European Commission

JRC TECHNICAL REPORTS

Regional Migration Governance in Africa: AU and RECs

Urso, G.

Hakami, A.

2018

Joint Research Centre

EUR 29325 EN

This publication is a Technical report by the Joint Research Centre (JRC), the European Commission's science and knowledge service. It aims to provide evidence-based scientific support to the European policymaking process. The scientific output expressed does not imply a policy position of the European Commission. Neither the European Commission nor any person acting on behalf of the Commission is responsible for the use that might be made of this publication.

Contact information
Name:
Address:
Email:
Tel.:

EU Science Hub
https://ec.europa.eu/jrc

JRC112055

EUR 29325 EN

PDF ISBN 978-92-79-92884-0 ISSN 1831-9424 doi:10.2760/338319

Luxembourg: Publications Office of the European Union, 2018

© European Union, 2018

The reuse policy of the European Commission is implemented by Commission Decision 2011/833/EU of 12 December 2011 on the reuse of Commission documents (OJ L 330, 14.12.2011, p. 39). Reuse is authorised, provided the source of the document is acknowledged and its original meaning or message is not distorted. The European Commission shall not be liable for any consequence stemming from the reuse. For any use or reproduction of photos or other material that is not owned by the EU, permission must be sought directly from the copyright holders.

All content © European Union, 2018, except: cover, © P. Ronco, JRC

How to cite: URSO G, HAKAMI A, *Regional Migration Governance in Africa: AU and RECs*, EUR 29325 EN, Publications Office of the European Union, Luxembourg, 2018, ISBN 978-92-79-92884-0, doi:10.2760/338319, JRC112055

Giuliana Urso is the main author of Chapter II on Regional Economic Communities, and Chapter III on Evaluation; Anna Hakami is the main author of the Introduction, and Chapter I on the African Union.

Contents

INTRODUCTION 4

1. THE AFRICAN UNION 6

1.1. From the OAU to AU 6

1.2. The institutional framework of the African Union 7

1.3. AU actors in migration and refugee protection policies 11

1.4. The African Economic Community 14

1.5. Main migration policies of the African Union 14

1.6. Other AU initiatives on migration 19

1.7. Recent Developments 20

2. REGIONAL ECONOMIC COMMUNITIES (RECS) 22

2.1. AU relations with AEC and RECs 22

2.2. RECs 23

2.2.1. ECOWAS 25

2.2.2. ECCAS 28

2.2.3. IGAD 29

2.2.4. SADC 31

2.2.5. EAC 33

2.2.6. AMU 35

2.2.7. COMESA 36

3. EVALUATION 38

3.1. Freedom of movements 38

3.1.1. AU 38

3.1.2. RECs 39

3.2. Other migration policies 43

3.3. Vertical, horizontal and multiple (membership) governance 46

BIBLIOGRAPHY 50

INTRODUCTION

Migratory movements within and from Africa are expected to increase in the coming years due to a variety of demographic, economic and political factors (Adepoju 2016). Migration governance will therefore become decisive in efforts to manage these large movements of people. The current population of Africa is just over 1.2 billion, and among scenarios predicting population change, a medium scenario estimates that Africans will account for one-fourth of the world's population by 2050 (JRC 2017). Population growth together with an imbalance on the continent between countries with labour demand and countries with large pools of untapped labour brings to the forefront the need to harness opportunities for regional labour migration (Fioramonti and Nshimbi 2016a). African migration currently occurs predominantly within the continent, and especially within the Regional Economic Communities (RECs) (Adepoju 2016).

As formulated by Hein de Haas, migration governance refers to:

> "the collection of national laws, policies, and practices, complemented by relevant regional and international norms and an international framework for cooperation that states need in order to manage migration effectively. This involves, national migration schemes that address the entry, exit, stay, and return of non-nationals, operate in parallel to a number of bilateral, regional and intergovernmental arrangements" (UNECA 2017b, 3).

Though migration policy remains largely within the power of sovereign states, migration governance on international and (trans-) regional level has emerged as a response to tackling this transboundary issue (Kunz, Lavenex, and Panizzon 2011). New developments, including the adoption of the New York Declaration for Refugees and Migrants in 2016 and the forthcoming Global Compacts on Refugees and Migration, represent a move towards a multilateral governance framework on migration. Managing migration becomes then a shared responsibility among different institutional entities (vertical governance) and different actors (horizontal governance).

While analysis of the multi-level governance of migration has been applied over the last 15 years in Europe (Kunz, Lavenex, and Panizzon 2011; P. Scholten and Penninx 2016), this paper will focus on Africa, with the aim of exploring migration governance at continental and sub-continental level, including interactions among different levels of government. Two levels will be analysed in this paper; regional migration governance as pursued by the African Union and the Regional Economic Communities (RECs), and (traditional) governance of migration at national level.

Objectives and Methodology

The primary goal of this paper is to explore migration governance at continental and sub-continental level, including interactions among different levels of government. Two levels will be analysed in as case studies: the African Union and the Regional Economic Communities (RECs).

This research paper provides an analysis of existing migration policies and policy architecture in the African Union, as well as in the eight RECs, namely the Arab Maghreb Union (AMU), the Common Market for Eastern and Southern Africa (COMESA), the East

African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), the Southern African Development Community (SADC) and the Community of Sahel-Saharan States (CEN-SAD).

The aim of the study is not only to explore, but rather to depict current developments and provide a stock-taking evaluation of the migration policy frameworks currently in place. In line with these objectives, this research aims to answer the following questions:

- Who are the key actors on regional migration governance in Africa, and how do they relate to each other?
- Which are the migration legislation and policy initiatives of the African Union?
- What are the legislative frameworks governing the freedom of movement of persons in Africa?
- What are the main trends in policy development and how can these be assessed?

The methodology consisted of desk research and a review of relevant scientific publications and grey literature concerning African migration governance. In order to analyse migration policies on continental and regional level, data from available official websites, regulatory and policy document have been also analysed.

1. THE AFRICAN UNION

The African Union (AU) is a regional organisation that covers the entirety of the African continent.[i] The AU is the successor of the Organization of African Unity (OAU) and was established in 2001. In the following sections, the establishment of the AU and its institutional framework will be presented, and its migration policies and bodies working on migration will be explored, in order to give a more detailed picture of the migration governance structure at the supranational / continental level.

1.1. From the OAU to AU

The Organization of African Unity was established at the Addis Ababa Summit in 1963, following a number of conferences and meetings between African states from 1958 and onwards (Bedjaoui 2012). This collaboration developed out of the pan-Africanism movement. Prior to 1963, there were already several existing sub-regional groupings[ii] in Africa, which reflected a trend of regionalism. In the discussions leading up to the adoption of the Charter of the OAU there was a clear divide between the proponents of an African supranational institution and those who wanted the OAU to be an intergovernmental organisation, which would allow for integration to take place gradually, starting in the regions. In the end, the OAU was established as an intergovernmental organisation where African States could collaborate on a voluntary basis.

The initial focus of the OAU was the anti-colonial struggle (Bedjaoui 2012). In line with this, the areas where the OAU had its biggest achievements were "*spearheading the liberation and decolonization of the continent, the struggle against apartheid and racist minority rule in Southern Africa, forging a common socioeconomic agenda, and affirming a common African Identity"* Maluwa (2012, 29). However, considering that the OAU had existed for several decades and new challenges following globalisation had arisen, there was a clear need to review the Charter in order to address issues related to conflict and human rights violations or socio-economic development. The process of trying to renew the Charter was proceeding very slowly. Instead, there was a common understanding and commitment by the member states that a new institutional structure needed to be put in place. This was the beginning of the African Union (Maluwa 2012).

On 2nd March 2001, the African Union was established, and its Constitutive Act entered into force in May the same year. Compared to the Charter of the OAU, the Constitutive Act of the AU represents a significant change with regards to the objectives and principles. The overall objectives of the AU are to increase political and socio-economic integration on the continent, to promote peace and security, and to achieve greater unity and solidarity between African countries.

As outlined by Makinda and Okumu (2008), the principles of the AU, as stated in the Constitutive Act, can be categorised into four broad groups.

- Traditional principles adopted from the OAU constitutes principles such as "*sovereign equality and interdependence among member states" and "respect of borders existing on achievement of independence*" (Makinda and Okumu 2008, 38).
- Principles in the good governance and social justice category regarding respect for the rule of law, human rights and democracy. It also relates to African peoples' participation in the AU's activities as well as the promotion of gender equality and self-reliance.

- The peace and security principles refer to the establishment of a common defence policy, as well as to the upholding of peace among member states. There are principles on the peaceful resolution of conflicts and the "prohibition of the use of force or threat to use force among member states" (Makinda and Okumu 2008, 38).
- The socio-economic development principle reads "*promotion of social justice to ensure balanced economic development*" (AU 2001, 7).

Notwithstanding the significant difference between the OAU Charter and the Constitutive Act of the AU, the African Union does not represent a move away from the institutional framework of the OAU, since it is still based on intergovernmentalism (Makinda and Okumu 2008).

1.2. The institutional framework of the African Union

The main organs of the African Union are briefly presented in this section.

The Assembly is the supreme decision-making organ of the AU which comprises the heads of state and government of the member countries or their representatives. A chairperson, who sits for one year, is elected by the heads of state and government. The Assembly meets at least twice a year (in January and June / July). They generally reach decisions by consensus; in cases where that is not possible a decision will be made with two-thirds of member states voting for it. Only a simple majority is needed for procedural matters (Makinda and Okumu 2008).

Within the AU, the Assembly wields a significant amount of power, as the role of the Assembly is to establish the priorities of the AU, decide on the policies of all AU organs and monitor their implementation. Furthermore, the Assembly adopts the annual program and the budget, appoints the Chairperson of the AU Commission, his/her deputies and the other Commissioners and determine their functions, and takes decisions on intervention in other states (African Union 2018a). The Assembly interprets and amends the Constitutive Act, as well as determines the structure and functions of the AU Commission and the Executive Council. Regarding matters of peace, security and conflict management, the Assembly mandates its powers to the Peace and Security Council mentioned below (African Union 2018a).

The Chairperson of the African Union (and the Assembly), who is elected by his/her peers, is presently H.E. Paul Kagame, President of the Republic of Rwanda. Mr Kagame holds the seat for one year from 28 January 2018.

Another decision-making organ is the ***Executive Council,*** which comprises ministers of foreign affairs or other ministers designated by the Member States. The Executive Council meets at least twice a year, in practice immediately before the AU Assembly sessions (Girmachew and Lamikanra 2015). It is accountable to the Assembly, but can make its own binding decisions on a wide range of policies in areas such as a) foreign trade, b) energy, industry and mineral resources, c) food, agricultural and animal resources, d) water resources and irrigation, e) environmental protection, humanitarian action and disaster response and relief, f) transport and communications, g) insurance, h) education, culture, health and human resources development, i) science and technology, j) nationality, residency and immigration matters, k) social security, and l) African awards (AU 2001, Constitutive Act Article 13). Some of the core functions of the Executive Council are electing the Commissioners to be appointed by the Assembly, preparing agendas for the Assembly and drafting decisions for its consideration, promoting coordination and

cooperation with the Regional Economic Communities, the African Development Bank and other African Institutions and the UN Economic Commission for Africa, and determining policies for collaboration between the AU and Africa's partners (African Union 2018a).

The Permanent Representatives Committee (PRC) is composed of representatives from all the member states and manages the daily operations of the AU on behalf of the Assembly and Executive Council (AU n.d.). The Committee acts under the instructions of, and report to, the Executive Council (African Union 2018a). The PRC has a *Sub-Committee on Refugees, Returnees and Internally Displaced Persons*, presented below.

The ***AU Commission (AUC)*** is the secretariat of the African Union and is accountable to the Assembly and the Executive Council. It coordinates and monitors the implementation of policies, acts as a custodian of the AU Constitutive Act and other legal instruments, provides operational support to all AU organs, manages the AU budget, assists Member States in implementing the AU's programmes and coordinates Member States actions in international negotiations. The AU Commission furthermore promotes, coordinates and harmonises the AU's programmes and policies with those of the REC's (African Union 2018a) (AU Handbook 2018). As previously mentioned, the Assembly appoints the Chairperson of the Commission, the deputy and eight Commissioners (see box). The appointments are based on equitable representation of all sub-regions and on gender balance, elected for a term of four years, renewable once (Girmachew and Lamikanra 2015). The Commission is based at the AU headquarters in Addis Ababa in Ethiopia.

BOX. AU Commission leadership

The AU Commission (2017 – current) is chaired by H.E. Moussa Faki Mahamat, the Chadian Minister of Foreign Affairs. The Deputy Chairperson is H.E. Quartey Thomas Kwesi, from Ghana. The Commissioners are:

- Commissioner for Peace and Security: Smail Chergui from Algeria (re-elected in January 2017).
- Commissioner for Social Affairs: H.E. Amira El Fadil, from Sudan (elected in January 2017).
- Commissioner for Political Affairs: H.E. Cessouma Minata Samate , from Burkina Faso (elected in January 2017).
- Commissioner for Trade and Industry: H.E. Albert M. Muchanga, from Zambia (elected in January 2017).
- Commissioner for Infrastructure and Energy H.E. Amani Abou-Zeid, from Egypt (elected in January 2017)
- Commissioner for Rural Economy and Agriculture: H.E Sacko Josefa Leonel Correa, from
- Angola (elected in January 2017).
- Commissioner for Human Resources, Science and Technology H.E. Agbor Sarah Mbi Enow Anyang, from Cameroon (elected in July 2017).
- Commissioner for Economic Affairs: H.E Victor Harrison, from Madagascar (elected in July 2017) (AU, n.d.-b).

The main departments which cover migration-related issues are the first three mentioned in the above box, namely the Department of Social Affairs and its Division of Labour, Employment and Migration, the Department of Political Affairs and its Humanitarian Affairs, Refugees, and Displaced persons Division, and the Peace and Security Department

and its Conflict Prevention and Early Warning Division which works with border management.

The ***Peace and Security Council (PSC***) is a collective security and early warning arrangement and is responsible for preventing, managing and resolving conflict and promoting peace in Africa. It is a key pillar of the framework for the promotion of peace, security and stability: The African Peace and Security Architecture (APSA). This decision-making organ comprises 15 member states who have the same rights and who rotate: ten states sit for two-year terms and five for three-year terms. The Executive Council elects the members of the Peace and Security Council, and the Assembly appoints them. Regional representation guides the election and as such, three of the members are from the centre of Africa, three from the east, two from the north, three from the south and four from the west (Girmachew and Lamikanra 2015; African Union 2018a). The PSC is responsible for the implementation of the AU's common defence policy. Furthermore, among the PSC functions are preventive diplomacy, making peace through mediation, conciliation and enquiry, undertaking peace support operations and interventions, undertaking humanitarian action and disaster management as well as post-conflict reconstruction (African Union 2018b). According to Makinda and Okumu (2008), it is the Commission that has taken the lead on the implementation of the peace and security agenda. This is probably because the Commission is supposed to provide secretarial support to the PSC, which has meant that it has been proposing its agenda, setting its timetables, preparing its report and drafting its communications.

The ***Pan African Parliament (PAP)*** is an advisory and consultative body to the Assembly and all other policy organs. It also has budgetary oversight powers. The Parliament is meant to represent people from all African countries in the AU's policy discussions and decision-making. Its powers are limited to making recommendations and passing resolutions, although it may be on any matter. The PAP may give advice on its own initiative or at the request of other AU organs (Girmachew and Lamikanra 2015).

Five parliamentarians from each member state sit in the Pan African Parliament, among which both ruling parties and opposition parties should be represented, and at least one must be a woman. This means that regardless of the population size of countries, all member states have the same amount of seats. Considering the 55 member states of the Union, the PAP should presently have 275 members. It is the legislatures of the Member States that designates their PAP members, which are hence not elected directly by the people. The parliament is based in Midrand, South Africa and meet at least twice a year (African Union 2018a).

Within the AU structure, there are ***Specialized Technical Committees (STC)*** on several thematic areas. These committees work in close collaboration with the AUC departments to guarantee harmonisation of AU programs and coordination with RECs. They prepare AU projects, supervise and evaluate the implementation of AU decisions, and write reports and recommendations on the implementation of provisions of the Constitutive Act among other tasks. The Specialized Technical Committees are responsible to the Executive Council and are composed of ministers and senior officials from the member states. One of these committees is on *Migration, refugees and internally displaced persons (IDPs).*[iii] Every two years the committees should meet at ministerial and expert level, with exceptions for some committees meeting once a year (African Union 2018a; AU 2018a).

The ***African Court on Human and Peoples' Rights*** has both judicatory and advisory powers. Established to ensure the protection of human rights in Africa, it interprets and

implements the African Charter on Human and Peoples' Rights, its own protocol, as well as other instruments regarding human rights (Makinda and Okumu 2008). Eleven judges, elected by the Assembly, sit for six-year terms in the court which is based in Arusha, Tanzania. Cases can be submitted to the court by the African Commission on Human and Peoples' Rights, State parties to the Protocol or Intergovernmental Organizations from Africa. NGOs with observer status in the African Commission on Human and Peoples' Rights, and individuals can also submit cases to the court, but only if the State Party has made a Declaration accepting the Court's jurisdiction. As of September 2017, only 8 countries had made this declaration, , one of which later withdrew it[1] (African Union 2018a; "AU. Protocol to the African Charter on Human and Peoples Rights on the Establishment of an African Court on Human and Peoples' Right, 15.06.2017" n.d.)

The ***African Commission on Human and Peoples' Rights*** oversees and interprets the African Charter of Human and Peoples' Rights, and has the functions of promoting and protecting human and peoples' rights. In contrast to the Court (mentioned above) which can make binding decisions, this Commission can only make recommendations to State parties and to the AU Assembly, hence it only has a quasi-judicial mandate (AU n.d.). The Commission has 11 members, which sit for six-year terms (African Union 2018a).

The Economic, Social and Cultural Council (ECOSOCC) is an advisory body of the African Union, which shall represent the views of the African citizens and civil society. Its objectives are to ensure the participation of the African civil society in the activities of the AU, as well as in the implementation of its policies and norms (Girmachew and Lamikanra 2015). The Council has should have 154 members, composed of NGOs, professional groups, social groups, cultural groups, and Diaspora groups.[iv] The composition of members is as follows: 2 CSO's from each Member State, 10 CSO's operating at regional level, 8 at continental level, 20 from the African diaspora, and 6 in ex officio capacity. The organisations are members for 4 years and may be re-elected once (AU 2018).

The ***New Partnership for Africa's Development*** **(NEPAD)** is a "*pan-African framework for the socio-economic development of the continent*", that was adopted in 2001 by the OAU Summit, and ratified in 2002 by the AU at its first summit (AU n.d.). NEPAD has been called a manifesto which provides commitments to eradicating poverty, and which reaffirms that conditions conducive for development are shaped by the interlinkage of democracy, peace, human rights, good governance and sound economic management (Kannyo 2012). The mechanism of NEPAD has the objectives of reaching a path of sustainable growth and development, integrating Africa into the global economy, halting the continent's marginalisation in the globalisation process, and accelerating the empowerment of women (AU n.d.).

In 2010 NEPAD was fully incorporated into the AU structure. NEPAD activities are implemented by the NEPAD Planning and Coordinating Agency, a technical body which from September 2017 should be fully integrated into the African Union Commission. The Agency implements the AU's agenda 2063 development strategy. NEPAD is governed by the AU Assembly and the NEPAD Steering Committee. Up until January 2018 NEPAD was also governed by the NEPAD Heads of State and Government Orientation Committee, which from then are supposed to be disbanded (African Union 2018a).

[1] Burkina Faso, Malawi, Mali, Tanzania, Ghana, Côte d'Ivoire, and Benin. Rwanda withdrew its declaration in 2016.

The financial institutions of the AU are the **African Central Bank (ACB),** the **African Investment Bank (AIB)** and the **African Monetary Fund (AMF).** The purpose of the African Central Bank is building a common monetary policy and single African currency, for the African Investment Bank it is to foster economic growth and accelerate economic integration, and for the African Monetary Fund it is to eliminate trade restrictions and provide greater monetary integration to facilitate economic integration (African Union 2018a).

1.3. AU actors in migration and refugee protection policies

Migration governance in the AU is scattered. There are several bodies within which migration-related matters are dealt with.

As noted above, migration lies under the mandate of the Executive Council. The Permanent Representatives Committee, which prepares the work of the Executive Council, has a ***Sub-Committee on Refugees, Returnees and Internally Displaced Persons***. The Sub-Committee is a decision-making body which can act on its own or bring issues to the Executive Council. It should support AU deliberative organs in the design, development, harmonisation and coordination of policy regarding refugees, returnees and internally displaced persons. The role of the Sub-Committee is to take political leadership in AU responses to humanitarian crises, give policy recommendations and provide solutions for AU action, assess in-country needs, provide financial assistance (where possible) to states hosting refugees, and to raise awareness about the plight of displaced persons in Africa to the member states as well as internationally. One of the functions of the Sub-committee is to carry out field assessment missions to assess compliance with the 1969 OAU Refugee Convention. Its mandate includes collaboration with UN humanitarian agencies, regional organisations and NGOs, and maintaining permanent contacts with Member States through the AUC.). The sub-committee, which all Member States are part of, meets minimum once a month (African Union 2018a; Sharpe 2013).

