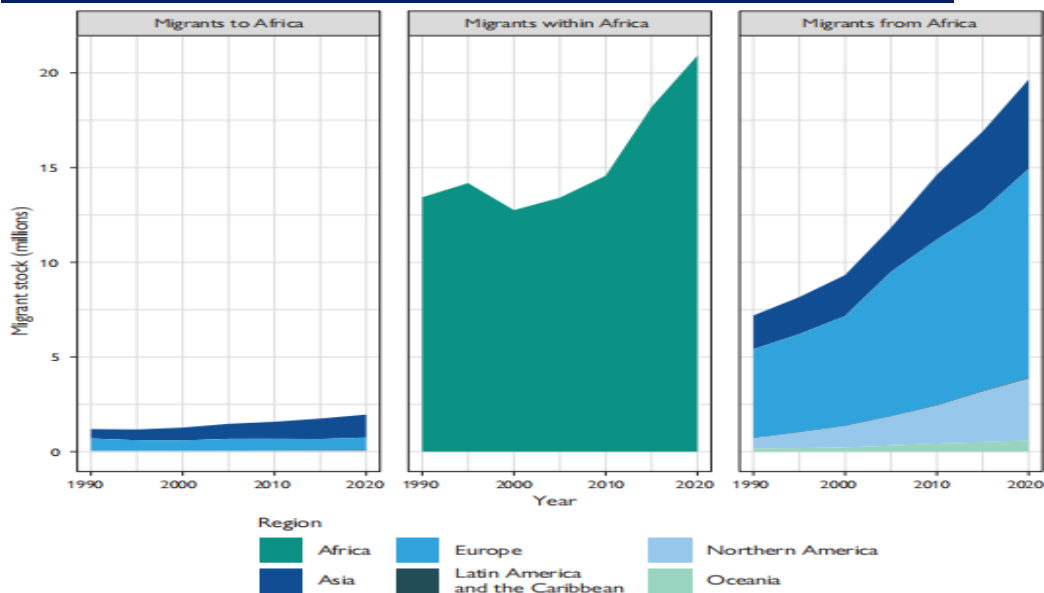


Figure 1 : Migrants to, within and from Africa, 1990-2020 (UN DESA, 2021)

On the other hand, although these figures point a significant increase, the volume of international migrants registered in Africa remains relatively mediocre compared to other regions of the world. There are several reasons for this, which we will return to in the third section.

In 2019, for instance, Asia welcomed 31 % of the world's 272 million international migrants, followed by Europe (30%), North America (22 %), Africa (10 %), Latin America and the Caribbean (4 %) and Oceania (3 %).

Nevertheless, when it comes to the African continent, another observation is in order. East and West Africa are the two regions most sought-after by international migrants living in Africa, with the former accounting for 30 % and the latter 28 %. Southern Africa accounts for 17 %, Central for 14 %, while North Africa has the lowest rate at 11 %.

In terms of countries hosting the largest number of international migrants based in Africa, South Africa takes the lead, followed by Côte d'Ivoire,

Uganda, Sudan, Nigeria, Ethiopia and Kenya, with only a slight differences between them (IOM, 2024).

Refugees in Africa are also affected by the dynamics of movements. Within the continent, almost 7.3 million refugees (including asylum seekers), or 25 % of the world's refugee population (28.7 million), are sheltered there. Most refugees on the continent were hosted in neighbouring countries within the region. As shown in Figure 2, South Sudan continued to be the country of origin of the largest number of refugees in Africa (around 2.3 million) and ranked fourth globally, after the Syrian Arab Republic, Ukraine and Afghanistan.