The OAU established a Coordinating Committee on Assistance to Refugees (CCAR) which later became known as The Coordinating Committee on Assistance and Protection to Refugees, Returnees and Internally Displaced Persons (CCAPRRI). This committee was an advisory body to the AU consisting of member states, relevant UN agencies, NGOs and inter-governmental organisations (Sharpe 2013). It had a Working Group which was formed by a part of the Committee's members and a mandate to prepare the Committee's work and assist the Humanitarian Affairs, Refugees and Displaced Persons Division of the AU Commission in its daily activities. The CCAPRRI was supposed to be the interface between the AU decision-making and policy organs and the practitioners in refugee protection. However, the CCAPRRI did not deliver on all its functions and was "dormant" for a number of years (Sharpe 2013). It was later revitalised under another name: in the African Union Humanitarian Policy Framework from November 2015, under the heading 'Coordination Mechanisms', one finds the ***Coordinating Committee on Forced Displacement and Humanitarian Action*** (CCoFDHA) (AU 2015c). The mandate of the committee has thus been broadened to cover humanitarian assistance in general, and is now the main AU advisory body on humanitarian issues.

On the implementation side, in the AU Commission there are several departments that all have different responsibilities related to migration.

In the Department of Political Affairs, The ***Humanitarian Affairs, Refugees and Displaced Persons Division (HARDP)*** functions as a technical body which is the

secretariat to the Permanent Representatives Committee's Sub-Committee on Refugees, Returnees and Internally Displaced Persons (and previously also the CCAPRRI). The division is central to the work of the AU on matters relating to forced displacement. As such, it assists in policy development, decision-making and the organisation of activities. It is noteworthy, however, that even though its technical mandate, the HARDP is "enormously powerful" since it has "almost exclusive control" over the Sub-Committee's work programme (Sharpe 2013, 87). Supposedly, this has been because of the inactivity of the CCAPRRI. It seems as if the bulk of AU work on refugee matters is conducted by this division[v] who also are tasked to work on other humanitarian affairs.

In the Department of Social Affairs, The ***Division of Labour, Employment and Migration*** is responsible for migration in general, covering areas such as labour migration, trafficking, remittances and the Migration Policy Framework for Africa (presented below). The Social Affairs department is also responsible for the African Institute for Remittances, which is based in Nairobi, and supports member states, remittance senders and recipients and other stakeholders to implement strategies that use remittances as a tool for development (AU n.d.).

In the Department of Peace and Security, the ***Conflict Prevention and Early Warning Division*** are responsible for border management and run the African Union Border Programme, whose mission is the "*prevention and resolution of border-related disputes and the promotion of regional and continental integration, which constitutes a tool in the structural prevention of conflicts in Africa*" (AU 2017d).

In the Department of Human Resources, Science and Technology, The ***Education Division*** covers the area of student mobility on the continent. The Department of Economic Affairs is responsible for regional integration; their work also relates to the free movement of people. Lastly, the Department of Trade and Industry have links to migration, because of their work with trade and customs in relation to border crossings.

The AU Commission furthermore has a ***Citizens and Diaspora Directorate*** **(CIDO)** which is mandated to facilitate the inclusion of African peoples in the affairs of the AU, whether they are in Africa or elsewhere in the world. The directorate's Diaspora Division is a focal point for the AU's engagement with the African diaspora, defined as "*people of African origin living outside the continent, irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and the building of the African Union*"[2] (AU n.d.).

The ***Specialized Technical Committee on Migration, Refugees and Internally Displaced Persons,*** one of the 14 thematic committees on key AU programmes**,** which consists of ministers and senior officials from the member countries, have only been operational for a couple of years. It convened for the first time in November 2015 (AU 2015b). The powers and functions of this Specialized Technical Committee consist of: "*strengthening mechanisms for effective humanitarian response on the continent through establishment of an African humanitarian agency; strengthening protection and assistance for populations in need of humanitarian assistance including through the formulation and implementation of AU guidelines; strengthening measures to popularise international humanitarian law and principled action; discussing Africa's first comprehensive Humanitarian Policy Framework, including guidelines on disaster management, epidemic response, and the*

[2] https://au.int/en/diaspora-division.

role of the African Standby Force in humanitarian and disaster situations."(AU 2018, 60). Ordinary sessions for this Committee is scheduled to take place every two years (ibid).

The ***African Labour Migration Advisory Committee*** *of the Labour and Social Affairs Commission (LSAC)*was established in 2015 "*to promote and protect the rights of migrant workers and members of their families*" (AU 2015a, II.10). The committee is supposed to be one layer in a consultation mechanism on labour migration/mobility within a structure for coordination and consultation at national, RECs and continental level. Its mandate includes, inter alia, ensuring the follow-up on the implementation of the rights of migrant workers, facilitating the harmonization of labour, social security and fiscal legal frameworks related to labour migration between countries in collaboration with RECs, and preparing recommendations on labour migration management policies to member states and RECs (AU 2015a).

The African Labour Migration Advisory Committee had its inaugural meeting on the 2-4 May 2018 (African Union 2018) and is composed of one representative from each of the REC's, one from the PAP, ECOSOCC, African Commission on Human and People's Rights, African Committee of Experts on the Rights and Welfare of the Child, Organisation of African Trade Union Unity (OATUU), African Regional Organisation of the International Trade Union Confederation (ITUC-Africa), Business Africa, ILO, IOM, and ECA. There are also representatives of universities and research institutions, one of Women Cross Border Traders and two representatives of African diaspora organisations (African Union, n.d.). As stipulated in the Terms of Reference for the Committee, the AU Commission will be represented by experts from the departments of Human Resources, Economic Affairs, Political Affairs, Trade and Industry, and Peace and Security, as well as the CIDO (AU 2015a). The Terms of Reference also set out that the President of the Advisory Committee should report to the Specialized Technical Committee on Social Development, Labour and Employment, and the Specialized Technical Committee on Migration, Refugees and Internally Displaced. They in turn shall make decisions to be approved by the Executive Council and the Assembly (ibid).

The African Commission on Human and Peoples' rights, committed to oversight the interpretation of the African Charter on Human and Peoples' Rights[vi] has a ***Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced persons***. The current Special Rapporteur is Ms Maya Sahli Fadel, her responsibilities include examining and acting upon the situation of refugees, asylum seekers and IDPs, undertaking studies and fact-finding missions in order to find ways to enhance protection, assisting member states and the AU in the development of appropriate policies, regulations and laws, and engaging in dialogue with member states, national human rights institutions, international organisations and NGOs on these matters (ACHPR n.d.).

The **African Institute for Remittances (AIR)** is a specialised technical office of the AU which has the main objectives to assist Member States to leverage remittances for social and economic development, to improve the states' capacity for statistical reporting of remittance data, and to promote reforms aimed at reducing remittance transfer costs. The institute is an initiative of the AU Commission and its Member States, together with the World Bank, European Commission, IOM and the African Development Bank (AU handbook 2018).

Migration and refugee issues are also dealt with within the Pan-African Parliament (within the permanent committee on Trade, Customs and Immigration Matters)[3], and the Economic, Social and Cultural Council[4].

1.4. The African Economic Community

In 1991 in Abuja, Nigeria, the African states in the OAU decided to create the African Economic Community (AEC). The establishing treaty – the Abuja Treaty – entered into force in 1994. After the establishment of the AU, the union reaffirmed and endorsed the AEC. The aim of the African Economic Community was to tackle the poor economic situation by creating an integrated community, merging all economic dimensions of the continent. The long-term objectives were economic development in Africa and better integration in international trade. In recognising that an economic union would be necessary to reach those objectives, the final goal set out for the AEC is the creation of a Pan-African Economic and Monetary Union (Mbenge and Illy 2012).

The Abuja Treaty is linked to the Regional Economic Communities (RECs) since it stipulates that one objective is to "*coordinate and harmonise policies among existing and future economic communities in order to foster the gradual establishment of the Community*" (Article 4, paragraph 1 (d), Abuja Treaty 1991).

There are six stages that have been defined in the strategy for the establishment of the AEC, outlined in the Abuja Treaty and to be completed in 40 years. The first stage (5 year, to be completed by 1999) involved the strengthening of existing RECs and the establishment of new ones where they did not exist. This stage ensured that the RECs which would be the AEC building blocks were selected. The second stage (8 years, to be completed by 2007) was to gradually liberalize the intra-community trade and to enhance coordination of activities among the economic communities. The third stage (10 years, to be completed by 2017) was the transformation of all RECs into intra-community FTAs (free-trade areas) and customs unions with the adoption of a common external tariff. The fourth stage (2 years, to be completed by 2019) is the "*Coordination and Harmonization of the Regional Customs Unions and Creation of the African Customs Union*". The fifth stage (4 years, to be completed by 2023) is the establishment of a common market, and the sixth (5 years, to be completed by 2028) is the creation of the Pan-African Economic and Monetary Union, an African Central Bank and a single African Currency. According to the assessment of the UN Economic Commission for Africa (UNECA), the first stage can be considered complete; the second stage has not been fully completed because progress by the RECs has been uneven; the third stage is underway in a number of RECs (namely ECOWAS, EAC and COMESA) (UNECA 2017a). The fourth stage has been formally launched in 2018, with the Continental Free Trade Area.

1.5. Main migration policies of the African Union

Within the African Union, the frameworks relating to migration stem from the Treaty Establishing the AEC (the Abuja Treaty) (Achiume and Landau 2015). Article 43 of the Treaty reads that "*Member states agree to adopt, individually, at bilateral or regional levels, the necessary measures, in order to achieve progressively the free movement of*

[3] https://au.int/en/organs/pap
[4] https://au.int/en/organs/ecosocc

persons, and to ensure the enjoyment of the right of residence and the right of establishment by their nationals within the Community." (OAU 1991, 40).

An overview of AU migration legislation and policies will follow, beginning with the level of binding conventions.

Forced Displacement

The need for a legal instrument for refugee protection, in addition to the UN 1951 Refugee Convention, appeared in Africa between the 60s and the 80s because of the large movements of refugees as a consequence of national liberation wars, internal conflicts, inter-state conflicts and border conflicts (Eze 2012). ***The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*** was adopted by the OAU in 1969, and entered into force in 1974. 46 out of the 55 AU member states have ratified the convention[vii].

In a global comparison of refugee protection conventions, the OAU convention represents the most comprehensive legal basis (Klavert 2011). Under the OAU Convention, member states are obliged to receive recognised refugees (but may appeal to the OAU or to other member states in case of overburden), not repatriate refugees against their will, and not penalise refugees who return voluntarily (ibid). Rights under the Convention include, inter alia, the right to public education, to gainful employment, freedom of movement, issue of travel documents, naturalisation, freedom of religion and access to courts.[5]

The convention has also been seen as innovative in several respects (Murray 2004a). It has a broader definition of the term 'refugee' than the 1951 Refugee Convention, for example. In Article 1 of the OAU Refugee Convention, it reads:

> "[T]he term "Refugee" shall mean every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

But as indicated in the next part of the article, it covers also man-made disasters:

> "The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality." (OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, art 1.1, 1.2)

---

5 file:///C:/Users/giuly/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/Draft_report_part_1_.pdf . Seminar on 'Implementation of the Organisation of African Unity (OAU)/ United Nation s (UN) Conventions and Domestic Legislation concerning the Rights and Obligations of Refugees in Africa ' 14-27 September 1986

Moreover, even though it is not set out as a right as such, the convention refers to the granting of asylum to refuges as a "*peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State*" (art.2.1). Another innovative aspect outlined by Murray (2004a) is that in the OAU refugee convention the non-refoulement principle appears as absolute, since its article 2.3 stipulates that "*No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or to remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article I*". Lastly, the convention includes an explicit reference to voluntary repatriation.

In the African context, where forced migration often occur within the border of the nation state, there was a clear need for a convention that would address internal displacement (Klavert 2011). The ***Convention for the Protection and Assistance of Internally Displaced Persons in Africa***, often called the Kampala Convention, was adopted in 2009 and entered into force in 2012. To give an example of the magnitude of forced displacement within the borders of the states; in 2012 there were 10.4 million internally displaced persons (IDPs) only in the sub-Saharan countries, almost a 1/3 of the global total (IDMC and NRC 2013, 9),

This convention is regarded as a milestone in the worldwide protection of IDPs, being the first legally binding regulatory framework to protect IDPs. Following the UN Guiding Principle on Internal Displacement[6], the primary responsibility to protect internally displaced persons on a state's territory lie with that state. However, it is unique as it sets out obligations to all stakeholders – States, but also other groups and entities involved or affected by internal displacement (UN Special Rapporteur on the Human Rights of IDPs 2014) , namely for the AU, State Parties, armed groups and humanitarian agencies (art.2.d). Among the obligations for the signatories provided in the convention are the prevention and prohibition of arbitrary displacement, the protection[viii] of the human rights of internally displaced persons and their assistance for which States are accountable, and the introduction of an early warning system. Furthermore, the convention provides a list of possible causes of arbitrary displacement, highlighting that it is not only linked to conflicts, it "*prohibits arbitrary displacement as a result of various man-made causes, such as conflicts and development projects; prohibits armed groups and their members from engaging in arbitrary displacement, or other violations of the basic human rights of internally displaced persons; [and] reiterates the individual responsibility of members of armed groups under the national and international criminal law*" (art.4.4). A specific case of internally displaced pastoralists, found in all regions of Africa, recognizing that these communities can be displaced and obliging State parties to protect communities with a special attachment to and dependency on land and property (Global Protection Cluster 2016) .

In addition to these two conventions relating to forced displacement, several other conventions also form part of the regional refugee protection regime in Africa, namely the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, and related protocols such as the Protocol on the Rights of Women in Africa amongst others.

The ***African Charter on Human and Peoples' Rights (ACHPR)*** has the purpose of promoting and protecting human rights and basic freedoms in Africa (ACHPR n.d.). It was adopted in 1981 by the Heads of State and Government of the OAU and came into force

[6] E/CN.4/1998/53/Add

in 1986. The Charter has been ratified by all member states of the AU, except by Morocco (54 out of 55)(AU 2017c). The article relevant for the protection of asylum seekers is art.12.3 that foresees the right of an individual, '*when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions*'. Other articles are relevant for the protection of migrants from mass expulsion, or freedom of movement and residence within the borders of the State s/he abides by the law, and the persons' right to leave and return to his/her State. As summarised by Hansungule, the Charter's main characteristics are:

> "a) Providing the principle of non-discrimination as a fundamental right of a people; b) Emphasizing the rules relating to the objectives of the African Union as stated in Articles 3 & 4 of the AU Constitutive Act; c) Stating the rights of peoples in addition to individual rights; d) Determining the duties of each person towards the communities in which he/she lives and more particularly towards the family and State; e) Attaching great importance to African values and morals; f) Giving economic, social and cultural rights the place they deserve in human rights' legislation." Hansungule (2012a, 419–20)

According to Hansungele (2012b), the Charter is distinctive from other human rights instruments for example in the way that it lays special emphasis on peoples' rights and that it establishes particular duties for individuals in the exercise of their human rights. Indeed, the Charter introduces so-called 'third generation rights' such as the right of self-determination (art.20), the free disposition of their wealth and natural resources (art.21), the right to economic, social and cultural development (art.22), the right to national and international peace and security (art.23) and the right to a general satisfactory environment (art.24).

The ***African Charter on the Rights and Welfare of the Child (ACRWC)*** which was adopted in 1990, is the first regional treaty that pertains to human rights of children, and it pays specific attention to the situation of children in the African context. It covers economic, cultural, social, civil and political rights specific to children as well as some protective rights. Under art.23, the ACRWC provides specific protection to asylum seeker or refugee children and to internally displaced children following internal armed conflict, natural disaster or any other cause for displacement. The Charter has been signed and ratified by all the AU members, with only 7 States which have not yet ratified it[ix].

Migration

The main policy documents of the AU relating to migration are the African Common Position on Migration and Development and the Migration Policy Framework for Africa, both adopted in July 2006. They provide guidance to member states on how to regulate migrants' access to their territory and the treatment of them within it (Achiume and Landau 2015). These policy documents are not binding, but the regional and international legal statutes that pertain to migration to which they refer, are (ibid).

The African Common Position on Migration and Development presents the agreed position of the AU member states on eleven priority policies related to migration and recommendations for actions on different levels, such as the national, continental and international level. What was agreed upon regarding each of the priority policies is summarised below:

- Migration and Development: Migration can be an effective tool for development.
- Human resource and the brain drain: brain drain is a handicap for sustainable development.
- Labour migration: Regular, transparent and comprehensive labour migration policies can result in benefits for states of origin and destination.
- Remittances: Remittances play a significant financial role in developing states, but there are difficulties relating to the high cost of effecting remittances.
- African Diaspora: Enhancing the involvement of the African Diaspora is a key aspect in fostering the migration-development nexus.
- Migration and Peace, Security and Stability: Large spontaneous and unregulated migrant flows can have a significant impact on stability, security, and conflict prevention, as well as on good governance.
- Migration and Human Rights: Safeguarding the human rights of migrants is a fundamental component of a balanced migration management and implies the effective application of norms enshrined in human rights instruments as well as in instruments related to the treatment of migrants.
- Migration and Gender: Given the increasing number of migrant women, their rights and risks of exploitation should be given particular attention.
- Children and Youth: The special needs of children should be adhered to, and child trafficking challenges addressed.
- Elderly: The needs of elderly migrants need to be understood and catered to.
- Regional initiatives: There is a need to develop common regional policies within the RECs, and for more bilateral and multilateral efforts in labour migration cooperation (AU 2006, art.3).

Of particular importance for the analysis of multi-level governance of migration, the common position underlines the fact that regional migration management policies within the RECs should take into account national and regional specificities, and that the promotion of capacity building would foster and facilitate ownership of migration processes by African countries. Additionally, the importance of cooperating, to develop a 'concerted effort' in order to assist transit and destination countries to manage migration is highlighted. Finally, cooperation on labour migration should be ensuring "*systematised and regular movements of labourers; responding to the supply and demand needs of domestic and foreign labour markets; promoting labour standards; and reducing recourse to illegal and irregular movements*" (AU 2006, 7).

The Migration Policy Framework for Africa (MPFA) provides a comprehensive and integrated list of policy guidelines and principles to assist government and RECs in the formulation and implementation of migration policies. This non-binding document, without a clear implementation mechanism, comes from the stated need for strategies to manage migration in Africa. The nine areas covered are: labour migration, border management, irregular migration, forced displacement, internal migration, migration data, migration and development, inter-state cooperation and partnerships, and other social issues deserving attention, such as migration in relation to poverty and conflict, health, environment, trade, gender, children, youths and elderly.

As summarized by Klavert, the recommendations given in the framework are to:

> "establish regular, transparent and comprehensive labour migration policies; develop a pan-African framework for the free movement of persons; enhance the role of the AU and other regional organisations in effective border

management; harmonise sub-regional migration policies; strengthen policies to prevent trafficking and develop regional countermeasures; create standards for return and readmission, implement the principle of non-refoulement; safeguard the human security needs of refugees; strengthen intra-regional cooperation in relation to the maximum influx of refugees; formulate a strategic policy on the management of IDPs, address causes of internal migration; ensure the humane treatment of detained migrants and guarantee their access to the courts; promote the integration of migrants; gather data for effective migration management, policy and cooperation, develop common data standards; foster stronger relations with African diaspora; promote a NEPAD strategy for the retention of Africa's human capacities; foster the transfer of skills; encourage remittances". Klavert (2011, 3)

The MPFA has undergone an evaluation (October 2016 – February 2017) and a revised Migration Framework has been proposed (see paragraph on recent developments).

1.6. Other AU initiatives on migration

A snapshot of the numerous initiatives on migration taken by the AU are shown in the below table, which shows the policy, the year of adoption, the topic and the type of impact on the member states.

Table 1: AU's Migration policies

POLICY	**YEAR**	**TOPIC**	**BINDING**
OAU Convention Governing the Specific Aspects of Refugee Problems in Africa	1969	Refugees	Yes
The Migration Policy Framework for Africa	2006	Migration general	No
African Common Position on Migration and Development	2006	Migration general	No
Declaration on the African Union Border Programme	2007	Borders	No
Convention for the Protection and Assistance of Internally Displaced Persons in Africa - "Kampala Convention"	2009	IDPs	Yes
Minimum Integration Programme	2009	Labour migration	No
Khartoum Declaration on AU-Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants	2014	Trafficking	No
Joint Labour Migration Governance for Development and Integration in Africa Programme	2015	Labour migration	No
Declaration on Migration	2015	Migration general	No

Source: authors' elaboration

Additional policies do not primarily focus on migration, but still cover migrants or displaced people. In this case, we refer to the Plan of Action on Employment and Poverty Alleviation (2004), the Action Plan for boosting Intra-African Trade (2012) and the Declaration on Employment, Poverty Eradication, Inclusive Development in Africa (2014). In 2011 the Department of Social Affairs launched the AU Initiative against Trafficking Campaign (AU.COMMIT). Its purpose is to renew activities of the AU, as well as initiatives on the global, regional and national level, in order to have better coordinated and synergised actions to combatting trafficking (AU 2011).

Another initiative is the Joint Labour Migration Programme (JLMP). The JLMP is a four-year-long project established in 2015, which is a comprehensive programme on labour migration governance and will be implemented by the African Union Commission, the ILO, the IOM and the UNECA. The initiative is supposed to support "*effective implementation of human mobility rules as key to development and integration in the increasingly significant Regional Economic Communities"* (ILO 2015). Among the objectives are increasing public awareness and political will on the issue of human mobility and the role of the AU in labour migration, advocacy for evidence-based governance of labour migration, capacity building in labour migration management, facilitation of governments' accountability for results, and facilitation of continental, regional and country decision-making processes (ILO 2015).

In 2015, a Declaration on Migration was adopted on the 25th AU Assembly. It reaffirmed previous commitments on accelerating mobility and integration ("AU Summit: Declaration on Migration" 2015). Some of the agreed actions stated in the declaration are the speeding up of the implementation of a continent-wide visa, the establishment of a harmonization mechanism to ensure higher education transferability, and the strengthening of efforts to combat human trafficking.

1.7. Recent Developments

In October 2017, the second ordinary session of the Specialised Technical Committee on Migration, Refugees and Internally Displaced Persons drafted a common African position on the Global Compact for Migration. The common position is structured around 6 thematic areas, namely 1) Addressing the drivers of migration, 2) Addressing Human Rights of all Migrants, 3) Smuggling of Migrants, Trafficking in persons and contemporary forms of Slavery, 4) International Cooperation and Governance in Migration, 5) Irregular Migration and Regular Pathways, and 6) Contributions of Migrants and Diasporas, including Women and Youth to Sending, Hosting and Receiving Countries (AU 2017a).

At the 30th AU Summit in January 2018, a revised version of the Migration Policy Framework for Africa was adopted together with an action plan for the years 2018-2027 (see AU, n.d.-g). Amongst the adjustments that are made in the revised version of the MPFA, the most significant are those that give more emphasis to Migration Governance and diaspora engagement. The MPFA recognises the need for inter-state cooperation and partnerships in managing migration, in the implementation of policies and programmes as well as the opportunities it provides for the exchange of experiences and best practices. It notes that actors in civil society and the international community can provide valuable contributions and that cooperation and collaborative partnerships extend throughout the continent and beyond, also to other states and regional organisations. (AU n.d.).

During the 30th Ordinary Session of the AU Assembly, on the 29 January 2018, the Assembly adopted the Protocol to the Treaty Establishing the African Economic

Community relating to Free Movement of Persons, Rights of Residence and Right of Establishment and its Draft Implementation Roadmap (AU 2018c). Guiding principles for its implementation are non-discrimination, respect for laws and policies on the protection of national security, public order, public health, the environment, and any other factors that would be detrimental to the host State; and transparency (art.3). The progressive achievement of the goals set in the Protocol will follow three distinctive phases: 1) member States shall implement the right of entry and abolition of visa requirements; 2) member States shall implement the right of residence; 3) member states shall implement the right of establishment (art.5). An African passport should be adopted in order to facilitate the free movement of Africans. The Protocol[x], not only identifies principles and arrangements for the establishment of the free movements, right of residence and establishment, but includes under Part V (General Provisions) details on implementation (such as recognition of qualification or portability of social security benefits) as well as articles on treatments of migrants (such as protection of property and prohibition of mass expulsions) or on remittances. RECs are confirmed as 'focal points for promoting, monitoring and evaluating implementation of this Protocol and reporting the progress towards free movement of persons in their respective regions.' (art.28).

To further promote travel or movements between African countries, the AU has also announced the creation of a single, liberalised air transport market (SAATM); 23 countries[xi] have so far agreed to participate (*La Croix* 2018). Another major development in the regional integration was the creation of an African Continental Free Trade Zone (AfCFTA)[xii] ("ASSEMBLY OF THE UNION Tenth Extraordinary Session 21 March 2018 Kigali, RWANDA," n.d.) announced at the Extraordinary Summit (March 2018). The AfCFTA has the potential to cover a market of 1.2 billion people and a GDP of $2.5 trillion, across all 55 Member States of the African Union, thus making the AfCFTA the world's largest free trade area in terms of numbers of participating countries (Administrateur 2018). 44 countries have already signed the agreement, and 22 ratifications are now necessary for the entry into force of the free trade area, expected to be completed by January 2019 (*JeuneAfrique.com* 2018). Certain countries[xiii] - such as Nigeria and South Africa[xiv], which are among the largest economies in Africa - have not signed the agreement due to concerns related to the conciliation with the Economic Partnership Agreement (EPAs) between the EU and the African Member States ("First High Level Panel on International Migration in Africa Pushes for Migration Issues" 2018).

2. REGIONAL ECONOMIC COMMUNITIES (RECS)

The 1980 Lagos Plan of Action for the Development of Africa and the Abuja Treaty viewed the creation of Regional Economic Communities (RECs) as a basis for wider African integration (AU 2018b). The RECs are composed by a group of African states, which have developed different structures and policies, guided by the over-arching aim of regional (economic) integration.

There are eight RECs in Africa that are recognised as building blocks of the AU, namely the AMU, CEN-SAD, COMESA, EAC, ECCAS, ECOWAS, IGAD and SADC (UNECA n.d.). The following paragraphs will present the relations between AEC and RECs and an overview of RECs migration policies, including recent developments.

2.1. AU relations with AEC and RECs

The African Economic Community (AEC) provides the legitimacy of continental integration under the Abuja Treaty. The development of RECs is the basis of the roadmap towards an African Economic Community (see paragraph 1.4).

As presented in the African Union official channels, the relationship with the RECs can be explained as follows:

> "The RECs are closely integrated with the AU's work and serve as its building blocks. The relationship between the AU and the RECs is mandated by the Abuja Treaty and the AU Constitutive Act, and guided by the: 2008 Protocol on Relations between the RECs and the AU; and the Memorandum of Understanding (MoU) on Cooperation in the Area of Peace and Security between the AU, RECs and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern and Northern Africa." (AU n.d.)

However, this complex relationship has received critiques for the unclear legal position of the AEC in relation to the AU as well as to the RECs. This tension created by the lack of clarity of roles and responsibility has the potential to undermine effective cooperation between the AU and RECs, according to the head of ECOWAS Liaison Office to the African Union (Raheemat Momodu 2016). The RECs are separate legal entities with supranational powers, yet, according to the Abuja Treaty, they are supposed to harmonise their policies in order to gradually establish the African Economic Community. In the words of Karangizi (2012), "*it is therefore implied that the RECs would be expected eventually to give way to the larger supranational body, the AU"*. (p.235).

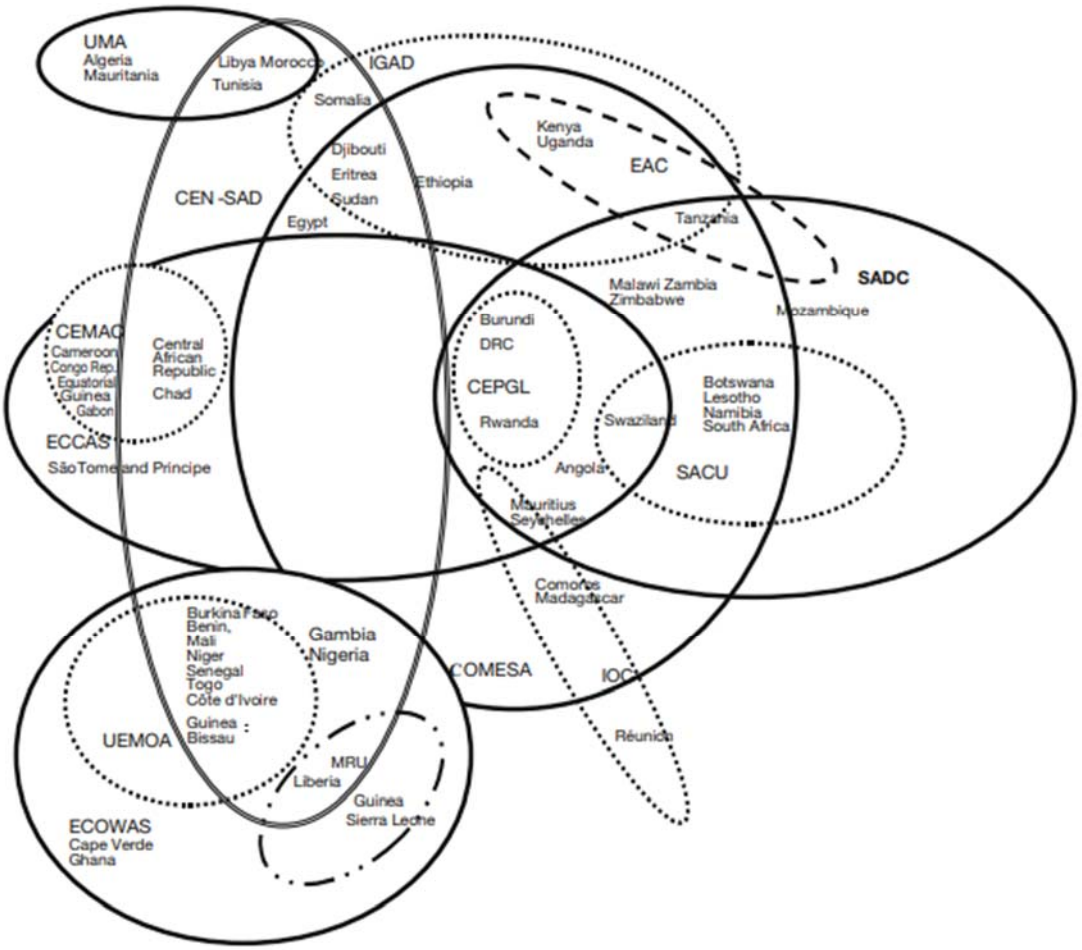
Furthermore, on one hand, the Abuja Treaty states that the decisions taken by the AEC Assembly are mandatory for the member states as well as for the RECs; on the other hand, in the Protocol on the relationships between the AEC and the RECs from 1998, the AEC appears as "*an extraneous creation being imposed on the regional communities*" (Mbenge and Illy 2012, 201). The Memorandum of Understanding remains open to interpretation as to which organization takes precedence in case of conflict of interests, whether it is the principle of subsidiarity (RECs) or else the higher level (AU) to have prevalence (Kai Striebinger 2016). An additional protocol from 2008 on the Relations between the African Union and the Regional Economic Communities does not entirely clarify these relations. Oppong (2010), acknowledging that the RECs are building blocks of the AEC, arrives at the conclusion that they are not parties to the AEC Treaty (which only states are), nor members of the community.

There are two organs established in order to coordinate, policies and programmes of RECs and ensure implementation of activities arising from the Protocol on the Relations between the RECs and the AU: a Committee on Co-ordination, which coordinates and monitors progress made by the RECs in meeting the regional integration goal as per art.6 of the Abuja Treaty, and a Committee of Secretariat Officials, which supports the former with technical analyses. Despite this, the involvement in for example formulation of programmes of the RECs amongst themselves or with the AEC, has been marginal[7].

2.2. RECs

Since many of the Regional Economic Communities overlap (Fig.1), various African countries are members of several communities (Fig.2); on average, 95% of the members of one REC belong also to another REC. The so-called 'spaghetti bowl', as a well documented phenomenon of overlapping membership, is one of the causes of slow implementation of regional integration due to difficulties in honour the contribution obligation requested by multiple memberships (UNECA 2006). Despite being identified as a major obstacle for regional integration, still, multiple memberships remain for political and strategic reasons linked to the benefits from participation in one or another REC.

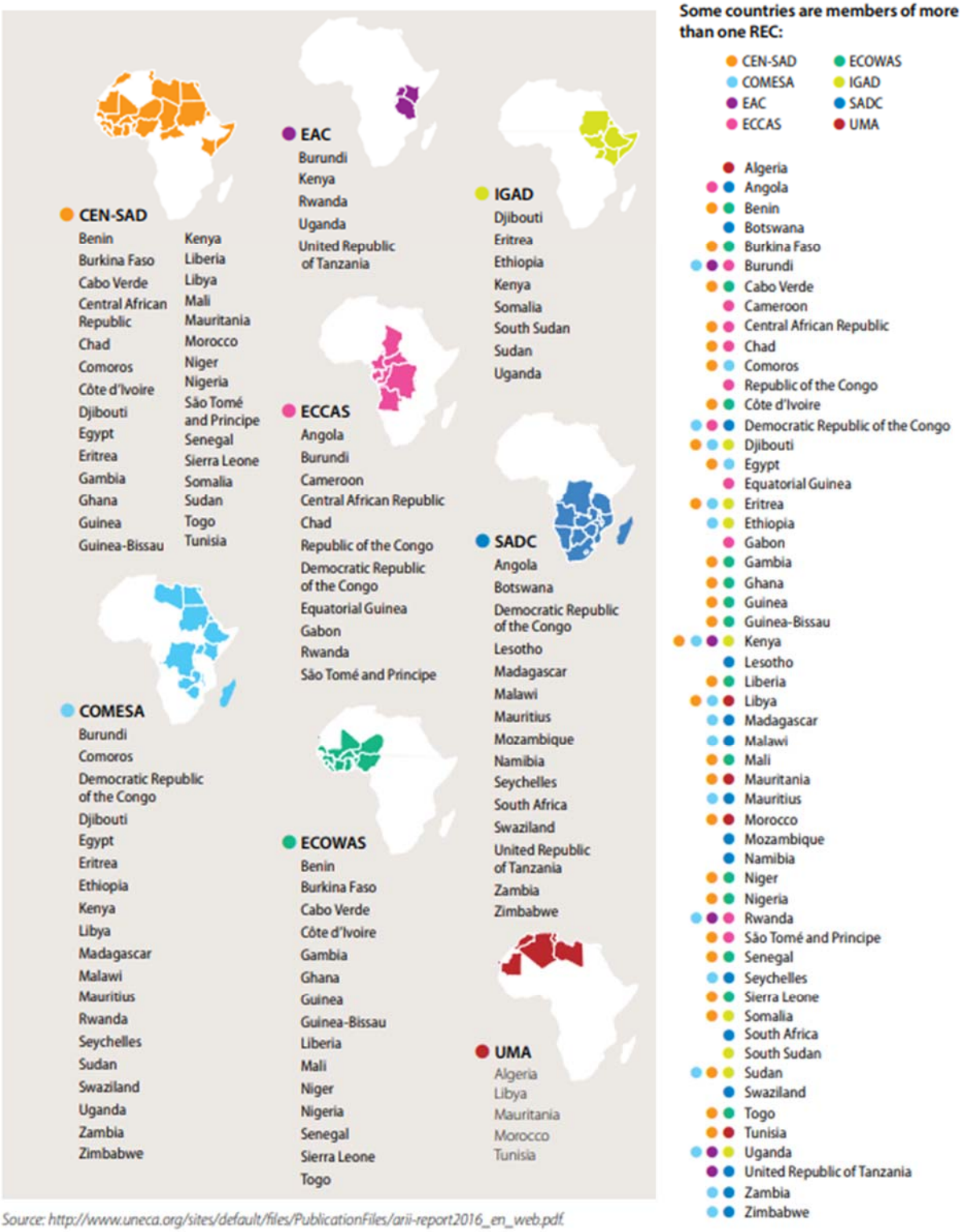
Fig.1: The spaghetti bowl of overlapping regional economic community memberships



Source: (UNECA 2006), p.51

[7] https://au.int/en/organs/recs

Fig.2: Map of Africa and REC memberships



Source: http://www.uneca.org/sites/default/files/PublicationFiles/arii-report2016_en_web.pdf

NB South Sudan is also part of the EAC as of 2016;
Morocco is also part of ECOWAS as of June 2017
Swaziland is part of both COMESA and SADC

2.2.1. ECOWAS

Members: (16) Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Morocco, Niger, Nigeria, Senegal, Sierra Leone, Togo

States with multiple membership: (16) Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Morocco, Niger, Nigeria, Senegal, Sierra Leone, Togo

'Sister RECs', shared in multiple membership: CEN-SAD (16), UMA (1)

The Economic Community for West African States (ECOWAS) was established in 1975 by the Treaty of Lagos (revised in July 1993), according to which the aims of the Community are '*to promote co-operation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples, and to maintain and enhance economic stability, foster relations-among Member States and contribute to the progress and development of the African Continent'* (art.3).

Free Movement of Persons

The Vision of the ECOWAS is the creation of a borderless region and the promotion of opportunities within the region and development of the African continent (ECOWAS 2017b). Art. 59 of the ECOWAS Treaty stated that '*Citizens of the community shall have the right of entry, residence and establishment and Member States undertake to recognise these rights of Community citizens in their territories'.* The legislative framework on mobility within the ECOWAS is the 1979 Protocol on Free Movement of Persons, Residence and Establishment, which envisaged a progressive implementation over a fifteen year period (Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017) This framework has three phases of implementation (Fioramonti and Nshimbi 2016a). The first phase (1980-1985) covered the right of entry and eliminated visa requirements for up to 90 days within the community. The second phase (1985-1990) concerned the right of residence for seeking and taking up employment. These two phases are completed, unlike the third phase (set out for 1990-1995) which is still under implementation and should provide for the right of establishment and the right to carry out economic activities for community citizens (ibid). The Protocol has been further complemented with additional protocols (1985, 1986, 1989, 1990)[xv] to support the implementation of the three phases (AU 2017b). The revised Treaty of ECOWAS enjoined member countries to recognise the rights of community citizens to entry, residence and settlement in their respective territories (Adepoju 2005).

In 1985, a Decision on the Establishment of a Travel Certificate for ECOWAS was adopted, as was the Decision on the Introduction of a Harmonized Immigration and Emigration Form (AU 2017b) five years later. Together with the 'Travel Certificate' (adopted in 1985), a common 'passport' for ECOWAS was eventually introduced in 2000, to simplify cross-border movements (UNECA n.d.; Fioramonti and Nshimbi 2016a). With regards to international travellers, the member states are presently in the process of implementing a joint visa which is called the Eco-Visa (ibid).

Furthermore, in order to facilitate the movement of persons in private and commercial vehicles, most member states have introduced the ECOWAS brown card, an insurance of motor vehicles that covers the civil responsibility of the owner in the ECOWAS region (African Union 2013).

Other migration policies

A benchmark policy paper on regional migration, ECOWAS *Common Approach on Migration* from 2008, is supposed to accelerate the implementation of the 1979 Free Movement Protocol. It is a guiding document for migration management and it covers six priority areas: promotion of free movement within the ECOWAS zone, promotion of the management of regular migration, policy harmonisation, control of irregular migration and human trafficking, protection of the right of migrants/asylum seekers / refugees, and the gender dimension (ICMPD 2013). Following this development, a Directorate of Free Movement of Persons was created to advise on the full enforcement of the ECOWAS Protocol (Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017). Refugee protection and mixed-migration are further covered by the ECOWAS Humanitarian Policy and Action Plan, adopted in 2012 (ICMPD 2013).

Showing a commitment to cooperation in labour migration and the promotion of labour migrants' rights, ECOWAS has had a Regional Labour and Employment Policy and Plan of Action since 2009 (Fioramonti and Nshimbi 2016a) and a Humanitarian and Social Affairs Directorate that deals with human mobility and issues related to labour migration, human trafficking and forced mobility (Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017). Another migration topic covered by ECOWAS policies, is trafficking in human beings (THB), where various instruments have been adopted: even before the Common Approach was adopted, an Action Plan against THB was drafted in 2001 and adopted in 2006. The Action Plan was further updated[xvi] (ICMPD 2013). Particular attention for the gender dimension is not only present in the 2008 Common Approach, but also in the adoption of the 2011 ECOWAS Gender and Migration Framework and Plan of Action for 2012-2015 (ibid).

Recent Developments

In terms of political changes, Morocco entered the ECOWAS in June 2017; Mali has praised its accession and expressed hope that the Maghreb state can play an important role in the development of a unified vision on migration. It remains to be seen how/whether Morocco will be obliged to ratify the principle of free movement ("Le Ministre Des Maliens de l'Extérieur et de l'Intégration Africaine, Abdramane Sylla En Visite de Travail Au Maroc." n.d.).

An important effort in strengthening the integration across the region arrived in 2016, when after two years of consultation, ECOWAS launched biometric ID Cards with the aim of replacing residence permits to encourage free movement of people (CEDEAO 2014; BiometricUpdate 2014). The card, at its early stage of implementation, has already shown potential to reduce the problem of fake travel documents, although it is important that a minimum threshold of security is ensured in the issuing of the card (BiometricUpdate 2017). The card can be enriched with additional information, as in the case of Ghana, where the biometric ID card was rolled out in September 2017, coupled with tactile elements for the blind, chip embedding technology, iris capabilities and the 10 fingerprints of the applicant (Ghana Web 2017).