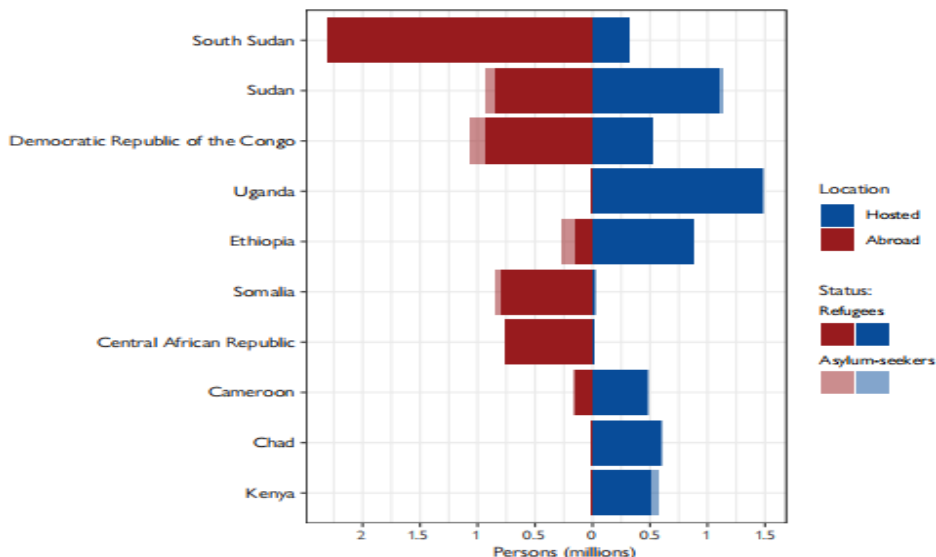


Figure 2 : Top 10 African countries by total refugees and asylum-seekers (UNHCR, 2022)

Similarly, 47 % of all international migrants in Africa are women, in line with the global trend in the proportion of female migrants (estimated at 48 %). Female migrants are particularly prevalent in East Africa (50 %), Central Africa and West Africa (both 47 %). Southern Africa and North Africa are home to 44 % and 43 % of female migrants respectively (IOM, 2019).

In 2019, the median age of international migrants reached 39. In Africa, the age of international migrants was 30.9 and that of the total population 19.7, both around 10 years younger than the global population as a whole. Africa considers itself the youngest continent for international migrants.

With a median age of 33.8, migrants from Latin America and the Caribbean were the second youngest, followed by those from Asia (35.6), Europe (42.7), Oceania (42.9) and North America (43.5) (IOM, 2019).

In Africa in 2020, young people under the age of 25 will represent 60 % of the total population. Hence, exploiting the demographic differential in Africa, by providing the current generation of children and young people with high-quality healthcare and education will reduce young people's demand for migration and strongly help Africans to exclude the migration option.

Nevertheless, understanding recent trends in the movement of people within Africa brings the issue of migration data to the surface. The collection, compilation, stratification and updating of such data continues to be the preserve of a handful of non-African institutes, apart some international organizations.

Although some states are making efforts to collect data on labor migration, remittances, but this is done sporadically and no longer fosters monitoring flows for a truly efficient migration policy. In Africa, nearly 46 % of countries said they do not collect data on the diaspora (African Union, 2020).

Official data do not provide a comprehensive picture of the movement of people in Africa, as this is relatively dominated by irregular migration. The porous nature of the borders between most countries could also lead to under-reporting of the volume of migratory flows, as many people, particularly those living along the borders, may not use official crossing points" (African Union, 2020).

Convinced by the importance and the advantages of a good migration data management, the African Union has tried to respond to the problem by setting up appropriate mechanisms. These are :

(a) The Revised Strategy for Statistical Harmonization in Africa ;

(b) Pan-African Statistics, financed by the European Union ;

And (c) Cooperation between the African Union Commission, the Regional Economic Communities and the Swedish International Development Cooperation Agency on migration statistics.

For its part, IOM focuses on issues such as missing migrants, human trafficking and assisted voluntary return and reintegration. IOM has developed what is known as the "Displacement Tracking Matrix" (DTM). This tool is used to collect data on the dynamics of population movements at key transit points in West, Central and North African countries. The main population categories that data is collecting on include (See the next Figure 3).