Last summer (August 2017), the President of the ECOWAS Commission urged setting up of a regional data sharing mechanism for migration and irregular migration management, to balance the aspiration of free movement of persons and security implications linked to the threat of terrorism (ECOWAS 2017a). Indeed, the lack of coordinated data collection has been quoted as one of the main challenges of free movement in the REC (Scalabrini

Institute for Human and Mobility in Africa (SIHMA) 2017). ECOWAS is also working on a new legal framework to assist Member States in tackling forced displacement and statelessness(“Boko Haram: ECOWAS Parliament Ends 3-Day Visit to North-East” n.d.).

However, some obstacles to regional integration have also become apparent. The border between Niger and Nigeria has become an area of contention due to the onset of the drought season, with Nigerian farmers claiming that the free movement of persons within ECOWAS was a contributory factor to insecurity over land property and their agricultural activities (Reporter 2018). The ECOWAS Parliamentarians’ Forum on "challenges and issues of free movement in the ECOWAS and Migration area" was held in Dakar in February 2018, to better understand and discuss the issues connected to regional free movement (Diouf 2018). The Nigerian Ministry of Interior had to intervene to counter the misconception that Nigerien herdsmen were to blame for the farmers’ and herdsmen conflict in Nigeria (Published n.d.). Moreover, border police officers were found to be requesting money alongside valid documents at the border between Niger and Burkina Faso, and have since been prosecuted (ActuNiger 2018).

CEN-SAD

Members: (29) Benin, Burkina Faso, Cabo Verde, Central African Republic, Chad, the Comoros, Côte d’Ivoire, Djibouti, Egypt, Eritrea, the Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, São Tomé and Príncipe, Senegal, Sierra Leone, Somalia, the Sudan, Togo and Tunisia.

States with multiple membership: (29) Benin, Burkina Faso, Cabo Verde, Central African Republic, Chad, the Comoros, Côte d’Ivoire, Djibouti, Egypt, Eritrea, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, São Tomé and Príncipe, Senegal, Sierra Leone, Somalia, the Sudan, Togo and Tunisia.

‘Sister RECs’, shared in multiple membership: ECOWAS (15), ECCAS (3), COMESA (7), IGAD (5), UMA (4), EAC (1)

The Community of Sahel-Saharan States (CEN-SAD) covers a very large geographical area and comprises of 29 member states. CEN-SAD is one of the youngest RECs, established in 1998 and becoming a REC in 2000. The treaty sets out the objectives, which are the establishment of an economic union, the elimination of all obstacles impeding the unity of its member States, i.e. facilitation of free movement of individuals and capital, as well as coordination of educational systems. Trade and cultural exchanges are other two areas of cooperation (AU n.d.). A revision of the Treaty was adopted in 2013, but it is in the process of being ratified by member States. It places a major emphasis on regional security and sustainable development (art.3) (UNECA n.d.; NEPAD 2015).

Free Movement of Persons

The Treaty of the CEN-SAD (art.1) "*stipulates that the same rights, advantages and obligations granted to a member State’s own citizens should be applied to nationals of the signatory countries, in conformity with the provisions of their respective constitutions*." (UNECA n.d.). The implementation of this core objective has not yet been achieved, and reciprocity of visa policies is at 31% within this REC (AfDB 2017). It is of note that a Selective Visa dispensation was adopted in June 2009 that gives holders of diplomatic and service passports, such as special envoys the right of entry without visa for a stay of 30 days in participating member states[xvii] (NEPAD 2015).

Other migration policies

Migration topics are not central for this REC: other more pressing issues have been at the center of the debate, such as agriculture and natural resources management, crisis and dispute reconciliation among members (Libya, Darfur conflict). The revised treaty mentions as one of the aims of the REC the fight against cross-border organized crime and its related activities, including human beings (NEPAD 2015).

Recent Developments

In the framework of the 11th session of CEN-SAD (January 2017), the Ministers of Interior adopted the 'Niamey Declaration on Irregular Migration and Security Issues in the Sahelo-Saharan Area', which stresses the importance of strengthening South-South cooperation in the management of migratory flows and security, therefore including several lines of cooperation between member states (Tamtaminfo 2017). The focus on security has been further enlarged in May 2017 with the advancements in the creation of a Sahelo-Saharan Center for the Fight against Terrorism and Organized Crime in Egypt, first proposed in 2016 (Apanews.net 2017; Les échos du Faso 2017), and in March 2018 with a coordination meeting on combating smuggling of migrants and trafficking in human beings together with other regional and international organizations (Nigerdiaspora 2018).

2.2.2. ECCAS

Members: (11) Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, DR Congo, Equatorial Guinea, Gabon, Rwanda, São Tomé and Príncipe

States with multiple membership: (7) Angola, Burundi, Central African Republic, Chad, DR Congo, Rwanda, São Tomé and Príncipe

'Sister RECs', shared in multiple membership: SADC (2), COMESA (3), EAC (2), CEN-SAD (3)

Single membership: (4) Cameroon, Republic of Congo, Equatorial Guinea, Gabon,

The Economic Community of Central African States (ECCAS), established in 1983, has as its primary objectives of promoting economic and social development and improving people's living conditions. Following internal crises in many member states, this REC was inactive between 1992 and 1998, only becoming active again in 1999 when a Security Council for Central Africa (COPAX) was created and a Mutual Assistance Pact signed in 2000 (AU n.d.). These developments transformed ECCAS into a political and security forum as much as an economic integration organization (ICMPD 2013). Recently (2015), the Conference of Heads of State and Government of the Community has identified three key areas on which the activities of the Community will focus, namely: 1. Peace, security and stability, 2. Infrastructures, 3. Environment (ECCAS n.d.).

Free Movement of Persons

Free movement of people is included in the provision of the Treaty establishing EEACS (art.4). In 1983, ECCAS adopted a Protocol on Freedom of Movement and Rights of Establishment of Nationals of Member States, which included provisions on the freedom of movement, residence and establishment foreseen to be completed within 4 and 12 years after entry into force. However, despite initiatives (adopted in 1990 and amended in 2002)[xviii] to fast-track free of movement for specific categories of people,[xix] there has been

little progress on implementation so far; on the contrary, free movement remains limited to the categories covered in the above-mentioned initiatives (ICMPD 2013). To overcome reluctance in the application of the Protocol, in 2006, a Convention on Cooperation and Mutual Legal Assistance was adopted to facilitate the implementation of the provisions related to the free movement of persons (ICMPD 2013).

Other migration policies

In 2013, ECCAS drafted a regional migration policy, although there has been little evidence of its implementation (AU 2017b). Movement of people residing in border areas has been facilitated with the creation of a specific free movement card, only valid in the border area where it is issued. However, border management is still primarily linked with security concerns, as confirmed by the adoption of a Declaration on Cross-Border Security in Central Africa (October 2007) (ICMPD 2013). The fight against Trafficking of Human Beings falls under this security lens. Under the Human Security Directorate, a unit tasked with coordinating THB activities in Central Africa has been created, although it is not yet fully operational. Joint forces with ECOWAS have produced a Plan of Action against THB, especially women and children in West and Central Africa, adopted in 2006 (ibid.).

Recent Developments

The recent 7th Extraordinary Session of the Council of Ministers of ECCAS devoted to institutional reform (28 April 2017) seems to have relaunched the Community dynamic in order to make it an area open to the free movement of people, goods and services. Reforming ECCAS will include a new structure harmoniously integrating the current ECCAS, CEMAC and the Economic Community of Great Lakes Countries (CEPGL) (Ministère des Affaires Etrangères, de la Francophonie et de l'Intégration Régionale, Gabon 2017).

2.2.3. IGAD

Members: (8) Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, South Sudan, and Uganda

States with multiple membership: (8) Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, South Sudan, and Uganda

'Sister RECs', shared in multiple membership: CEN-SAD (5), COMESA (6), EAC (3)

The Intergovernmental Authority on Development (IGAD) was established in 1996, and is the successor to the Intergovernmental Authority on Drought and Development (IGADD) founded in 1986. The new Authority expanded its mandate on environmental challenges of the previous IGADD, including regional political and economic cooperation, as well as peace and security issues (AU n.d.). IGAD's mission is to '*promote regional cooperation and integration to add value to Member States' efforts in achieving peace, security and prosperity'* (IGAD n.d.).

Free Movement of Persons

Despite the fact that the Agreement Establishing IGAD states the objective of promoting the free movement of persons as well as the establishment of residence (art.7), a Protocol on free movement has not been drafted. A Minimum Integration Plan was adopted in 2012 to support the implementation of regional integration among member states; free

movement of people and services was mentioned as a core objective (ICMPD 2013). Free movement of persons, however, happens in practice thanks to bilateral agreements in place between member states[xx] to waive visa requirements, such as visa-on-arrival for a period of 90 days to nationals of other IGAD member states (UNECA 2018).

Other migration policies

Migration is one of the prominent policy areas of IGAD, although it is mainly treated with soft laws rather than legislation (AU 2017b; Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017). In 2012, IGAD adopted a Regional Migration Policy Framework, inspired by the AU Migration Policy Framework for Africa (2016). Triggered by the lack of harmonized migration management across member states, its goal is "*to foster a process aimed at an explicit migration policy for its Member States, ultimately for the latter to formulate national migration policies (NMPs) that streamline migration management regionally and nationally, respectively*" (IGAD 2012, 5). The regional framework, which is non-binding, guides member states on how to manage migration programmes and gives recommendations on strategies to address various migration issues, namely labour migration, border management, irregular migration, forced displacement, internal migration, migration data, migration and development. The document frames migration in terms of the challenges and realities of the region and defines seven[xxi] pertinent issues of concern for the specific regional contexts (IGAD 2012).

Institutional arrangements for migration management are described in the regional framework and include 1. a Ministerial Committee comprising of Ministers in charge of Migration (established in 2016); 2. a Regional Migration Coordination Committee; 3. IGAD Health and Social Services Desk; 4. Focal persons (IGAD 2012, 63). IGAD has also adopted a Migration Action Plan (2015 -2020) in April 2014, which includes mechanisms for implementation, monitoring and evaluation (IGAD 2014).

Forced displacement remains one of the most pressing concerns for the region. art.13A(s) of the Agreement establishing the IGAD indicates that member states shall cooperate and '*facilitate repatriation and reintegration of refugees, returnees and displaced persons*'. Trafficking in human beings tackled with various initiatives, such as AU/IGAD campaigns, workshops awareness, or technical meeting among African and European countries. In 2009, the IGAD Mutual legal assistance and extradition agreement entered into force with the aim to facilitate the prosecution of traffickers across the region (ICMPD 2013).

Security concerns have put the success of regional migration agreements at risk. This was, for example, the case of Kenya, which in 2016 threatened to opt out of regional and international legislation on migrants and refugees protection due to a series of terrorist attacks by Al-Shabab (ibid.). The lack of security at borders has been tackled with regional initiatives such as the Conflict Early Warning and Response Mechanism and the IGAD Security Sector Programme (ICMPD 2013).

Recent Developments

IGAD is now moving into the development of a legislative framework to regulate the free movement of persons. National consultations[xxii] are currently conducted in IGAD member states to collect inputs from national stakeholders and experts on benefits and barriers to free movement of persons, in preparation of a regional level workshop on the validation of a Protocol on Free moment of persons (IGAD 2018b, 2018a, 2017b, 2017e).

The second pressing issue that IGAD has been dealing with over the last few years is forced displacement, and in particular, addressing the Somali refugee crisis. On 25th March 2017, IGAD Head of State and Government adopted the Nairobi Declaration and Action Plan on durable solution for Somali refugees and reintegration of returnees in Somalia (IGAD 2017a). A roadmap on how to deliver commitments laid down in the Nairobi Declaration was approved in September 2017 (IGAD 2017d). A stock-taking meeting was held one year later, on 22nd March 2018, to review the implementation of the Action Plan; it called for enhanced regular dialogue and coordination with humanitarian and development partners and agreed, inter alia, to develop better finance tracking mechanisms at the national level, in particular by bolstering existing aid information management systems (IGAD 2018c). Health concerns of displaced people have been addressed in the Declaration of the 10th IGAD Health Ministerial Committee held in Addis Ababa, Ethiopia on 19th March 2018 that guarantees '*every refugee, returnee, cross border population, and members of the host communities access to quality healthcare services without discrimination and the integration of refugees into national health systems*' (IGAD 2018c, 2).

Finally, Climate Changes and Human Mobility has been at the core of the debate within the 9th Regional Consultative Process in July 2017, aimed at increasing awareness and at discussing protection gaps and opportunities for IGAD Member States (IGAD 2017c).

2.2.4. SADC

Members: (15) Angola, Botswana, the Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe (Eritrea's membership is currently in suspense, (AU n.d.)

States with multiple membership: (8) Angola, the Democratic Republic of Congo, Madagascar, Malawi, Mauritius, Seychelles, United Republic of Tanzania, Zambia and Zimbabwe

'Sister RECs', shared in multiple membership: ECCAS (2), COMESA (8), EAC (1)

Single membership: (5) Botswana, Lesotho, Mozambique, Namibia, South Africa

The Southern African Development Community (SADC) was established in 1992 as an initiative designed to deepen the integration and cooperation in what was called the Southern Africa Coordination Conference (SADCC). SADCC was created in 1980 with the main objectives of reducing the dependence of member states on South Africa and fighting apartheid (UNECA n.d.). art.5.1 of the SADC Treaty (as amended in 2001), enumerates as objectives of the Community the promotion of sustainable and equitable economic growth, consolidation of democracy, security and stability and the sustainable use of natural resources (SADC 2001).

Free Movement of Persons

The elimination of obstacles to regional mobility is set out in the SADC Treaty as an instrument to achieve the objectives indicated under art.5.1. Initially, a draft Protocol on the Free Movement of Persons within SADC was created in 1996, but due to opposition by some member states, it was replaced by a more restrictive Protocol on the "Facilitation of Movement" of Persons (UNECA n.d.). A second revision in 2005 confirmed that

migration management was a national competency and countered the fears of the stronger economies (Botswana, Namibia and South Africa) of a large influx of migrants (Crush et al. 2017; ICMPD 2013). The Protocol allows citizens of the community to travel without a visa for up to 90 days. However, only 6 states (Botswana, Lesotho, Mozambique, South Africa, Swaziland and Zambia) have ratified the protocol out of the 10 ratifications needed for it to enter into force (Crush et al. 2017). Nevertheless, most member States have concluded bilateral agreements for visa exemptions (UNECA n.d.).

Other migration policies

Migration governance within the SADC is primarily focused on security issues, despite the prevalent nature of labour migration in the sub-region. Placing the Protocol on the facilitation of movement under the organ on Peace, Defence and Security sends a clear signal (Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017). The Protocol calls for cooperation among member states in '*safeguarding national and regional security by exchanging information among relevant authorities especially on crime, security and intelligence'* (SADC 2005 art.11). In order to address issues regarding security challenges, the SADC has adopted the Protocol on Transport, Communications and Meteorology and the Protocol on Firearms, Ammunition and Other Related Materials. The former focuses on the logistical and clearing systems for passenger service providers, while the latter covers the need of information-sharing and capacity-building across the sub-region (Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017).

Human trafficking is considered to be a priority for the region, and is regarded as a threat to security. Therefore, the SADC policy framework includes the 2002 Protocol on Extradition and the 2002 Protocol on Mutual Legal Assistance in Criminal Matters. Other two instruments complement the Protocols: a 10 year Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and Children (2009-2019), and the 2008 Protocol on Gender and Development, which presents some provisions on THB (ICMPD 2013).

Member states have endorsed several initiatives on labour migration; the SADC Regional Labour Migration Action Plan 2013-2015, which inter alia calls for the harmonization of immigration legislation and labour data collection systems. A revised Action Plan for 2016 – 2019 was adopted in May 2016. In 2014 the SADC Heads of State developed a SADC Labour Migration Policy Framework and the SADC Protocol on Employment and Labour (2014), promoting policies for regional labour mobility and migrant workers' rights, including social protection. However, these instruments have not yet been ratified (Fioramonti and Nshimbi 2016a; UNECA n.d.). A code on Social Security was adopted already in 2008 (Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017).

No specific strategies are in place concerning international protection. Refugees are mentioned in the Protocol (art.28), reaffirming the SADC member states' commitment to an international agreement on the subject and the indication of use of specific MOU between member States (ICMPD 2013). Some developments are presented in the section below.

Recent Developments

The SADC has started to develop a Regional Policy Framework on Management of Asylum Seekers and Refugees, in line with the 2016 UN Comprehensive Refugee Response Framework (CRRF)(SADC 2017d).

Continuous efforts are put into the fight against human trafficking. After a mid-term review, in July 2017, a Revised Strategic Plan of Action on Combating Trafficking in Persons was approved. The priorities for the region have been identified as advanced capacity building and training, public education and awareness raising, victim support, research and information sharing, coordination and regional cooperation as well as laws harmonization (SADC 2017a; Daily News 2018). With the support of UNODC, the SADC has developed a regional database on trafficking in persons. The SADC secretariat has largely invested into research and information sharing, producing in 2017 two reference documents on THB, '*Preventing and Combating Trafficking in Persons: lessons from the SADC Region'* booklet, which documents lessons learnt regarding trafficking in persons across the SADC region,[xxiii] and an assessment of the member states' capacity to effectively prevent and combat THB[xxiv].

2.2.5. EAC

Members: (6) Burundi, Kenya, Rwanda, Tanzania, Uganda South Sudan

States with multiple membership: (6) Burundi, Kenya, Rwanda, Tanzania, Uganda, South Sudan (2016)

'Sister RECs', shared in multiple membership: COMESA (4), ECCAS (2), CEN-SAD (1), IGAD (3), SADC (1)

The East African Community was created in 1999, as a revival of the East African High Commission founded in 1967 but not operational since its collapse in 1977. The regional community has already created a customs union in 2005, a common market in 2010 and it is on its way to become a monetary union as well (Fioramonti and Nshimbi 2016a). The Treaty establishing the EAC stipulates some principles to reach policy harmonization and integration among member states, inter alia, the attainment of sustainable growth and development, the promotion of sustainable utilization of natural resources, as well as of peace, security and stability (UNECA n.d.). The latest member (South Sudan) joined the Community in April 2016, while the application of Somalia to join the REC is under review (Fioramonti and Nshimbi 2016a; ICMPD 2013).

Free Movement of Persons

Free movement of person was already covered in the previous Commission, between Kenya, Uganda and the UR of Tanzania in 1967 (UNECA n.d.). The principle was enshrined in the Treaty establishing EAC in 1999 under chapter XVII Free movement of persons, labour, services, right of establishment and residence, art.104. Member states are requested to facilitate free movement by easing border crossings, ensuring common standard travel documents, creating a reciprocal opening of border posts (EAC 1999). In 1999, the East African Community launched its passport, currently operational for EAC citizens that can travel freely for a period of 6 months (UNECA n.d.).

In 2010, the Protocol on the Establishment of the EAC Common Market came into force. It presents provisions for the freedom of movement of persons, such as the adaption of integrated border management; the removal of restrictions on the movement of labour and services; and the right of establishment and residence. Pursuant to art.8, member states agreed to establish a common standard system of issuing identification documents, while freedom of movement of workers is captured under art.10. For intra-regional travel, citizens are exempted from visa requirements and are only expected to present valid travel

documents (Fioramonti and Nshimbi 2016a; EAC n.d.). Four principles are included in the protocol, namely: non-discrimination on grounds of nationality; equal treatment; transparency; and sharing information for the good implementation of the protocol (Cuts International 2010).

A new 'third generation' identity cards has been introduced within EAC to boost free movement; they identify the person as a holder of a dual citizenship (of his/her own state and of East Africa)(Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017).

Other migration policies

EAC member countries have agreed to harmonize labour and employment legislation as well as to ensure the right of establishment for citizens of the community (UNECA n.d.). Efforts have been made to create a number of complementary policies to promote the movement of workers. This includes recognition of educational attainments, the harmonization of social security benefits across member states and the regulation of movement of family members (Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017; Fioramonti and Nshimbi 2016a). Furthermore, member states agreed to foster information exchange on employment availability by creating an East African centre for productivity and employment promotion (IOM 2007).

In 2016, the EAC One Stop Border Post (OSBPs) Act was enacted. The OSBP model is an advancement in comparison with the usual two-stop border post model. It has resulted in a reduction of border crossing clearance time by an average of 80%, improved border security and coordinated use of government resources at the border posts, thus strengthening trade relation between member states (The East African 2018). Finally, as a sub-region to the EAC, Uganda, Rwanda and Kenya have been issuing a single tourist visa since 2014, which allows for easier international travel between these states (Fioramonti and Nshimbi 2016a).

Refugees are covered by the Common Market Protocol Annex on the Free Movement of Persons, in which the international legislative framework on refugee protection is considered to be the reference of the member states. The Treaty establishing the EAC already identified the need to establish common mechanisms for the management of refugees (art.124.5) (EAC n.d.). The same goal is included in the 2013 EAC Protocol on Peace and Security, which indicates the management of refugees as one of the scopes of cooperation among member states (art.3.g) and for the purpose of the establishment of a common mechanism states that partner states shall, inter alia, harmonize their policies, laws, strategies and programmes, establish and harmonise asylum procedures, share information and institute mechanisms to facilitate family reunification (art.10)(EAC 2013). On the operational side, a Conflict Early Warning Response Mechanism (EACWARN) was created in 2012 to monitor the situation in the region and allow for prompt intervention to address human trafficking, refugee and internal displacement issues (Fioramonti and Nshimbi 2016a; International Peace Support Training CentreNairobi 2014).