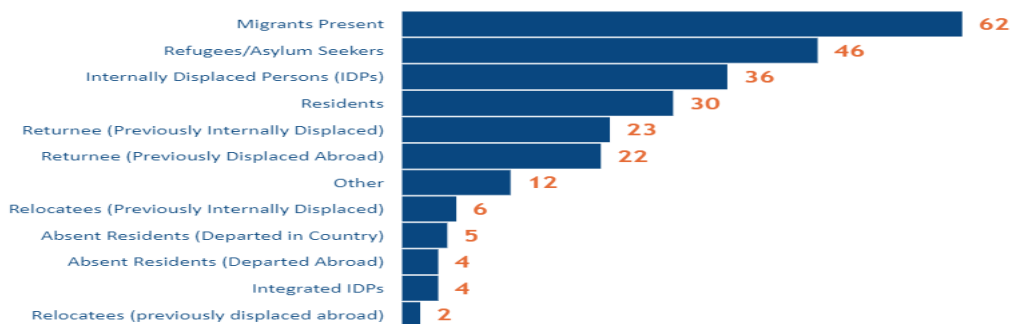


Figure 3 : Population Categories monitored by DTM in 2023 (DTM Global Survey, 2023, IOM)

In addition to the previous tool, Migration Profiles (MPs), another innovative tool for migration management, has become the main tool in many countries for identifying types of migrants and managing them appropriately. This tool is prepared following consultation with a wide range of stakeholders. To date, over 100 profiles have been developed worldwide.

To date, profiles in North and West Africa are available for Algeria, Egypt, Libya, Morocco, Tunisia, Sudan, Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal and Togo. Morocco, for instance has 4 profiles, Algeria 2, Tunisia and Egypt 3.

Migration profiles analyze migration patterns and their impact on development, and set out strategies and measures to fill data gaps. These data profiles are also tools for improving data capacity, and in order to enable data governance, certain indicators are envisioned (IOM, 2012).

Yet the Global Compact on Migration, agreed in Marrakech at 2018, fits perfectly into this dynamic. It encourages states to "develop and use country-specific migration profiles to develop evidence-based migration policies".

In North and West Africa, countries with migration profiles can, with the help of existing specialized structures, conduct a national dialogue on migration data and promote the integration of migration issues into national development strategies, as is the case in Morocco's Souss-Massa region, whose council houses a department dedicated to migration affairs.

2 . Institutional arrangements for the free movement of people in Africa

The management of migration flows in Africa has become much more complex than in previous decades. The many challenges facing states include climate change, irregular migration, terrorism, transnational organized crime, and the protection of the most vulnerable, notably victims of trafficking, unaccompanied minors and refugees.

Climate change has a huge impact on migratory pressure and the stability of movements, since it affects livelihoods (agriculture), generating movements dynamic that are sometimes unforeseen and highly risky, especially in areas threatened by armed conflict.

The World Bank's 2021 Groundswell report projects that without tangible action on climate and development, millions of people across North Africa could be forced to move within their countries as a result of climate change (WB, 2021).

While border management in Africa has traditionally focused on the security and safety of the resident population, the emphasis is increasingly puts on how best to facilitate the movement of people across borders as a means of enhancing formal economic development.

The overriding challenge expressed in Agenda 2063, and also reflected in the migration policy documents of the African Union and the Intergovernmental Authority on Development (IGAD), is to lay the foundations for a continent with "harmonious borders", where goods and services, but also people, can move more freely.

Thus, the importance of borders takes a new dimension with the need for innovation, resources, capacity building and appropriate technological solutions. Many African countries have relatively inadequate border management infrastructures and staffing capacities, as well as very extensive and porous borders (DRC for instance).

Overall, Africans do not need a visa to visit 25 % of other African countries, can obtain a visa on arrival in 24 % of other African countries, and need a visa to visit 51 % of other African countries (AU, 2018).

The African Union's "draft" strategy for strengthening border governance in Africa defines border management as "national and international coordination and cooperation between all authorities and agencies involved in border security and trade facilitation, in order to establish efficient and coordinated border management, to achieve the objective of open, but well controlled and secure borders".

It is a common misconception that the move to free movement in the context of the African Union implies the abolition of borders, and will undoubtedly lead to irregular and uncontrolled border crossings by individuals.

By contrast, the vision set out in the African Union's Agenda 2063 identifies the free movement of people as a key element in achieving other development aspirations. The idea of the free movement of people across Africa is the subject of a number of protocols and agreements by African heads of state.

In fact, the Treaty establishing the African Economic Community (Abuja Treaty), adopted by the OAU in 1991, was the first building block in the coordinated management of migratory flows in Africa. The treaty provides for "the free movement of persons and the rights of residence and establishment".