Recent Developments

The EAC has recently started a process to issue an EAC international e-passport that should be concluded by the end of 2018. It is a document with digital identification features valid for 10 years (EAC 2017). Burundi and Kenya started to roll out e-passports in 2017, while

Tanzania launched the e-passport in February 2018 (CENTRE 2017; The Nerve Africa 2018).

Work is still ongoing regarding the development of the EAC refugee management policy and action plan, which should promote a shift from a security approach toward a more protection-focused one (ICMPD 2013; EAC n.d.).

2.2.6. AMU

Members: (5) Algeria, Libya, Mauritania, Morocco, and Tunisia

States with multiple membership: (4) Libya, Mauritania, Morocco, and Tunisia

'Sister RECs', shared in multiple membership: CEN-SAD (4), COMESA (1)

Single membership: (1) Algeria

The Arab Maghreb Union's (AMU) was established in 1989. The objectives of the AMU are to strengthen ties between the states and its peoples, achieve progress and prosperity, defend national rights, preserve peace, pursue common policies in different domains and *"[w]orking gradually towards achieving free movement of persons and transfer of services, goods and capital among them*"(AMU 1989 art.2). Common goals in the international, defence, economic and cultural fields are set out under art.3, including measures to support the tolerant teaching of Islam and the preservation of the Arab national identity.

Free Movement of Persons

Only Tunisia gives citizens from the other member states free access to its territory. The UNECA mentions the fact that Libya and Morocco have implemented a freedom of movement protocol, although the year it was introduced is not clear, as it instead seems that provisions of freedom of movement are included in the Treaty (UNECA n.d.; ISS 2017). The African Development Bank ranks UMA as the third REC with the highest score in the reciprocity of visa policies within the region (60%)(AfDB 2017). However, the level of integration under the free movement of people dimension, varies among the UMA countries, with Algeria leading and Libya at the bottom of the group (AU, AfDB, UNECA 2016).

Recent Developments

Activities within the region have been 'frozen' over the past years, mainly due to lack of political will among member states, disagreements (ie between Morocco and Algeria regarding the issue of Western Sahara or between Libya and Mauritania) and internal crisis (ie Libya, Arab Spring). The latest Presidency Council reported by the AMU official website was held in April 1994, while the latest Council of Foreign Ministers in 2007 (UMA n.d.). King Mohammed VI (Morocco) complained during the 5th African Union – European Union Summit in Abidjan in November 2017 that '*if the Arab Maghreb Union (AMU) had really existed, we would have been stronger in the face of the migration challenge"*(Morocco World News 2017). This declaration has prompted the reaction of Algeria (Sahara Question 2018) and of the Secretary-General of the AMU to urge the head of the Presidential Council to call a summit in order to make the union more involved in the region, starting with the Libyan crisis (The Libya Observer 2018).

2.2.7. COMESA

Members: (19) Burundi, the Comoros, the Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Sudan, Swaziland, Seychelles, Uganda, Zambia and Zimbabwe

States with multiple membership: (19) Burundi, the Comoros, the Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Sudan, Seychelles, Uganda, Zambia and Zimbabwe

'Sister RECs', shared in multiple membership: EAC (4), ECCAS (3), CEN-SAD (8), SADC (7), IGAD (6), UMA (1)

The Common Market for Eastern and Southern Africa (COMESA) came into force in 1994 and replaced the former Preferential Trade Area in Eastern and Southern Africa from the 1980's (AU n.d.). COMESA reaches from Egypt in the north of Africa to Zimbabwe in the south, and its total of 19 member states. As implicit in its name, COMESA's main focus has been on the formation of a large economic unit to overcome trade barriers faced by individual States (UNECA n.d.). The Free Trade Area was launched in 2000 and the customs union in 2009 (ICMPD 2013).

Free Movement of Persons

Free movement of persons is conceived as an instrument to support economic and social development, as per art.4.6(e)member states shall '*remove obstacles to the free movement of persons, labour and services, right of establishment for investors and right of residence within the Common Market'* (COMESA 1993). The Treaty, a comprehensive document that covers all aspects of a regional cooperation, also mentions the promotion of tourism (and thus the removal of restrictions on the movement of tourists)(art.138)..The main instruments for freedom of movement in COMESA are the Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements from 1984 and the 2001 Protocol on the Free Movement of Persons, Services, Labour and the Right of Establishment and Residence (AU 2017b). The former is particularly focused on the removal of obstacles for business people, while the latter was intended to replace the Visa Protocol and expand its measure to the movement of labour and eventually of persons. It establishes a gradual implementation process that goes from the removal of visa requirements, to movement of skilled labour, movement of services, right of establishment and eventually right of residence (IOM 2007; ICMPD 2013). More specifically, the protocol envisages the use of visa at arrival to replace prior visa requirements within the common market, aiming at fully eliminating visa requirements within six years of the entry into force of the Protocol (ISS 2017). Cooperation in the fight against criminal acts related to the abuse of the freedom of movement is another area covered by the Protocol (ibid.).

Facilitation of free movement is considered a priority in COMESA documents, such as the Medium Term Strategic Plan 2011-2015 (ICMPD 2013). Furthermore, COMESA is engaged in various trade-related programmes that include aspects related also to movement of persons (ibid.).

Other migration policies

A COMESA Model Law on Immigration was set up in 2006 in order to harmonize national laws and practices, but progress has been slow on the national implementation which is facing challenges (AU 2017b). The Model Law provides directives on both regular and irregular migration, regulating the entry and stay of persons within the region as well as the removal of irregular migrants. Procedures on a variety of areas are included in the document, such as

permits for business, study, visitors, retired persons, workers, cross-border traders and their families, long-term residents and asylum seekers. However, no specific provisions on free movement of citizens of COMESA member states are included (ICMPD 2013).

Border management between members is considered crucial within the COMESA region. The Medium Term Strategic Plan supports the establishment of one-stop border posts, one of which was launched in 2009 at the border between Zambia and Zimbabwe, the first fully functional one in Africa. A review of the Sourcebook on the OSBP concept has been released in May 2016 to better describe the legal and regulatory frameworks, supporting the harmonization of border procedures (COMESA 2016a). The concept of the OSBP is that cross border movements need only to stop at one border post thanks to joint border activities between the concerned states. Cooperation in data and information sharing is instrumental for the development of free movement of persons, in order to achieve this, in 2011, the decision to create a common database was taken (ICMPD 2013).

Recent Developments

Membership to the largest REC is still growing in number, with Tunisia ready to join the regional bloc and Somalia to resume membership during the 20th Summit planned in July 2018 after various postponements, and South Sudan preparing to sign the COMESA Treaty (COMESA 2017a, 2016b, 2018c, 2018b).

The Minister for Home Affairs of Zambia has recently declared that security fears relating to freedom of movement within the region can be managed by investing in research and empirical evidence, taking benefits of modern technologies (COMESA 2017b).

3. EVALUATION

3.1. Freedom of movements

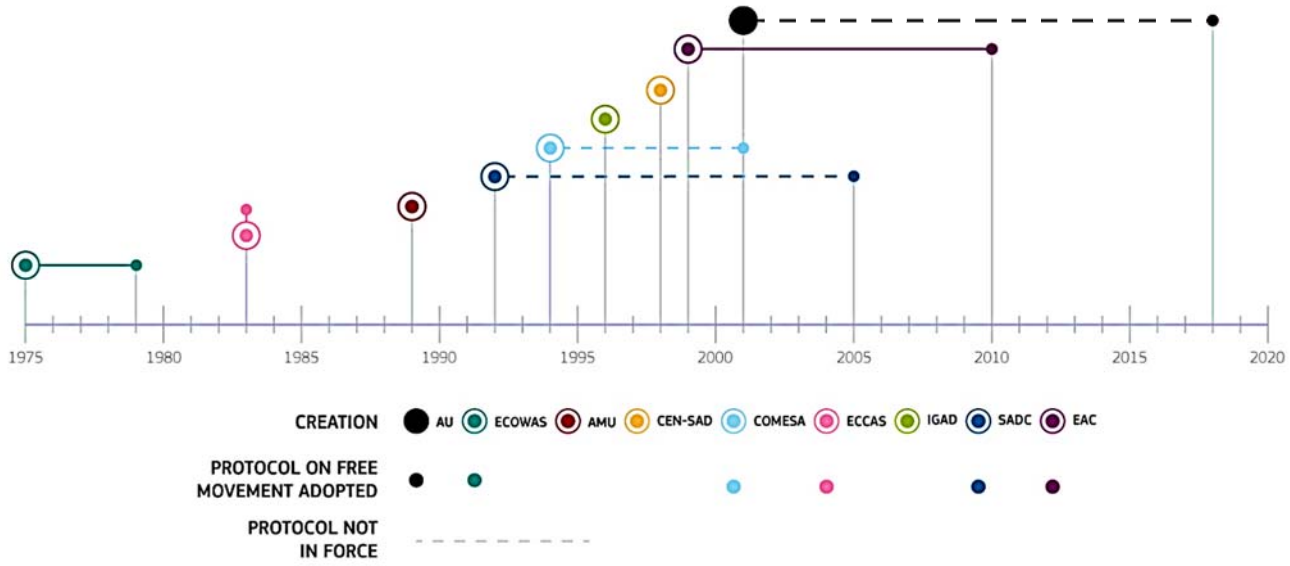
3.1.1. AU

The recent launch of the AU Protocol on freedom of movements can be regarded as a crucial achievement in the promotion of an intra-African mobility. AU's policy framework on migration-related aspects, ensured with the MPFA and its revised version adopted in conjunction with the Protocol, provides a valuable normative framework for promoting the movement of people within Africa. The Protocol on Free Movement is a powerful instrument because it does not only bind to facilitate entry, residence and establishment of African citizens, but it also governs other issues related to its concrete implementation, such as the principle of non-discrimination, the mutual recognition of qualifications of the portability of social security benefits (Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017).

Establishing an African Common Market is an indirect step towards a coherent regional migration policy on freedom of movement (Fioramonti and Nshimbi 2016b). Indeed, movement of persons is a key factor in the promotion of trade and as a consequence, it is part of regional trade agreements. Free movement of people, however, is expected not only to benefit trade, but also growth. Looking at the EU case, the OECD showed that free movement contributed to a 6% reduction in unemployment across the area (OECD 2012).

As indicated in the Abuja Treaty establishing the African Economic Community, the first Treaty at continental level to cover free movement of persons (1991), during the first phases of integration the freedom should be achieved through the RECs. This explains the activism of the building blocks of AEC in the period from 1979 to 2010 as depicted in figure 30.

Fig.3. Protocol on free movement of persons, timeline AU / RECs



Source: KCMD elaboration

3.1.2. RECs

The status of regional integration varies highly across RECs, as shown by the following table. EAC results to have made the most progress across the RECs.

Table 2: Status of regional economic integration by REC

REC	Free Trade Area	Customs Union	Single Market	Countries having implemented freedom of movement protocol	Economic and Monetary Union
EAC	✔	✔	✔	3 out of 5	✖
COMESA	✔	✖	✖	Only Burundi has ratified; Rwanda's ratification is in progress	✖
ECOWAS	✔	✔	✖	All 15	✖
SADC	✔	✖	✖	7 out of 15	✖
ECCAS	✔	✖	✖	4 out of 11	✔[2]
CEN-SAD	✖	✖	✖	Unclear	✖
IGAD	✖	✖	✖	No protocol	✖
AMU	✖	✖	✖	3 out of 5	✖

Source: (UNECA 2017c, 15)

An 'Africa Regional Integration Index' has been developed to measure regional integration through five dimensions (trade integration, productive integration, free movement of people, financial and macroeconomic integration, regional infrastructure). Confirming the previous results, also from this exercise EAC is founded the one with the highest overall regional integration (AU, AfDB, UNECA 2016). However, differences can be seen within members of each REC, with some countries scoring higher than others, such as Ivory Coast, Kenya and South Africa.

The performance registered by RECs mirrors the progress and effort they put in one or another dimension. Focusing on the free movement of people,[xxv] ECOWAS is considered to be the best performer, followed by EAC. The obstacle reported for the full integration in this dimension is the challenges in the application of REC Protocol on free movement of persons (AU, AfDB, UNECA 2016).

The elements to consider in order to conduct a thorough evaluation of a policy/legal instruments are: a. the adoption of the instrument; b. the ratification and consequent entering into force; c. the implementation, including potential monitoring or enforcing tools. As indicated in the Abuja Treaty during the first phases of integration, the freedom of movement should be achieved through the RECs. This explains the activism of the building blocks of AEC in the period between 1979 and 2010, as depicted in figure 3.

Results of this study shows that only 3 RECs (ECOWAS, ECCAS, and only in 2010 also EAC) have a Protocol on the free movement of persons in force. Two more (COMESA and SADC) have drafted one, yet they are not in force due to the minimum number of ratifications required not being reached. Furthermore, there are variations within each REC as to implementation of the protocol with some states having made more progress than others due to lack of political will / internal crisis. The lack of enforcement mechanisms leave the implementation in the hand of member states.

On the one hand, free movement of persons happens in practice thanks to bilateral agreements between member states that decide to waive visa requirements, as in the case of SADC and IGAD. On the other hand, the presence of the Protocol does not ensure a

high level of intra-mobility, as it is the case of ECCAS (reciprocity of visa policies within RECs is the lowest in ECCAS, standing at 11% according to AfDB (2017). In addition, it is worth mentioning that the RECs that have not drafted a protocol, have included provisions for free movement of people in their treaty or in their vision. The absence of ECCAS and AMU are notable, and due to the fact that they have encountered some obstacles in the advancement of regional integration.

The following paragraphs will provide more details on challenges and status of free movement of persons within each REC.

ECOWAS

ECOWAS is one of the most advanced RECs in terms of promotion and implementation of the free movement of people. It registered (together with EAC) a full reciprocity of visa policies among its members (AfDB 2017). In particular, the abolition of the mandatory residence permit and the granting of a maximum 90 day period of stay came into effect in 2000, together with the setting up of a zone for the circulation of goods, free of custom duties (Adepoju 2005). Full implementation is yet to be achieved, especially on phase III, and encountered some frictions in mid-1985 due to the economic decline of Nigeria and its consequent revocation of art.4 and 27 of the Protocol in order to expel over one million migrants from Cameroon, Chad, Ghana and Mali (Fioramonti and Nshimbi 2016a). The ratification of the second phase on the right of residence (1986) coincided with the implementation of structural adjustments programmes in Nigeria (Adepoju 2005). Administrative red tape, such as lengthy and costly formalities at border posts or cases of corruption at the border have hindered the free flow of persons and trade.

National protectionist laws, which restrict the participation of non-nationals in certain economic activities is another element that hinders full implementation, in this case of Phase II (ibid). Liberia, the leading country behind the creation of ECOWAS, introduced a compulsory exit visa for all residents in 2003. Due to cross-border activities of criminal and terrorist groups, such as Boko Haram group, border patrol has been intensified in order to overcome these challenges, despite the existence of the free movement protocol (Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017).

CEN-SAD

The status of regional integration is at an infant stage, scoring least among the RECs in the overall scores on regional integration (AU, AfDB, UNECA 2016) and with none of the key policies in support of the economic integration having been adopted yet[xxvi] (UNECA 2017c). Some countries have been liberalising their migration policies, however, those countries having made the most progress, are mainly West African states which are also members of ECOWAS (such as Côte d'Ivoire, Benin, Togo, Senegal). The non-geographical contiguity, the large extension of the area covered (~ half of the African continent) and the large number of members, which underpins a diversity among them in terms of migration pressure, trends and economic development, could be mentioned as limitations in their regional integration.

ECCAS

The Protocol on free movement contains innovative provisions not found in other RECs, such as regulating the position of tourists under the general framework of movement of persons (Cuts International 2016). Intra-regional migration remains limited within

ECCAS; reciprocity of visa policies within RECs is the lowest in ECCAS (together with IGAD), standing at 11% (AfDB 2017). Only 4 member states out of 11 (Cameroon, Chad, Congo and DRC)[xxvii] have established the free movement of people and lifted visa requirements for citizens of the ECCAS community (UNECA n.d.).

Various attempts have been made to revitalize the principle of freedom of movement within the REC, but with limited impact. As indicated in the XIV session of the ECCAS Head of States and Government in June 2009, '*the synchronization of the application of the Agreements [on the movement of persons] in the presence and the harmonization of national laws remain a challenge. The derogation under the preference Community is still part of the project*' (ECCAS 2009, 6). The same plea for a 'rapid' implementation of the Protocol has been reiterated in successive summits (Agence Ecofin 2012). This difficulty can be attributed to a number of factors such as natural geographic barriers and poor transport connections (a Consensual Transport Master Plan was adopted in 2004 to address this issue)(ICMPD 2013); others underline security issues and political commitment as the main reasons for delaying free movement of persons (UNECA n.d.).

IGAD

IGAD does not have a Protocol on the free movement of persons, although it was agreed that it would be drafted a full decade ago (Klavert 2011). Consultations are currently being conducted by IGAD member states regarding the drafting of a Protocol. The REC has instead developed a comprehensive regional framework on migration management, which utilises a variety of soft law instruments.

SADC

Over the years SADC has produced a number of protocols and frameworks to manage migration, but due to the lack of the necessary ratifications and the progressive erosion of strong commitment, in particular in relation to free movement, the overall governance framework remains weak and based on bilateral (national) arrangements. There are several bilateral agreements that were put in place even before the creation of the SADC that govern migration between member states, and therefore the incentives for multilateral agreements may be reduced. For example, since 2000 South Africa has pursued cooperation with neighbouring states through Joint Permanent Commissions (JPCs) and MoUs which have facilitated migration-related issues, e.g. visa waivers in the agriculture and mining sectors (Fioramonti and Nshimbi 2016a). In addition, a lack of mechanisms to ensure compliance after ratification of regional migration policies confers a high degree of freedom on member states (Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017). The same Protocol suggests the implementation of the provisions '*by way of bilateral agreements'* (SADC 2005).

Member states continue to shape the migration management in the region, preferring to act (nationally) and bilaterally rather than multilaterally on migration issues. Another element hindering the free movement and regional governance within the region is the difficulty many countries encountered in issuing identification and travel documents (AU 2017b). Incidentally, the Protocol on the facilitation of movement not only requests each member state to establish and maintain a population register (art.9), but also articulates procedural and technical issues for the ease of the movement, such as the introduction of machine-readable passports, a SADC desk at each major port of entry, or standardization of administrative immigration practices (art.11,12,13) (SADC 2005).

In 2017, the SADC member states started a consultation process to assess achievements and challenges regarding the status of the free movement of persons within the REC. The first Consultative Meeting of Experts (6 April 2017) urged member states to sign, ratify and implement the Protocol. In addition, experts also recommended using a 'phased approach' to implement the necessary changes toward issuing an African passport, recognising the complexity of harmonizing relevant policies (SADC 2017b). Moreover, there have been discussions about the importance of having a SADC UNIVISA and the possibility of pilot test in the near future (SADC 2017c).

EAC

Given that the primary objective of the EAC is to gradually establish among member states a political federation through an economic integration which includes the creation of a customs union, a common market and a monetary union, it is natural that migration is addressed under within the broader framework of common market provisions. Migration is dealt under the Department of Labour and Immigration, which works on mobility and employment issues and the implementation of the common market Protocol (ICMPD 2013). The EAC has achieved progress in the area of freedom of movement, and, together with ECOWAS, registers a 100% score in the reciprocity of visa policies within the sub-region (AfDB 2017). It is considered the most advanced REC on regional economic integration, according to UNECA (UNECA 2017c).

The EAC benefits from being composed of a small number of countries, which share a common culture and language, leading to advanced cooperation in various fields (ICMPD 2013). However, uneven commitment on the implementation of the provisions related to freedom of movement has been registered among member states- in other words, the sub-region of Uganda, Rwanda and Kenya proceed with a higher speed than the other countries.

AMU

Despite the relatively high score registered by this REC in the reciprocity of visa policies, challenges in implementation of the freedom of movements are numerous. Two can be considered as crucial, namely the infrastructural constraints (transport connections), and security issues (UNECA n.d.).

Migration management in this region has been largely influenced by the European Union, even more than the African Union. Of particular relevance in this sense is the strategic approach toward addressing irregular flows and security related to migration (ICMPD 2013). The Dialogue 5+5 includes the five AMU countries and Italy, France, Spain, Portugal and Malta, and meet regularly to discuss migration issues, among other topics. Furthermore, Morocco's absence from the AU provided more room for a closer collaboration with EU, however, its re-admission in February 2017 and its recent prominent role in shaping the migration agenda and common migration policy in the African Union might modify this trend in the future, although it is worth mentioning that Morocco has joined ECOWAS,

COMESA

National Monitoring Committees have been set up in Zambia and Zimbabwe in order to revitalize the process of implementation of the COMESA Protocol on free movement, although only four countries[xxviii] have signed the protocol (COMESA 2016c). This means that the 2001 Protocol has not yet entered into force, as it required at least seven member states' signatures

and ratification (IOM 2007), and so the roadmap outlined in the Protocol elapsed and was not met. Phase one on the gradual removal of visa requirements (envisaged to be completed in 2002) is still under completion. Economic and security concerns are cited as key obstacles for its ratification, with administrative red-tape playing also an important role (ICMPD 2013).

Reciprocity of visa policies is effective in only 1/5 of the region, and the REC underperforms in comparison with the average of the other RECs in the dimension of free movement of people (AfDB 2017; AU, AfDB, UNECA 2016). As highlighted above, free movement of persons is indicated as a priority, however, such emphasis is not mirrored in the COMESA official website, which does not mention migration/movement of people among the list of its activities, but only within the section on legal and corporate affairs.

Other provisions related to the management of refugees outlined in the Free Movement Protocol (art.7.3) remain without concrete implementation, as has the decision to develop a policy on the treatment of asylum seekers agreed in 2008 (ICMPD 2013).

3.2. Other migration policies

The African Union has adopted a number of instruments with the purpose of managing migration. While the free movement of persons can be seen as informed by the final goal of an African *economic* integration, the only legally binding instruments relate to refugees and IDPs, therefore unforeseen or forced movements.

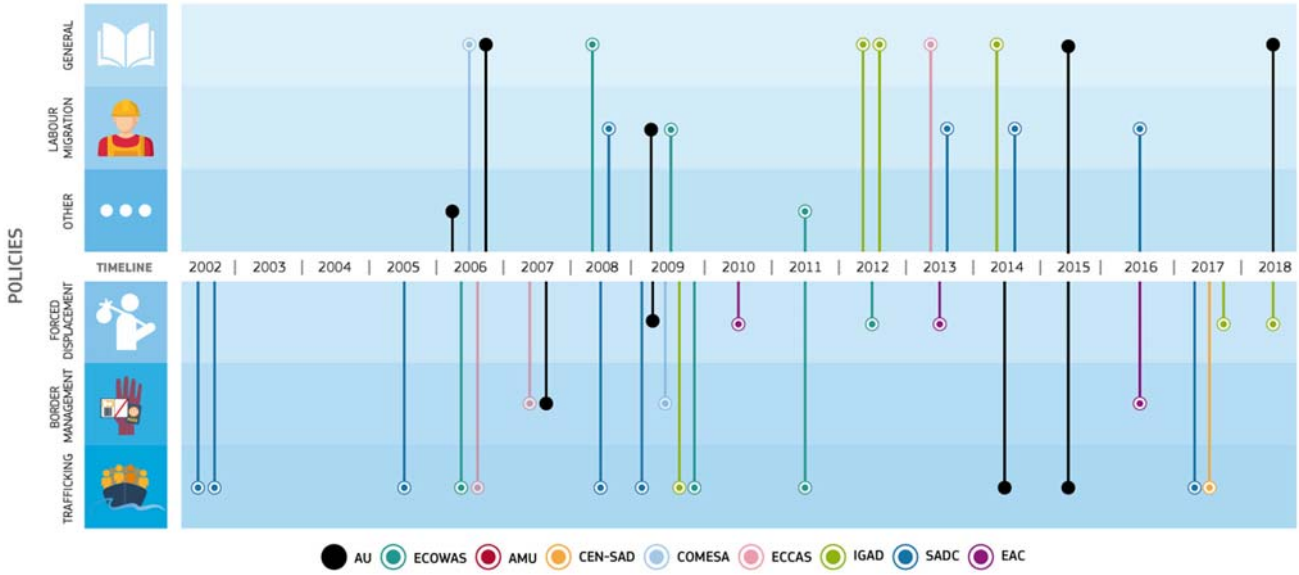
In a global comparison of refugee protection conventions, the OAU/AU convention represents the most comprehensive legal basis (Klavert 2011). The 2016 Agenda for Humanity, the annex to the UN secretary general's report for the World Humanitarian Summit on 23-24 May, acknowledged the importance of regional frameworks such as the Kampala Convention and advocates the adoption of similar instruments in other parts of the world (IDMC 2016) The Kampala convention is also regarded as a unique regulatory framework, the first legally binding convention that protects IDPs. As outlined in this study, both instruments foresaw innovative aspects, such as broad definition of refugee (broader than the one provided in the Geneva Convention) and the non-exhaustive list of causes of displacement (that includes man-made events as well). However, the full implementation of the Convention is limited by the fact that out of the 55 AU member states, 40 have signed the convention, and only 27 have ratified it, with important absent ratifications such as DRC, Somalia, South Sudan and Sudan that host a high number of IDPs.[xxix].

Other aspects of migration governance are covered with overarching policy documents. The main AU policy documents on migration are; The African Common Position on Migration and Development and the Migration Policy Framework for Africa (MPFA), both adopted in 2006, which provide the basis for AU's collaboration with member states in this policy field. Between October 2016 and February 2017, the AU Commission, Department of Social Affairs, carried out an evaluation 10 years after the adoption of the Migration Policy Framework. The conclusion reached was that although there is, in general, a lack of knowledge among member states on the MPFA, some states (such as Ghana, Ethiopia and Nigeria) have used the framework in guiding their national migration policy development (AU 2017b). Only one of the RECs, the Intergovernmental Authority on Development (IGAD), has used the MPFA when developing the Regional Migration Policy adopted in 2012 (ibid). This exemplifies the limited influence that the AU and its MPFA had on national migration policy. In addition, the MPFA is a flexible instrument,

as member states and RECs could retain those elements considered relevant in accordance with their own priorities and resources. Thus, the framework neither gives priority to any policy area nor does it envisage evaluation mechanisms. Moreover it does not provide any resource mobilisation mechanisms. This has been subject to criticism since without an implementation mechanism, it is not entirely clear how the framework should be enforced by the AU Commission (Achiume and Landau 2015; AU 2017b; Klavert 2011).

The below figure presents an analysis of the migration policies adopted by AU and RECs. Initiatives on migration governance are therefore classified according to the main area covered, considering the following areas: general (wide frameworks covering various topics), labour migration, trafficking of human beings, border management, forced displacement (covering refugees and/ or IDPs), others (gender and development dimension). The results are presented in the following graphic:

Fig.4. Migration Policies Timeline – AU/RECs



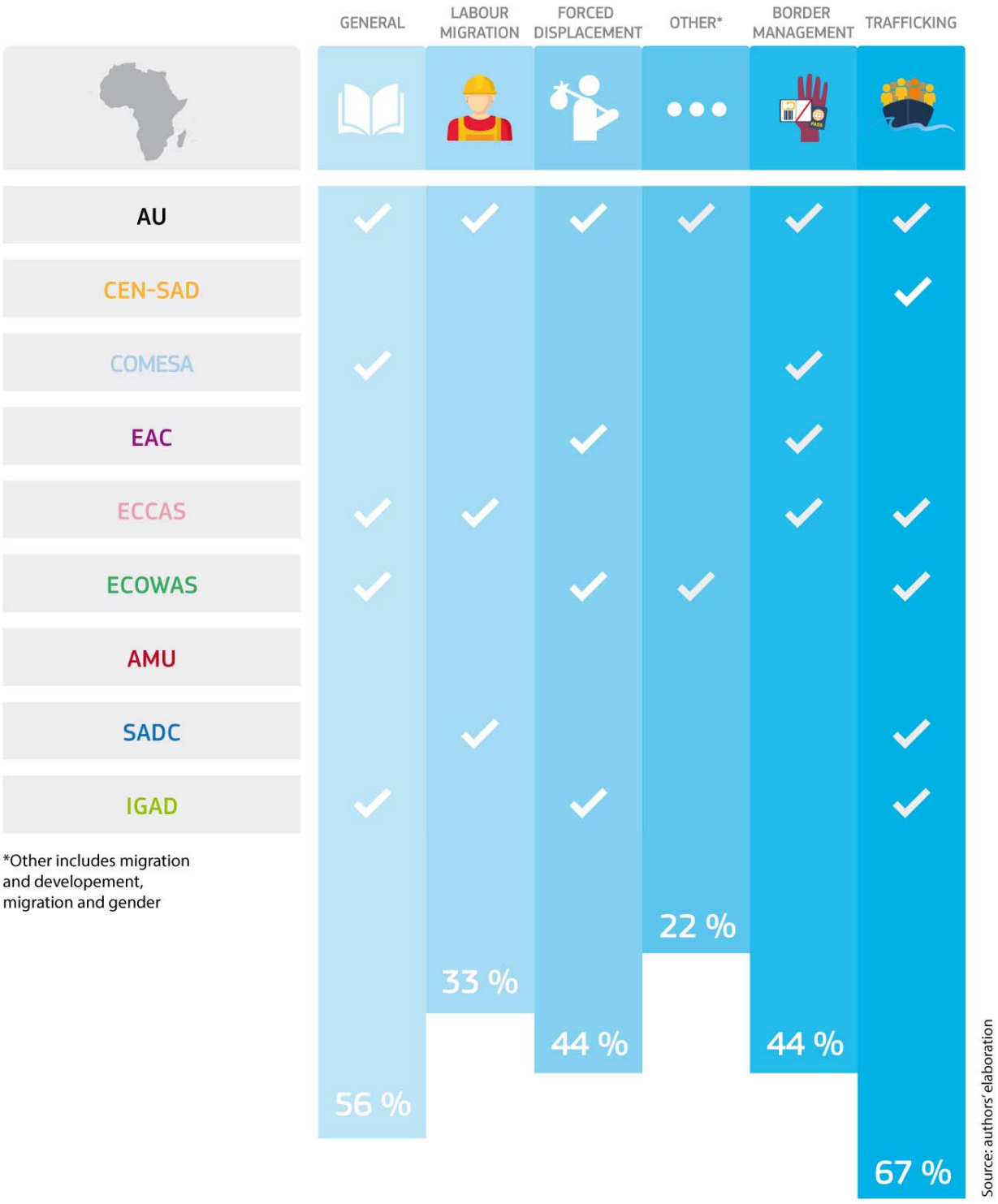
Source: authors' elaboration

Reading both timelines proposed in Fig.2 and 3, it is possible to distinguish two phases in migration governance development across the African continent:

- First phase (1979 – 2005): Freedom of Movement
- Second phase (2002 – 2018): Other Migration Policies Development

The two partially overlapping phases describe two different priorities in migration governance development: the first phase covering roughly the first twenty years since the creation of the first REC, focused on the definition and creation of the Regional Economic Communities and the establishment of the freedom of movement within the sub-region, as set out in most of the establishing Treaties of the RECs; the second phase, covering the subsequent twenty years, begins in 2000, and sees the development of a series of migration policies following the specificity of each REC. Some crucial years can be identified, namely 2006 and 2009, where a peak is evident in the adoption of migration policies. A closer analysis of the proposed model shows the increasing relevance of security aspects related to the movement of persons. As has been the case with recent progress in migration policies initiatives in Africa over the last five years, security concerns take precedence over development issues.

Fig.5. Migration Policies – AU/RECs



NB Percentage indicates the rate of institutional actors having in place a policy instrument in the respective policy domain.

Figure 4 and 5 show that the SADC is the most active REC, with the highest number of policies (10) proposed. These policies, however, concentrate almost exclusively on tackling the trafficking of human beings and labour migration initiatives. ECOWAS follows with 7, then IGAD with 6 policies, although they are much more diversified than SADC in the areas covered.

In terms of policy areas, a general overall approach seems to be the one most commonly adopted by RECs and AU, with more than half having a regional framework to refer to. Trafficking, is considered relevant enough to be regulated by a dedicated policy for half of the RECs. In particular, SADC and ECOWAS have drafted more than one instrument to better tackle trafficking. Forced displacement is place third in the AU/RECs', especially thanks to the relevance given by EAC and IGAD, particularly affected by this type of migration.

One of the most comprehensive documents on migration governance is the IGAD Regional Migration Policy, which addresses key areas in the migration dynamics of the region. It places particular emphasis on regional-specific concerns and includes 'other social and economic issues deserving attention', such as nomadic pastoralism or migration and culture. Another crucial element in its draft is that it is anchored to international legislation on migration and human right protection, as well as AU policy developments. After this experience, other RECs (ECCAS) drafted a regional migration policy document. The framework has driven the development of national migration policies in Uganda and Kenya (Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017).

3.3. Vertical, horizontal and multiple (membership) governance

Vertical and horizontal governance

One peculiarity of the African approach to freedom of movements is the acknowledgment of the importance of multi-stakeholders engagement for the success of migration policies. It is possible to glimpse the recognition of multi-level governance principle, extended to international organizations, civil society and NGOs, called to be involved in policy formulation and implementation. This can be found for example in:

- the Kampala Convention, which includes the AU, State Parties, armed groups and humanitarian agencies (art.2.d);
- the Revised Migration Policy Framework (2018), which recognises the need for inter-state cooperation and partnerships in managing migration and indicates as recommended strategy how to "[e]*ngage in dialogue and programme development on migration and development with regional bodies and development actors, including, the AU, EU, the League of Arab States, RECs, World Bank, International Monetary Fund, African Development Bank, WHO, ILO, IOM, UNODC, the United Nations Development Programme, and other concerned institutions*" (AU n.d., 53);
- the IGAD, which has created the Regional Consultative Process to allow the involvement of civil society stakeholders in policy development;
- the emphasis given to diaspora engagement, in the MPFA (I and II), in the African Common Position on Migration and Development, the Common position on the Global Compact for Migration, but also in the AU structure with the The Economic, Social and Cultural Council (ECOSOCC) and the Citizens and Diaspora Directorate (CIDO).

In particular, the IGAD promotes a participative policy development with a platform for debate, information exchange and advice on migration with the support of civil society organizations and diaspora engagement. Through the Regional Migration Coordination Committee (established in 2011, concerning the involvement at member state level) and the Regional Consultative Process (established in 2008, concerning the involvement of civil society stakeholders), IGAD is in the process of implementing the Regional Migration

Policy Framework (ICMPD 2013). Other international actors or research institutes (such as IOM, UNHCR, RMMS…) partner with IGAD on its migration initiatives. Since 2014, IGAD has also established national coordination mechanisms to strengthen cooperation and migration management across member states (ECDPM 2018).

While horizontal coordination – which includes various governamental and non-governamental actors - is promoted, the same is less evident if we analyse vertical coordination, (meaning the collaboration of different institutional level and therefore the links between continental and regional framework on national governance of migration). Vertical governance poses the question of the inclusion of Africa as a case of multi-level governance, as formulated by Scholten, namely'in terms of effectively coordinating relations between policy levels' (P. W. A. Scholten 2013, 217). Some consider such analysis premature, due to the fact that many initiatives are relatively recent and need time to take effect; moreover the results will depend on the degree of engagement, implementation and enforcement at national level (Klavert 2011). What can be already affirmed is that the non-binding nature of the majority of the supra-national policies, as well as the absence of enforcement / monitoring mechanisms, have conferred significant freedom on single member states.

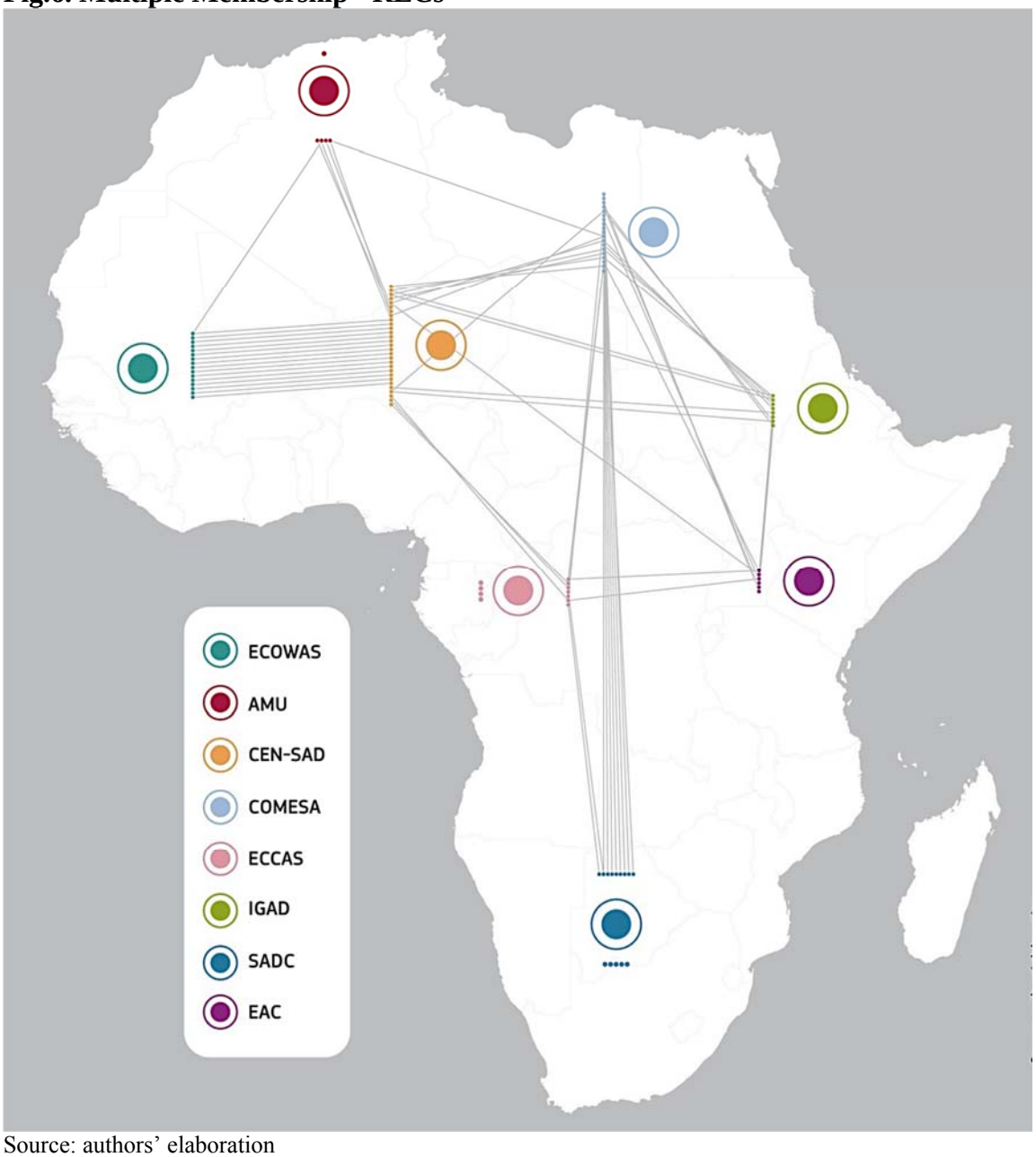
Therefore, while at regional level there is a more liberal approach, states are more protectionist and restrictive in their migration governance. One of the reason could be the 'philosophical orientation' of member state, which are not inclined to give up their competence on migration topics (Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017). This could explain the case of SADC, where the lack of legal power of the Protocol (due to the few number of ratifications) is balanced out with bilateral activism of member states. The establishment of effective supra-national institutions with tools for the enforcement of regional integration agreements into national framework is considered as a desirable step toward harmonization (Scalabrini Institute for Human and Mobility in Africa (SIHMA) 2017; Adepoju 2005).

An intermediate step: regional integration among the RECs

Multiple membership of various RECs has been mentioned as one of the main obstacles for regional integration and implementation of migration frameworks as the member states are confronted with different regimes, duplication of resources and eventually, with competing priorities. The complex net of connections is elaborated in the graphic below.

All the member states of ECOWAS, CENSAD, IGAD and EAC are also part of at least one other REC. Among the 'sister RECs', meaning those that have overlapping membership, the strongest connection can be traced between ECOWAS / CEN-SAD – as all the member of the former are also part of the latter, AMU / COMESA and IGAD / COMESA – as respectively 90% and 75% of the members are also part of COMESA. Particularly interesting to mention, is the fact that the two largest RECs (COMESA and CEN-SAD) have connections to almost all the rest of the RECs, thus posing a risk to regional integration; advancement in freedom of movement has been rather low in the two RECs. The impact of these results on policy formulation and especially on implementation, could be further analysed.

Fig.6. Multiple Membership - RECs



Source: authors' elaboration

On the contrary, the REC that is the 'purest' in terms of the lowest number of multiple memberships is SADC, where 6 out of 15 hold a single membership (or else 40% of member states). 10[xxx] are States that are members of only one REC. The phenomenon is not set to reverse in the near future; on the contrary multiple membership will increase, as has recently been the case with Morocco (joining ECOWAS in 2017), South Sudan (joining also EAC in 2016), and Tunisia and Somalia, both of whom appear set to become members of COMESA.

An intermediate step toward AU free movement of people can be gradually pursued with the integration of various RECs. A free trade area between the three RECs COMESA, EAC and SADC (the Tripartite Free Trade Agreement, TFTA) has already been launched in 2015 as a single regulatory regime across half of Africa. The TFTA covers areas strictly linked with the facilitation of trade, such as elimination of trade barriers, rules of origin, customs cooperation, settlement of disputes, transportation bottlenecks. However, cross-

border migration policies will only be included in the second phase of negotiations (Fioramonti and Nshimbi 2016a; African Business Magazine 2017; Tralac 2017).