In 2021, IGAD member States adopted a Protocol on the Free Movement of Persons, which is also the first free movement protocol globally to address the movement of people across borders in response to the adverse impacts of climate change (IOM, 2024).

Of course free movement is a gradual process, closely aligned with the various stages of regional economic integration, from free trade zone to customs union to common market. However, there are four common phases in the free movement of people :

(a) Free movement of persons (liberalization and possible abolition of visas) ;

(b) Free movement of labour;

(c) The right of establishment ;

And (d) the right of residence.

The importance of free movement within the continent had shown multiple advantages today, and this importance has been grasped by the Regional Economic Communities (of which there are five), leading them to adopt specific protocols on the subject, with clear gaps between them.

The Economic Community of Central African States (ECCAS), the East African Community (EAC) and the Arab Maghreb Union have only clarified the elements concerning free movement in their constitutive treaties. However, at ECCAS level, the six countries that make up the Community signed a free movement agreement in 2017.

Nevertheless, since the creation of the African Union in 2002, a large number of treaties and conventions have not been implemented (see some examples in Table 1), highlighting a clear lack of interest on the part of a continent where migration is a major issue.

Title	Date of adoption	Date of Entry into Force	Ratifications (out of 55)
African Union Plan of Action on Employment, Poverty Eradication and Inclusive Development	2015	Not applicable	Not applicable
Pact of the African Union on the Employment of Youth and Women in Africa	2013	Not applicable	Not applicable
Initiative on the Governance of Migration for Development and Integration in Africa	2015	Not applicable	Not applicable
Social Policy Framework for Africa	2008	Not applicable	Not applicable
Social Policy Framework for Africa	2009	Not applicable	Not applicable
Plan of Action for the Boosting of Intra-African Trade	2012	Not applicable	Not applicable
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa	2018	-	-

Table 1 : agreements related to the management of migratory flows in Africa (African Union)

Moreover, when it comes to rolling out the free movement of people program, some Regional Economic Communities (RECs) are ahead of the game. The Economic Community of West African States (ECOWAS) and the East African Community (EAC) have implemented significant reciprocal visa-opening policies between their respective member states. ECOWAS has a 100 % openness rate, while the EAC is at 90 % (see figure 4).

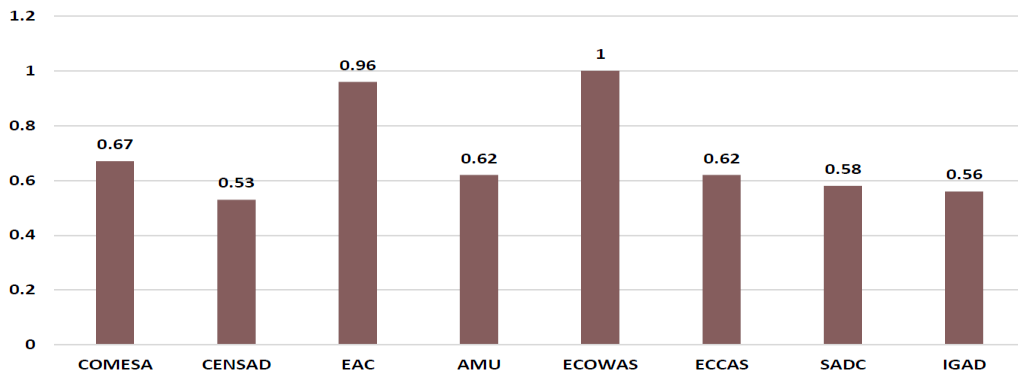


Figure 4 : Rate of openness to the principle of free movement of people by CER (AU Commission, 2021).

Acknowledging that the RECs are no longer progressing at the same pace, particularly when the free movement protocols are not in force, some states have resorted to a new principle, which consists in adopting the concept of *variable geometry*.

The latter, recognizing that some countries are stagnating, suggests that individual, bilateral and multilateral measures can be established by member states outside the integration program in order to make progress towards achieving the free movement of people.

In view of its key role in facilitating the free movement of people, the infrastructure component of integration is becoming increasingly important.