RECs are moving already into this kind of cooperation in horizontal multi-level governance, where the movement of persons could be further pursued. Examples of such integration can be seen in the MoU between AMU and COMESA signed at the end of 2017, in view of the establishment of the African Economic Community, while another MoU was already in place between COMESA and ECOWAS (ICMPD 2013; COMESA 2018a). A Steering Committee linked to the MoU signed between ECCAS, EMCCA[xxxi] and UNECA on the harmonisation of their policies and programmes (in particular on movement of persons) has been officially endorsed in 2012 (ICMPD 2013). An Inter-regional Coordinating Committee (IRCC) was established in 2003 to strengthen cooperation between the COMESA, EAC and IGAD RECs (ibid.) Under the 10th European Development Fund (2008-2013) project Regional Political Integration and Human Security programme (RPIHSSP), IGAD, COMESA and EAC have collaborated on migration governance related to human security issues, such as management of forced displacement or establishment of regional migration policies (ibid.). The establishment of a Regional Multi-Disciplinary Centre of Excellence (RMCE) in 2011 that brings together COMESA, EAC, SADC, IGAD is an innovative form of inter-REC cooperation, which aims to support the development of regional policies with training and advisory services (ICMPD 2013).

In the same vein, bodies included in the AU infrastructure - such as the Specialized Technical Committees or the African Labour Migration Advisory Committee – that are already tasked to ensure coordination with and within RECs, could be further strengthened with the role of coordination promotion among RECs.

BIBLIOGRAPHY

Abuja Treaty. 1991. "Treaty Establishing the African Economic Community."

Achiume, E. Tendayi, and Loren B. Landau. 2015. "The African Union Migration and Regional Integration Framework." *Policy & Practice Brief* 36. https://www.africaportal.org/publications/the-african-union-migration-and-regional-integration-framework/.

ACHPR. n.d. "African Charter on Human and Peoples' Rights." Accessed February 22, 2018a. http://www.achpr.org/instruments/achpr/.

ACHPR, African Commission on Human and Peoples' Rights. n.d. "Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons." Accessed July 2, 2018b. http://www.achpr.org/mechanisms/refugees-and-internally-displaced-persons/.

ActuNiger. 2018. "NIGER/BURKINA: Les gendarmes racketteurs burkinabés identifiés et sanctionnés." *ActuNiger : l'actualité en temps réel au Niger*, January 9, 2018. https://www.actuniger.com/societe/13686-niger-burkina-les-gendarmes-racketteurs-burkinabes-identifies-et-sanctionnes.html.

Adepoju, Aderanti. 2005. "Creating a Borderless West Africa: Constraints and Prospects for Intra- Regional Migration," January.

———. 2016. "Migration within and from Africa. Shared Policy Challenges for Africa and Europe." *Delmi Research Overview* 5. http://www.delmi.se/en/migration-development#!/en/migration-from-africa.

Administrateur. 2018. "Lancement de la campagne « Merck More Than a Mother » au Niger : La Première Dame Aïssata Issoufou Mahamadou, ambassadrice de la campagne." *Tamtaminfo* (blog). March 7, 2018. http://www.tamtaminfo.com/lancement-de-la-campagne-merck-more-than-a-mother-au-niger-la-premiere-dame-aissata-issoufou-mahamadou-ambassadrice-de-la-campagne/.

AfDB. 2017. "Africa Visa Openness Report 2017." https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/2017_Africa_Visa_Openness_Report_-_Final.pdf.

African Business Magazine. 2017. "Interview with COMESA Sec-Gen Sindiso Ngwenya," October 10, 2017. http://africanbusinessmagazine.com/vkTL4.

African Union. 2013. "Status of Integration on Africa (SIA IV), 2013." https://au.int/en/documents/20131113.

———. 2018a. "AU Handbook 2018." https://au.int/en/handbook.

———. 2018b. "Peace and Security Council (PSC)." 2018. https://au.int/en/organs/psc.

———. 2018. "Inaugural Meeting of the Labour Migration Advisory Committee." May 2, 2018. https://au.int/en/newsevents/20180502/inaugural-meeting-labour-migration-advisory-board.

———. n.d. "DRAFT RULES OF PROCEDURE OF THE LABOUR MIGRATION ADVISORY COMMITTEE." https://au.int/sites/default/files/newsevents/workingdocuments/34100-wd-rules_of_procedures_march_2018_lmac_english.pdf.

Agence Ecofin. 2012. "La CEEAC appelle à la libre circulation en Afrique centrale," January 23, 2012. https://www.agenceecofin.com/politique/2301-3020-la-ceeac-appelle-a-la-libre-circulation-en-afrique-centrale.

AMU. 1989. "Treaty Instituiting the Arab Maghreb Union." http://www.wipo.int/edocs/lexdocs/treaties/en/amu/trt_amu.pdf.

Apanews.net. 2017. "Abidjan Accueille En Mai La 6è Réunion Des Ministres de La Défense de La CEN-SAD," April 5, 2017.

http://apanews.net/index.php/fr/news/abidjan-accueille-en-mai-la-6e-reunion-des-ministres-de-la-defense-de-la-communaute-des-etats-sahelo-sahariens.
"ASSEMBLY OF THE UNION Tenth Extraordinary Session 21 March 2018 Kigali, RWANDA." n.d. https://au.int/sites/default/files/decisions/34055-ext_assembly_dec_1x_e26_march.pdf.
AU. 2001. "The Constitutive Act of the African Union."
———. 2006. "African Common Position on Migration and Development." https://au.int/sites/default/files/pages/32899-file-2._african_common_position_on_migration_and_development-banjul_gambia.pdf.
———. 2011. "AU Commission Initiative against Trafficking (AU.COMMIT) Campaign." https://au.int/en/pressreleases/20111120.
———. 2015a. "ToR of the African Labour Migration Advisory Committee." https://au.int/en/lesp/migration.
———. 2015b. "Specialized Technical Committee (STC) on Migration, Refugees and Internally Displaced Persons Convenes at the African Union Commission, Headquarters." https://www.au.int/web/en/newsevents/16832/specialized-technical-committee-stc-migration-refugees-and-internally-displaced.
———. 2015c. "African Union Humanitarian Policy Framework."
———. 2017a. "Draft Common African Position (CAP) on the Global Compact for Safe, Orderly and Regular Migration."
———. 2017b. "Evaluation of the African Union Migration Policy Framework for Africa." https://encrypted.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwiexqaIm_DXAhVCSRoKHUf5DpUQFgg-MAI&url=https%3A%2F%2Fau.int%2Fsites%2Fdefault%2Ffiles%2Fnewsevents%2Fworkingdocuments%2F32718-wd-english_report_evaluation_of_the_migration_policy_framework_for_africa.pdf&usg=AOvVaw3pHHsLh4esoqf_ycJ_mMFa.
———. 2017c. "List of Countries Which Have Signed, Ratified/Acceded to the African Charter on Human and Peoples' Rights." https://au.int/en/treaties/african-charter-human-and-peoples-rights.
———. 2017d. "African Union Border Programme (AUBP) - Uniting and Integrating Africa through Peaceful, Open and Prosperous Borders." August 6, 2017. http://www.peaceau.org/en/page/27-au-border-programme-aubp.
———. 2018a. "The Specialized Technical Committees." https://au.int/en/organs/stc.
———. 2018b. "Regional Economic Communities (RECs)." https://au.int/en/organs/recs.
———. 2018c. "The 30th Ordinary Session of the African Union Assembly Concludes with Remarkable Decisions on (3) Flagship Projects of Agenda 2063." https://au.int/en/pressreleases/20180130/30th-ordinary-session-african-union-assembly-concludes-remarkable-decisions-3.
———. n.d. "African Institute of Remittances." Accessed February 23, 2018a. https://au.int/en/sa/air.
———. n.d. "Judicial and Human Rights Institutions." Accessed January 15, 2018b. https://au.int/en/organs/cj.
———. n.d. "New Partnership For Africa's Development (NEPAD)." Accessed January 30, 2018c. https://au.int/en/organs/nepad.
———. n.d. "Regional Economic Communities (RECs)." Accessed January 19, 2018d. https://au.int/en/organs/recs.

———. n.d. “The Diaspora Division.” Accessed January 16, 2018e. https://au.int/diaspora-division.
———. n.d. “The Permanent Representatives’ Committee (PRC).” Accessed January 15, 2018f. https://au.int/en/organs/prc.
———. n.d. “The Revised Migration Policy Framework for Africa and Plan of Action (2018-2027) Draft.” Accessed February 23, 2018g. https://au.int/en/newsevents/20170824/meeting-validate-report-evaluation-migration-policy-framework-africa-revised.
———. n.d. “The Specialized Technical Committees.” Accessed January 15, 2018h. https://au.int/en/organs/stc.
AU, AfDB, UNECA. 2016. “Africa Regional Integration Index Report 2016.” https://www.uneca.org/sites/default/files/PublicationFiles/arii-report2016_en_web.pdf.
“AU. Protocol to the African Charter on Human and Peoples Rights on the Establishment of an African Court on Human and Peoples’ Right, 15.06.2017.” n.d. Accessed July 27, 2018. https://au.int/sites/default/files/treaties/7778-sl-protocol_to_the_african_charter_on_human_and_peoplesrights_on_the_estab.pdf .
“AU Summit: Declaration on Migration.” 2015. http://cap.africa-platform.org/news/au-summit-declaration-migration.
Bedjaoui, Mohammed. 2012. “Brief Historical Overview of Steps to African Unity.” In *The African Union Legal and Institutional Framework : A Manual on the Pan-African Organization*. Leiden/Boston: Martinus Nijhoff Publishers.
BiometricUpdate. 2014. “Economic Community of West African States Biometric Identity Card Program to Launch in 2016.” December 17, 2014. https://www.biometricupdate.com/201412/economic-community-of-west-african-states-biometric-identity-card-program-to-launch-in-2016.
———. 2017. “African Cross-Border and Regional Identity Management Schemes Reach Distribution Stage.” May 18, 2017. https://www.biometricupdate.com/201705/african-cross-border-and-regional-identity-management-schemes-reach-distribution-stage.
“Boko Haram: ECOWAS Parliament Ends 3-Day Visit to North-East.” n.d. Accessed May 7, 2018. http://thenationonlineng.net/boko-haram-ecowas-parliament-ends-3-day-visit-north-east/.
CEDEAO. 2014. “ECOWAS BIOMETRIC ID CARD GOES INTO FORCE IN 2016.” December 12, 2014. http://news.ecowas.int/presseshow.php?nb=240&lang=en&annee=2014.
CENTRE, TRALAC TRADE LAW. 2017. “EAC Member States Roll out Single Electronic Passport.” Tralac. September 1, 2017. https://www.tralac.org/news/article/12081-eac-member-states-roll-out-single-electronic-passport.html.
COMESA. 1993. “Treaty Establishing the COMESA.” http://www.comesa.int/wp-content/uploads/2016/06/COMESA-Treaty.pdf.
———. 2016a. “One-Stop-Border-Post Guide Set for Release.” April 21, 2016. http://www.comesa.int/one-stop-border-post-guide-set-for-release/.
———. 2016b. “South Sudan Working towards Joining COMESA.” April 29, 2016. http://www.comesa.int/south-sudan-working-towards-joining-comesa/.
———. 2016c. “Zambia, Zimbabwe Takes Lead in Moving the COMESA Free Movement Agenda Forward.” July 29, 2016. http://www.comesa.int/zambia-zimbabwe-takes-lead-in-moving-the-comesa-free-movement-agenda-forward/.

———. 2017a. “Tunisia Preparing to Join COMESA in October.” March 5, 2017. http://www.comesa.int/tunisia-preparing-to-join-comesa-in-october/.
———. 2017b. “Investing in Modern Technologies Will Address the Fear of Free Movement.” July 28, 2017. http://www.comesa.int/investing-in-modern-technologies-will-address-the-fear-of-free-movement/.
———. 2018a. “COMESA and the Arab Union Strengthen Cooperation through MoU.” January 8, 2018. http://www.comesa.int/comesa-and-the-arab-union-strengthen-cooperation-through-mou/.
———. 2018b. “Final Round of Negotiations for Somalia’s Return to COMESA.” May 16, 2018. http://www.comesa.int/final-round-of-negotiations-for-somalias-return-to-comesa/.
———. 2018c. “Ministers Adopt New Airspace Agreement, Somalia Membership to COMESA.” May 18, 2018. http://www.comesa.int/ministers-to-consider-a-new-airspace-agreement-admission-of-somali-to-comesa/.
Crush, Jonathan, Belinda Dodson, Vincent Williams, and Daniel Tevera. 2017. “Harnessing Migration for Inclusive Growth and Development in Southern Africa.” Southern African Migration Programme.
Cuts International. 2010. “Integrating Migration with Development in EAC: Policy Challenges and Recommendations.” http://www.cuts-geneva.org/pdf/BIEAC-RP10-Integrating_Migration_with_Development_in_EAC.pdf.
———. 2016. “Innovating for Temporary Movement of Natural Persons in Africa Leveraging the CFTA.” http://www.cuts-geneva.org/pdf/TAF087_CFTA-temporary_movement_natural_persons.pdf.
Daily News. 2018. “SADC Declares War on Human Trafficking,” February 14, 2018. http://www.dailynews.gov.bw/news-details.php?nid=40888.
Diouf, Coumba Ndoffene. 2018. “Forum de Dakar : les parlementaires de la CEDEAO abordent le sous-emploi des jeunes et la migration.” SeneNews.com. February 15, 2018. https://www.senenews.com/actualites/politique/forum-de-dakar-les-parlementaires-de-la-cedeao-abordent-le-sous-emploi-des-jeunes-et-la-migration_219170.html.
EAC. 1999. “EAC Treaty.” http://www.chr.up.ac.za/undp/subregional/docs/eac4.pdf.
———. 2013. “Protocol on Peace and Security.” http://eacgermany.org/wp-content/uploads/2015/03/EAC-PROTOCOL-ON-PEACE-AND-SECURITY.pdf.
———. 2017. “EAC to Start Issuing EA E-Passport January 2018.” April 7, 2017. https://www.eac.int/press-releases/148-immigration-and-labour/754-eac-to-start-issuing-ea-e-passport-january-2018%20=.
———. n.d. “Immigration and Labour.” Accessed May 19, 2018. https://www.eac.int/immigration.
ECCAS. 2009. “LIBRE CIRCULATION ET TRAITE DES PERSONNES.” http://www.ceeac-eccas.org/index.php/fr/a-propos-de-la-ceeac/centre-de-documentation/send/4-discour/316-libre-circulation-des-personnes-et-des-biens.
———. n.d. “Présentation de la CEEAC.” Accessed May 15, 2018. http://www.ceeac-eccas.org/index.php/fr/a-propos-de-la-ceeac/presentation.
ECDPM. 2018. “Forced Displacement and Mixed Migration Challenges in the IGAD Region,” February 5, 2018. http://ecdpm.org/great-insights/migration-moving-backward-moving-forward/displacement-migration-igad/.
ECOWAS. 2017a. “ECOWAS Commission President Urges Setting up of Regional Data Sharing Mechanism for Migration.” August 3, 2017. http://www.ecowas.int/ecowas-commission-president-urges-setting-up-of-regional-data-sharing-mechanism-for-migration/.

———. 2017b. “Basic Information.” http://www.ecowas.int/about-ecowas/basic-information/.
Eze, Osita C. 2012. “The Convention Governing the Specific Aspects of Refuege Problems in Africa.” In *The Afrian Union: Legal and Institutional Framework*. Leiden/Boston: Martinus Nijhoff Publishers.
Fioramonti, Lorenzo, and Chris Nshimbi. 2016a. “Regional Migration Governance in the African Continent. Current State of Affairs and the Way Forward.” *2016* 2016.
———. 2016b. “Regional Migration Governance in the African Continent. Current State of Affairs and the Way Forward.” *2016* 2016. https://www.sef-bonn.org/fileadmin/Die_SEF/Publikationen/SB/sb_studie-2016_en.pdf.
“First High Level Panel on International Migration in Africa Pushes for Migration Issues.” 2018. *The Maravi Post* (blog). January 16, 2018. http://www.maravipost.com/first-high-level-panel-international-migration-africa-pushes-migration-issues/.
Ghana Web. 2017. “End to Multiple ID Cards; GhanaCard to Be the Only Valid Form of Identification.” September 18, 2017. http://www.ghanaweb.com/GhanaHomePage/NewsArchive/End-to-multiple-ID-cards-GhanaCard-to-be-the-only-valid-form-of-identification-582064.
Girmachew, Alemu Aneme, and Ufuoma Lamikanra. 2015. “Introduction to the Norms and Institutions of the African Union.” http://www.nyulawglobal.org/globalex/African_Union1.html.
Global Protection Cluster. 2016. “Regulatory Frameworks on Internal Displacement, 2016.” http://www.globalprotectioncluster.org/_assets/files/tools_and_guidance/Internal%20Displacement/unhcr-gpc_reg_framework_idp.pdf.
Hansungule, Michelo. 2012a. “The African Charter on Human and Peoples’ Rights.” In *The African Union Legal and Institutional Framework : A Manual on the Pan-African Organization*, 417–53. Leiden/Boston: Martinus Nijhoff Publishers.
———. 2012b. “The African Charter on Human and Peoples’ Rights.” In *The African Union Legal and Institutional Framework : A Manual on the Pan-African Organization*, 417–53. Leiden/Boston: Martinus Nijhoff Publishers.
ICMPD. 2013. “MME on the Move. A Stocktaking of Migration, Mobility, Employment and Higher Education Inx African Regional Economic Communities.”
IDMC. 2016. “From Kampala to Istanbul: Advancing Global Accountability for IDPs through Law and Policy Making.” http://internal-displacement.org/publications/from-kampala-to-istanbul-advancing-global-accountability-for-idps-through-law-and.
IDMC and NRC. 2013. “Global Overview 2012.” http://www.internal-displacement.org/sites/default/files/publications/documents/2012-global-overview-corporate-en.pdf.
IGAD. 2012. “Regional Migration Policy Framework.” http://migration.igad.int/wp-content/uploads/2017/02/Regional-Migration-Policy-Framework1.pdf.
———. 2014. “Migration Action Plan (2015-2020).” http://migration.igad.int/wp-content/uploads/2017/02/IGAD-Migration-Action-Plan-MAP-2015-2020.pdf.
———. 2017a. “Nairobi Declaration on Somali Refugees.” https://igad.int/communique/1519-communique-special-summit-of-the-igad-assembly-of-heads-of-state-and-government-on-durable-solutions-for-somali-refugees.
———. 2017b. “IGAD Launches Negotiations on Protocol on Free Movement of Persons.” July 3, 2017. https://igad.int/divisions/health-and-social-

development/2016-05-24-03-16-37/1588-igad-launches-negotiations-on-protocol-on-free-movement-of-persons.
———. 2017c. “IGAD Addresses Links between Migration and Climate Change:” July 27, 2017. https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/1603-igad-addresses-links-between-migration-and-climate-change.
———. 2017d. “Validation of the Road Map and Results Framework of the Nairobi Declaration and Action Plan on Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia.” September 13, 2017. https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/1647-validation-of-the-road-map-and-results-framework-of-the-nairobi-declaration-and-action-plan-on-durable-solutions-for-somali-refugees-and-reintegration-of-returnees-in-somalia.
———. 2017e. “IGAD Continues Consulting on Free Movement of Persons with MS.” October 13, 2017. https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/1694-igad-continues-consulting-on-free-movement-of-persons-with-ms.
———. 2018a. “IGAD Keeps on Consulting Member States on Free Movement of Persons.” February 12, 2018. https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/1752-igad-keeps-on-consulting-member-states-on-free-movement-of-persons.
———. 2018b. “Kenya Embraces the IGAD Regional Protocol on Free Movement of Persons.” February 20, 2018. https://igad.int/divisions/health-and-social-development/2016-05-24-03-16-37/1759-kenya-embraces-the-igad-regional-protocol-on-free-movement-of-persons.
———. 2018c. “COMMUNIQUÉ OF THE FIRST INTERMINISTERIAL MEETING ON THE NAIROBI ACTION PLAN ON DURABLE SOLUTIONS FOR SOMALI REFUGEES AND REINTEGRATION OF RETURNEES IN SOMALIA.” https://igad.int/attachments/article/1785/Final%20Communique%20of%20the%20Nairobi%20Action%20Plan%20on%20Durable%20Solutions%20for%20Somali%20Refugees%20and%20Reintegration%20of%20Returnees%20in%20Somalia.pdf.
———. n.d. “About Us.” Accessed December 4, 2017. https://igad.int/about-us.
ILO. 2015. “The Joint Labour Migration Program for Africa.” Press release. September 10, 2015. http://www.ilo.org/addisababa/media-centre/pr/WCMS_402369/lang--en/index.htm.
———. 2015. “Labour Migration Governance for Development and Integration in Africa.” http://www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/documents/genericdocument/wcms_402370.pdf.
International Peace Support Training CentreNairobi. 2014. “Conflict Early Warning and Response Systems in Eastern Africa: Do They Work?” http://www.ipstc.org/media/documents/IPSTC_Issue_Briefs_No7.pdf.
IOM. 2007. “FREE MOVEMENT OF PERSONS IN REGIONAL INTEGRATION PROCESSES . Supplemental Materials.” https://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/microsites/IDM/workshops/free_movement_of_persons_18190607/idm2007_handouts.pdf.
ISS. 2017. “Migration Policy Framework in Africa.” https://issafrica.s3.amazonaws.com/site/uploads/ar2.pdf.
JeuneAfrique.com. 2018. “Union africaine : l’accord sur la zone de libre-échange continentale signé à Kigali,” March 21, 2018.