In terms of infrastructure, the RECs show almost similar developments, highlighting the general problem of infrastructure in Africa, which cannot effectively support the integration process. With an average progression of 63 %, none of the RECs really stands out in terms of achievements and progress made (see figure 5).

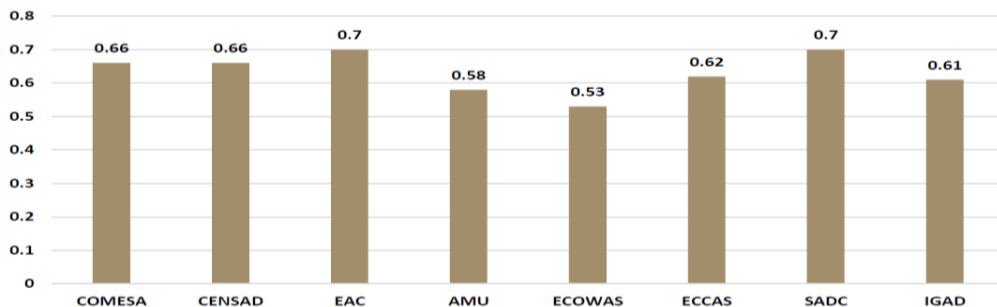


Figure 5 : Infrastructure integration rate by REC (AU Commission, 2021)

3. Challenges and prospects for dynamic movements of people in Africa

Addressing the challenges associated with the free movement of people means dwelling at length on the security dimension, considered by many specialists to be the fundamental reason and primary source of fear for most African leaders.

The increased insecurity within Africa is having a huge impact on the ratification of the main African Free Movement agreements. As of February 2020, the protocol had only been ratified by four countries (Mali, Niger, Rwanda and Sao Tome and Principe) out of the 15 required (AU, 2019).

This speaks volumes about the reluctance of African states to alleviate the current difficulties faced by Africans wishing to move to the continent, despite the relative success of implementing free movement of persons agreements through RECs and/or bilateral agreements.

Africa's current security environment remains highly fragile, with a wide range of current and emerging threats, including non-state threats. Militia

factions and armed groups are ubiquitous across large swathes of the continent, sometimes working against the government and sometimes in support of it.

Threats from terrorist groups such as Al-Shabaab, Boko Haram and the Islamic State are seen as a growing problem. On the one hand, Al-Shabaab operates and is gaining strength in the Horn of Africa and East Africa, a veritable hub (as shown in the figure 6) comprising the countries of origin of migrants bound for the Middle East and the Gulf (Eastern route), the countries of Southern Africa (Southern route) and Europe (Northern route). The region is also home to over 4 million of Africa's 7.4 million refugees and over 8 million of the 17.8 million internally displaced people (IOM, 2020).



Figure 5 : Militia factions presence across Africa (PCNS, 2020).

On the other hand, a number of those factions, including Boko Haram, operate in West Africa (notably in the Lake Chad basin, the Sahel and the Sahara). It should be remembered that West Africa is the region with one of the most effective free movement of people regimes.

In addition to the security factor, we can identify other areas of concern that are preventing the effective implementation of the free dynamic of persons, namely :

- (a) Porosity and extent of borders ;
- (b) Lack of harmonized travel documents ;
- (c) Lack of alignment of member states' policies;

- (d) Lack of appropriate border management capacity and infrastructure;
 - (e) Lack of information on the Protocol on the Free movement of persons;
 - (f) Weak national and regional institutions ;
 - (g) Multiple and overlapping regional integration schemes and mandates ;
- And (h) Insufficient funding and lack of follow-up.

These concerns are the main reason to secure border controls between certain African states. Algeria and Morocco are a case in point. In 2014, Morocco declared that it had built a security fence equipped with electronic sensors on its border with Algeria to stem the flow of human trafficking and prevent the possible infiltration of terrorists. Similarly, Algeria has completed the construction of a trench along its border with Morocco to combat illegal cross-border trade such as fuel and narcotics smuggling.

On the contrary, some experiences show that the benefits associated with the introduction of a free movement regime far outweigh the security threats, specifically for states such as Benin, Ghana, Mauritius, Rwanda and Seychelles.

For instance, the deployment of free movement regimes can contribute to labor mobility, skills and technology transfers between African nationals, as the protocol aims to facilitate the free movement of professionals, students and trainees to acquire the necessary skills they need.

Within this context, Rwanda's dynamic technology sector continues to attract workers from East and Southern Africa. Similarly, the South African economy, particularly the finance, IT, and the mining sector continue to attract migrants mainly from the Southern African region (IOM, 2019).

Also, promoting the free movement of people on the continent can push African countries to adopt a comprehensive approach to border management, which requires better political institutions and enforcement capabilities. This includes better integration of border and security infrastructures, strengthening the integrity of travel documents, and

adopting innovation and technology to manage borders and national security.

In 2014, Kenya, Rwanda and Uganda launched a single tourist destination visa. These countries have put in place the necessary infrastructure, particularly in terms of borders and security, which has enabled them to benefit from effective cooperation through responsibility-sharing (WB, 2023).

Thirdly, improving the free movement regime will also have a direct impact on better implementation of the African Continental Free Trade Area, which aims to establish a single continental market for goods and services.

It comes at an opportune moment and will support Africa's development by boosting trade. In 2022, only 17 % of Africa's total exports were intra-continental, while 59 % and 69 % went to Asia and Europe respectively (IOM, 2024).

Conclusion

For many Africans, migration has become a way of life, prompting observers to use expressions like "Africa on the move" and "the culture of migration".

The free movement of people in Africa is a major issue for the continent's economic and social development. Current trends show that Africans no longer attach great importance to migration to other continents, contrary to what is conveyed by the media.

However, the free movement of people faces major obstacles. The multiplication of borders, their porosity and visa regimes greatly complicate travel. Despite regional agreements such as the RECs, practical implementation on the ground is often inadequate, thanks primarily to infrastructure.

In addition, security problems, armed conflicts and political instability in certain regions have a direct impact on people's mobility. Increasingly stringent border controls are no longer conducive to smooth flows.

Economically, the major disparities in development between African countries have also an impact on freedom of movement. Gaps in living standards, employment opportunities and access to basic services drive many people to migrate, sometimes illegally.

Discrimination, xenophobia and violence against migrants also represent a major challenge. The lack of protection for the rights of migrants and refugees exposes them to serious abuses and violations.

Despite these obstacles, the free movement of people in Africa remains a priority for many countries and regional organizations. Efforts are done to harmonize migration policies, facilitate visa issuance and strengthen cross-border cooperation.

Beyond the security and economic stakes, the free movement of people in Africa also has an essential social and cultural dimension. It enables intercultural exchanges, the sharing of knowledge and the strengthening of ties between African populations.

To conclude, the free movement of people in Africa is a complex challenge that requires holistic solutions involving all states, regional organizations and civil society. Only a global and concerted approach will make it possible to remove obstacles and make mobility a lever for sustainable development on the African continent.

References

African Union, Specialised Technical Committee (stc) On Migration, Refugees and Displaced Persons, «Report On The Implementation of Free Movement of Persons in Africa», Addis Ababa, Ethiopia, 2021.

Commission de l'Union Africaine, « Rapport sur l'intégration en Afrique », Addis Ababa, Ethiopia, 2021.

International Organization for Migration, « World Migration Report », Geneva, Switzerland, 2019.

International Organization for Migration, « World Migration Report », Geneva, Switzerland, 2020.

International Organization for Migration, « World Migration Report », Geneva, Switzerland, 2024.

OIM, Union Africaine, Confédération suisse, Département d'Etat, « Rapport Sur la Migration en Afrique », Addis Ababa, Ethiopia, 2020.

OIM, Internal Displacement Monitoring Centre (IDMC), « Global Report on Internal Displacement », Geneva, Switzerland, 2023.

Policy Center of the New South, «1999-2020 Maroc en Afrique », Rabat, Maroc, 2020.

United Nations, Department of Economic and Social Affairs (UN DESA), « International Migrant Stock 2020 » New York, USA, 2021.

UNHCR, « Mid-year Trends 2022 », Geneva, Switzerland, 2022.

World Bank, « World Bank Group Flagship Report, Migrants, Refugees and societies », New York, USA, 2023.