http://www.jeuneafrique.com/544161/politique/union-africaine-laccord-sur-la-zone-de-libre-echange-continentale-signe-a-kigali/.
JRC, European Commission. 2017. “Science for the AU-EU Partnership: Building Knowledge for Sustainable Development – Executive Summary.”
Kai Striebinger. 2016. “Coordination between the African Union and the Regional Economic Communities.” IDEA. https://www.idea.int/sites/default/files/publications/coordination-between-the-african-union-and-the-regional-economic-communities.pdf.
Kannyo, Edward. 2012. “The New Partnership for Africa’s Development (NEPAD).” In *The African Union: Legal and Institutional Framework*. Leiden/Boston: Martinus Nijhoff Publishers.
Klavert, Henrike. 2011. “African Union Frameworks for Migration: Current Issues and Questions for the Future.” *European Centre for Development Policy Management*, Discussion Paper, , no. 108 (June).
Kunz, Rahel, Sandra Lavenex, and Marion Panizzon, eds. 2011. *Multilayered Migration Governance. The Promise of Partnership.* Oxon: Routledge.
La Croix. 2018. “Fin du 30e sommet de l’Union africaine,” January 30, 2018, sec. Monde. /Monde/Afrique/Fin-30e-sommet-lUnion-africaine-2018-01-30-1200909981.
“Le Ministre Des Maliens de l’Extérieur et de l’Intégration Africaine, Abdramane Sylla En Visite de Travail Au Maroc.” n.d. Abamako.Com. Accessed May 7, 2018. http://news.abamako.com/h/178010.html.
Les échos du Faso. 2017. “CEN-SAD: les 28 pays membres conviennent de créer un Centre de lutte anti-terroriste,” May 7, 2017. http://lesechosdufaso.net/cen-sad-les-28-pays-membres-conviennent-de-creer-un-centre-de-lutte-anti-terroriste/.
Makinda, Samuel M., and F. Wafula Okumu. 2008. *The African Union. Challenges of Globalization, Security, and Governance.* Oxon: Routledge.
Maluwa, Tiyanjana. 2012. “The Transition from the Organisation of African Unity to the African Union.” In *The African Union Legal and Institutional Framework : A Manual on the Pan-African Organization*. Leiden/Boston: Martinus Nijhoff Publishers.
Mbenge, Makane M., and Ousseni Illy. 2012. “The African Economic Community.” In *The African Union: Legal and Institutional Framework*, 187–202. Leiden/Boston: Martinus Nijhoff Publishers.
Ministère des Affaires Etrangères, de la Francophonie et de l’Intégration Régionale, Gabon. 2017. “CEEAC /Ouverture de La 7ème Session Extraordinaire Du Conseil Des Ministres de La CEEAC Consacrée à La Réforme Institutionnelle.” May 15, 2017. http://www.diplomatie.gouv.ga/9-actualites/957-ceeac-ouverture-de-la-7eme-session-extraordinaire-du-conseil-des-ministres-de-la-ceeac-consacree-a-la-reforme-institutionnelle/.
Morocco World News. 2017. “King Mohammed VI: Migration Response Would Have Been Stronger ‘If Arab Maghreb Union Existed,’” November 30, 2017. https://www.moroccoworldnews.com/2017/11/235218/king-mohammed-vi-migration-arab-maghreb-union/.
Murray, Rachel. 2004a. *Human Rights in Africa : From the OAU to the African Union*. New York: Cambridge University Press.
———. 2004b. *Human Rights in Africa : From the OAU to the African Union*. New York: Cambridge University Press.
NEPAD. 2015. “STRENGTHENING THE INSTITUTIONAL CAPACITY OF THE COMMUNAUTÉ DES SAHÉLO-SAHARIENS (CEN-SAD).”

http://www.nepad.org/fr/resource/strengthening-institutional-capacity-communaut%C3%A9-des-sah%C3%A9lo-sahariens-cen-sad.
Nigerdiaspora. 2018. “Réunion de coordination de la lutte contre le trafic illicite de migrants et la traite des êtres humains Niamey, 16 mars 2018 : Déclaration conjointe.” *Nigerdiaspora*, March 17, 2018. https://www.nigerdiaspora.net/index.php/politique-niger/3393-reunion-de-coordination-de-la-lutte-contre-le-trafic-illicite-de-migrants-et-la-traite-des-etres-humains-niamey-16-mars-2018-declaration-conjointe.
OAU. 1991. “Treaty Establishing the African Economic Community.”
OECD. 2012. “Free Movement of Workers and Labour Market Adjustment.” https://read.oecd-ilibrary.org/social-issues-migration-health/free-movement-of-workers-and-labour-market-adjustment_9789264177185-en.
Oppong, Richard Frimpong. 2010. “The African Union, African Economic Community and Africa’s Regional Economic Communities : Untangling a Complex Web” 18 (1): 92–103.
Published. n.d. “Nigeria Partners with Niger to Tackle Herdsmen-Farmers’ Crises.” *Punch Newspapers* (blog). Accessed February 12, 2018. http://punchng.com/nigeria-partners-with-niger-to-tackle-herdsmen-farmers-crises/.
Raheemat Momodu. 2016. “New AU-RECs Relationship Needed for Integration.” *ECDPM, Great Insight Regional Integration Dynamics in Africa*, August 2016. http://ecdpm.org/great-insights/regional-integration-dynamics-africa/.
Reporter, Our. 2018. “How ECOWAS Free Movement Treaty Affects Nigeria, by Ogbeh, Others.” *The Nation Nigeria* (blog). January 3, 2018. http://thenationonlineng.net/ecowas-free-movement-treaty-affects-nigeria-ogbeh-others/.
SADC. 2001. “Treaty Establishing SADC, as Amended in 2001.” http://www.sadc.int/files/3413/5410/3897/Agreement_Amending_the_Treaty_-_2001.pdf.
———. 2005. “Protocol on the Facilitation of Movement of Persons.” http://www.sadc.int/files/9513/5292/8363/Protocol_on_Facilitation_of_Movement_of_Persons2005.pdf.
———. 2017a. “SADC Makes Commendable Progress in Fighting Human Trafficking.” April 2017. http://www.sadc.int/news-events/news/sadc-makes-commendable-progress-fighting-human-trafficking/.
———. 2017b. “Immigration Sub-Sub Committee & Other Experts Consultative Meeting on Free Movement of Persons &implementation of the African Passport.” April 6, 2017. http://www.sadc.int/news-events/news/immigration-sub-sub-committee-other-experts-consultative-meeting-free-movement-persons-implementation-african-passport/.
———. 2017c. “SADC Hosts Public Security Sub- Committee Meeting.” July 14, 2017. http://www.sadc.int/news-events/news/sadc-hosts-public-security-sub-committee-meeting/.
———. 2017d. “Refugee Commissioners Sub-Sub Committee Reviews Framework on Managing Asylum Seekers and Refugees.” October 5, 2017. http://www.sadc.int/news-events/news/refugee-commissioners-sub-sub-committee-reviews-framework-managing-asylum-seekers-and-refugees/.
Sahara Question. 2018. “Reviving the Arab Maghreb Union : Messahel Denies His Country’s Responsibility,” February 21, 2018. https://sahara-question.com/en/news/reviving-arab-maghreb-union-messahel-denies-his-country%E2%80%99s-responsibility.

Scalabrini Institute for Human, and Mobility in Africa (SIHMA). 2017. “THE AFRICAN APPROACH TO REGIONAL INTEGRATION AND MIGRATION.” http://sihma.org.za/wp-content/uploads/2017/12/SIHMA_African-Approach-to-Regional-Integration-Migration-WEB.pdf.

Scholten, P. W. A. 2013. “Agenda Dynamics and the Multi-Level Governance of Intractable Policy Controversies: The Case of Migrant Integration Policies in the Netherlands.” *Policy Sciences* 46 (3): 217–36. https://doi.org/10.1007/s11077-012-9170-x.

Scholten, Peter, and Rinus Penninx. 2016. “The Multilevel Governance of Migration and Integration.” In *Integration Processes and Policies in Europe*, 91–108. IMISCOE Research Series. Springer, Cham. https://doi.org/10.1007/978-3-319-21674-4_6.

Sharpe, Marina. 2013. “Organization of African Unity and African Union Engagement with Refugee Protection: 1963-2011.” *African Journal of International and Comparative Law* 21 (1): 50–94.

Tamtaminfo. 2017. “11ème Réunion des ministres de l’Intérieur des pays membres de la CEN-SAD, à Niamey : Mutualisation des efforts pour faire face au phénomène de la migration irrégulière,” January 19, 2017. http://www.tamtaminfo.com/11eme-reunion-des-ministres-de-linterieur-des-pays-membres-de-la-cen-sad-a-niamey-mutualisation-des-efforts-pour-faire-face-au-phenomene-de-la-migration-irreguliere/.

The East African. 2018. “One-Stop Border Posts Strengthen Cross-Border Trade,” March 8, 2018. http://www.theeastafrican.co.ke/oped/comment/One-stop-border-posts-strengthen-cross-border-trade/434750-4334054-1jkc7vz/index.html.

The Libya Observer. 2018. “Secretary-General of the Arab Maghreb Union Urges Al-Sirraj to Call for Tripoli-Hosted Summit,” February 18, 2018. https://www.libyaobserver.ly/news/secretary-general-arab-maghreb-union-urges-al-sirraj-call-tripoli-hosted-summit.

The Nerve Africa. 2018. “Tanzania Becomes Third East African Country to Launch Its E-Passport.” February 16, 2018. https://thenerveafrica.com/14345/tanzania-rolls-e-passport-effective-revenue-collection/.

Tralac. 2017. “Signed Agreement Establishing a Tripartite Free Trade Area Among COMESA, the EAC and SADC - Tralac Trade Law Centre.” July 1, 2017. https://www.tralac.org/news/article/7646-signed-agreement-establishing-a-tripartite-free-trade-area-among-comesa-the-eac-and-sadc.html.

UMA. n.d. “Presidency Council.” Accessed May 19, 2018. http://www.umaghrebarabe.org/?q=en/Presidency_Council.

UN Special Rapporteur on the Human Rights of IDPs. 2014. “A/HRC/26/33.”

UNECA. 2006. “Assessing Regional Integration in Africa II. Rationalizing Regional Economic Communities.” https://www.uneca.org/sites/default/files/PublicationFiles/aria2_eng.pdf.

———. 2016. “Assessing Regional Integration in Africa VII.” http://repository.uneca.org/bitstream/handle/10855/23013/b11560812.pdf?sequence=1.

———. 2017a. “Brief on Regional Integration and the Continental Free Trade Area.” https://www.tralac.org/images/News/Documents/CFTA%20Regional%20Integration%20Brief%20ATPC%20March%202017.pdf.

———. 2017b. “African Migration -Migration Governance. Draft Report.” https://www.uneca.org/sites/default/files/uploaded-documents/SocialDevelopement/Global-Compact-Migration-2017/governance-of-migration_english.pdf.

———. 2017c. “Assessing Regional Integration in Africa VIII.” https://www.uneca.org/sites/default/files/PublicationFiles/aria8_eng_fin.pdf.
———. 2018. “IGAD - Free Movement of Persons.” May 15, 2018. https://www.uneca.org/pages/cen-sad-free-movement-persons.
———. n.d. “AMU - Free Movement of Persons.” Accessed December 4, 2017a. https://www.uneca.org/pages/amu-free-movement-persons.
———. n.d. “CEN-SAD - Free Movement of Persons.” Accessed December 4, 2017b. https://www.uneca.org/pages/cen-sad-free-movement-persons.
———. n.d. “CEN-SAD - The Community of Sahel-Saharan States.” Accessed December 4, 2017c. https://www.uneca.org/oria/pages/cen-sad-community-sahel-saharan-states.
———. n.d. “COMESA - Free Movement of Persons.” Accessed December 4, 2017d. https://www.uneca.org/pages/comesa-free-movement-persons.
———. n.d. “EAC - Free Movement of Persons.” Accessed December 4, 2017e. https://www.uneca.org/pages/eac-free-movement-persons.
———. n.d. “ECCAS - Free Movement of Persons.” Accessed December 4, 2017f. https://www.uneca.org/pages/eccas-free-movement-persons.
———. n.d. “ECOWAS - Free Movement of Persons.” Accessed December 4, 2017g. https://www.uneca.org/pages/ecowas-free-movement-persons.
———. n.d. “Regional Economic Communities.” Accessed December 4, 2017h. https://www.uneca.org/oria/pages/regional-economic-communities.
———. n.d. “SADC - Free Movement of Persons.” Accessed December 4, 2017i. https://www.uneca.org/pages/sadc-free-movement-persons.
———. n.d. “SADC - Southern African Development Community.” Accessed December 4, 2017j. https://www.uneca.org/oria/pages/sadc-southern-african-development-community.

[i] It has 55 member states, including the Saharawi Arab Democratic Republic which is the government of Western Sahara (a non-self-governing territory according to the UN). The last African State to join the union was Morocco in 2017.

[ii] Examples of sub-regional groupings are: The Mali Federation from 1959 including Senegal, Dahomey (Benin), the Sudan (Mali) and Upper Volta (Burkina Faso), the Conseil de L'Entente from 1959 including Upper Volta (Burkina Faso), Niger, Dahomey (Benin), Côte d'Ivoire and later Togo, The Customs Union of Equatorial Africa from 1959 including Central African Republic, Chad, Gabon and Congo Brazaville, The East Africa Federation from 1963 including the Republic of Tanganyika, Uganda and Kenya, Senegambia including Gambia and Senegal. Some of these groupings dissolved after a short period of existence. There a several other examples of sub-regional organisations which have ceased to exist (Bedjaoui 2012).

[iii] The others cover the following thematic areas, (1) Agriculture, rural development, water and environment, (2) Finance, monetary affairs, economic planning and integration, (3) Trade, industry and minerals, (4) Transport, infrastructure, energy and tourism, (5) Gender and women empowerment, (6) Justice and legal affairs, (7) Social development, labour and employment, (8) Public service, local government, urban development and decentralisation, (9) Health, population and drug control, (10) Youth, culture and sports, (11) Education, science and technology, (12) Communication and information communications technology (ICT), and (13) Defence, safety and security (AU n.d.).

[iv] The mandate of the first ECOSOCC General Assembly expired in 2012. The second permanent Assembly’s mandate ends in December 2018. Under the ECOSOCC Statutes, the number of members was 150, but with the new membership of Morocco and South Sudan, the total number in practice will increase to 154 (African Union 2018a).

[v] Composed according to Sharpe (2013, 87) by only four persons.

[vi] The so called Banjul Charter, adopted in 1987, is an international human rights instrument for the protection of human rights and basic freedoms in the African continent. http://www.achpr.org/instruments/achpr/

[vii] Status list available at: https://au.int/sites/default/files/treaties/7765-sl-oau_convention_governing_the_specific_aspects_of_refugee_problems_in_afr.pdf

[viii] This includes also support for registration and the provision or replacement of personal documentation (Art.13)
[ix] The 7 member states which have not yet ratified the Charter are: Democratic Republic of Congo, Morocco, Sahrawi Arab Democratic Republic, Somalia, Sao Tome and Principe, South Sudan and Tunisia (http://www.acerwc.org/the-charter/)
[x] 27 countries have signed the Protocol on the free movement of persons.
[xi] The countries are Benin, Botswana, Burkina Faso, Cape Verde, Republic of the Congo, Côte d'ivoire, Egypt, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, Mali, Mozambique, Niger, Nigeria, Rwanda, Sierra Leone, South Africa, Swaziland, Togo and Zimbabwe.
[xii] ZLEC in French.
[xiii] These countries are: Bénin, Botswana, Burundi, Érythrée, Guinée-Bissau, Lesotho, Namibie, Nigeria, Sierra Leone, Afrique du Sud et Zambie.
[xiv] Nigeria has not participated to the Summit, while South Africa has only signed the Declaration of Kigali, the solemn declaration on the conclusion of the Summit.
[xv] In particular, the 1985 Supplementary Protocol on the Code of Conduct for the Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment; the 1986 Supplementary Protocol on the Second Phase (Right of Residence); the 1989 Supplementary Protocol Amending and Complementing the Provisions of Article 7 of the Protocol on Free Movement, Right of Residence and Establishment; and the 1990 Supplementary Protocol on the Implementation of the Third Phase (Right of Establishment).
[xvi] Plan of Action to Combat Trafficking in Persons (2006 -2009), Regional Plicy on Protection and Assistance to Victims of Trafficking in Persons in West Africa (2009), Guidelines on Protection, Support and Assistance to Witnesses, Action Plan for 2011-2015.
[xvii] Benin, Burkina Faso, CAR, Ghana, Sao Tome et Principe, Liberia, Mali, Niger, Somalia, Sudan, Chad, Togo, Guinea, Comores, Guinea Bissau, Mauritania.
[xviii] ECCAS, 1990. Decision n°03/CCEG/VI/90 dated 26 January 1990, relating to free movement of certain categories of nationals of Member States within ECCAS; ECCAS, 2002. Decision n°01/ECCAS/CCEG/X/02 dated 17 June 2002.
[xix] The following groups of persons were included: students, trainees, researchers and teaching staff, whose period of residence may exceed three months, based on the duration of their studies, internship or research project; and tourists, professionals and people residing in border areas whose period of residence is limited to a maximum of three months.
[xx] Such as Ethiopia and Kenya, Ethipia and Djibouti, or Kenya and Uganda.
[xxi] Namely, national and international security and stability; crisis prevention, management and conflict resolution; rights of migrants; migration, poverty and conflict; migration, climate change, environment and adaptation; migration and gender; migration and the vulnerable groups.
[xxii] Already conducted in Uganda, South Sudan, Sudan and Somalia, Kenya and planned to be organized in Djibouti and Ethiopia.
[xxiii] Available at: http://www.sadc.int/issues/gender/sadc-gender-and-development-monitor-2016/preventing-and-combating-trafficking-persons-lessons-sadc-region/
[xxiv] Available at: http://www.sadc.int/documents-publications/themes/responding-trafficking-persons-sadc-region-capacity-assessment/
[xxv] The composite index of free movement of people is constructed on three indicators: ratification of REC protocol on free movement of persons, proportion of REC member countries whose nationals do not require a visa for entry, proportion of REC member countries whose nationals are issued with a visa on arrival.
[xxvi] Namely Freed Trade Area, Customs Union, Single Market, freedom of movement protocol, economic and monetary union.
[xxvii] These countries are in fact applying an Economic and Monetary Community of Central Africa (EMCCA) (ICMPD 2013)
[xxviii] Burundi, Kenya, Rwanda and Zambia, and Burundi being the only country ratifying it and Rwanda being in the process of ratification.
[xxix] Status list available at: https://au.int/sites/default/files/treaties/7796-sl-african_union_convention_for_the_protection_and_assistance_of_internally.pdf
[xxx] There are: Cameroon, Republic of Congo, Equatorial Guinea, Gabon, Botswana, Lesotho, Mozambique, Namibia, South Africa, Algeria.
[xxxi] EMCCA (Communauté Economique et Monétaire de l'Afrique Centrale, CEMAC, in French) replaced the Customs and Economic Union of Central Africa in 1994. It is an economic and monetary that currently operates a customs union and monetary union, not recognized as an official REC.

GETTING IN TOUCH WITH THE EU

In person

All over the European Union there are hundreds of Europe Direct information centres. You can find the address of the centre nearest you at: https://europa.eu/european-union/contact_en

On the phone or by email

Europe Direct is a service that answers your questions about the European Union. You can contact this service:

- by freephone: 00 800 6 7 8 9 10 11 (certain operators may charge for these calls),

- at the following standard number: +32 22999696, or

- by electronic mail via: https://europa.eu/european-union/contact_en

FINDING INFORMATION ABOUT THE EU

Online

Information about the European Union in all the official languages of the EU is available on the Europa website at: https://europa.eu/european-union/index_en

EU publications

You can download or order free and priced EU publications from EU Bookshop at: https://publications.europa.eu/en/publications. Multiple copies of free publications may be obtained by contacting Europe Direct or your local information centre (see https://europa.eu/european-union/contact_en).

KJ-NA-29325-EN-N

The European Commission's science and knowledge service

Joint Research Centre

JRC Mission

As the science and knowledge service of the European Commission, the Joint Research Centre's mission is to support EU policies with independent evidence throughout the whole policy cycle.

EU Science Hub

ec.europa.eu/jrc

@EU_ScienceHub

EU Science Hub - Joint Research Centre

Joint Research Centre

EU Science Hub

Publications Office

doi:10.2760/338319

ISBN 978-92-79-92884-0