



**CONCEPT NOTE**

**PAN AFRICAN FORUM ON MIGRATION  
(PAFoM)- 8**

**Presents a**

**Conference on Bolstering Free Movement and Trade  
Nexus in AfCFTA: Optimizing Benefits of Migration,  
Labour Migration for Development**

**Dates: 31<sup>st</sup> October- 2<sup>nd</sup> November 2023**

**Venue: Royal Aria Convention Centre  
Gaborone, Botswana**



## 1. INTRODUCTION

Accentuated clearly in the vision of African Union and permeating all the Agenda 2063 aspirations, Africa's integration, free movement and trade have never been so pronounced in the Africa's development policy frameworks. Chief amongst these is the African Continental Free Trade Agreement (AfCFTA) adopted alongside with Migration Policy Framework for Africa (MPFA) and the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (AU Free Movement Protocol - FMP) frameworks in 2018. Stimulating the positive trajectory, these developments have positioned the continent in a strategic mode for accelerated development to reap the economic gains including migration- human mobility-trade nexus and concomitant developmental spinoffs. Harnessing free movement of persons-migration-trade nexus dividend and leveraging intra-Africa mobility is potentially within grip, its potential to contribute to socio-economic development is crystal clear in the documented policy and practice developmental discourse for Africa.

The rationale for the complementary aspect of the FMP and AfCFTA in influencing migration is that economic development, trade and labour migration are intrinsically intertwined. To the extent that without people, goods and services would not be able to cross borders and contribute to formal economic development. Both the free movement of person and trade hold the potential for the continent to spur economic growth and sustain implementation of the Accelerated Industrialization development in Africa (AIDA).

Signed in Kigali on 21 March 2018, the AfCFTA entered into force on January 2021 and consequently commencing a continental free trade regime in Africa. It presents Africa with a unique opportunity to unleash its economic potential for inclusive growth and sustainable development, and will create a single African market of more than a billion consumers with a combined Gross Domestic Product (GDP) of US\$2.5 trillion. The Agreement covers trade in goods and services, investment, intellectual property rights, competition policy, and e-commerce, encapsulating the drive behind the African Union integration agenda. It envisions a single, liberalized continental market for goods and services as well as guaranteeing the free movement of traders across the continent culminating to a dynamic and vibrant Trade Area. Therefore, the successful implementation of the AfCFTA will lead to the creation of more decent jobs, improved welfare, and better quality of life for all citizenry while skills development, employability and opportunity driven entrepreneurship will help Africa realize its continental trade objectives.

The FMP is intended to contribute to the implementation of the AfCFTA by providing for the progressive implementation of free movement of persons, in Africa. Invariably, the quest for free movement of persons will have a positive impact on the realisation of meaningful intra-African trade, as envisaged under the AfCFTA. This reasoning is further amplified by well documented evidence showing high up to 80% intra-

Africa migration signaling that human mobility within the continent is already significantly extensive. This is compelling evidence for Africa to urgently push for the facilitation for free movement of persons within Africa to invigorate robust economic development and creating vibrant labour markets across the continent. The free movement of persons across Africa also makes provisions for labour mobility within Africa. Consequently, labour is required to boost productivity in various industries such as manufacturing sectors across African countries. Therefore, labour mobility across specific sectors of interest to countries may contribute to an increase in productivity and exports in these sectors impacted by trade policies.

The vision of Africa to be an integrated economy gives rise to revitalized thrust to remove restrictions stifling migration and human mobility which are intimately intertwined with trade. Without liberalizing movement of persons to a certain degree, it is impossible to achieve meaningful trade and continental integration. Consequently, the relationship between the free movement of goods and services across the continent through the AfCFTA and the free movement of persons is essential in order to harness the benefits of regional integration and trade.

Renewed political impetus for free movement of persons in Africa is driven by a confluence of factors, both internal and external to the continent. These include the growing realization that the fragmented and externally oriented nature of Africa's economies continues to impose serious costs, evident for example in the low level of trade among African countries when compared with other global regions. Regardless of the impressive strides in recent African integration efforts, intra-African trade remains low relative to other regions (15% compared with 60% for the European Union, 41% in North America and 53% in East Asia<sup>1</sup>).

The global geo-political prominence of migration has greatly increased in recent times, as the world sees larger numbers of migrants than at any other time in history. Global inequality, the lack of employment and decent work increased exponentially while Africa disproportionately bears the brunt.

This shift towards more restrictive migration policies in the developed world, and in the policies of some more economically advanced African countries, has seen a proliferation of barriers to migration flows within Africa and between Africa and the rest of the world. Regressive global migration developments have led to a real and perceptible narrowing of opportunities for cross-border interchanges, for economic development, culture exchange, tourism and otherwise. To advance free movement of persons both at continental and REC levels, it will be essential to frame free movement as a managed and non-threatening process for Africa.

Several progressive continental legal instruments and policy frameworks have been put in place in line with **Goal 1, Aspiration 2 of Agenda 2063**, which strives to accelerate “progress towards continental unity and integration for sustained growth, trade, exchanges of goods, services, free movement of people

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<sup>1</sup> World trade report 2022

and capital through establishing a United Africa and fast tracking economic integration through the Continental Free Trade Area”.

Poorly governed migration can increase irregular migration, perpetuate exploitation and governance challenges for countries of origin, transit, and destination and limit the potential contribution of migrant workers to socio-economic development in countries of origin and destination. Both the AfCFTA and FMP underscore the need for strong labour market institutions. In juxtaposition to this notion, the Joint Labour Migration Programme (JLMP) for Africa, was adopted by African Heads of State and Government in January 2015 as a comprehensive labour migration governance. With its strategy focused on intra-African labour migration, the JLMP’s overall goal is to “*Strengthen effective governance and regulation of labour migration and mobility in Africa*” to bolster trade, integration and sustainable development.

## 2. BACKGROUND:

The African Union adopted the AfCFTA as a flagship project of Agenda 2063 aimed at creating a single African market for goods and services facilitated by **free movement of persons**, capital, investment to deepen economic integration, promote and attain sustainable and inclusive socio-economic development, gender equality, industrialization, agricultural development, food security, and structural transformation. As the world's largest free trade area bringing together 55 countries, the AfCFTA is an innovative instrument for igniting economic integration, prosperity and directly contributes to the social development strata in Africa.

Ostensibly, the catalytic role of AfCFTA pertaining to accelerating African integration, its economic spillover effect, the solidarity, its envisaged positive impact on the well-being of African citizenry, the expected opening up of immense sources of jobs and the encouraging development prospects it could offer to youths are all emblematic of the aspirations permeating the letter and spirit of the “Africa We Want”. In a period of five (five) years AfCFTA framework was adopted, AU Summit decided, the Theme of the Year (2023) would be: “**ACCELERATION OF AfCFTA IMPLEMENTATION**”. Recognizing the importance of unlocking the levers of trade among AU Member States to fast track the implementation of the AfCFTA for the benefit of Africa’s population and a catalyst for continental integration landscape.

### *Tracking the implementation of AfCFTA*

Notable progress has been recorded in creating one African market. Various operational tools to facilitate commercially meaningful trading under the AfCFTA have been launched. Contrary, the same cannot be said about the algorithms with the ambit of social development operational parameters required to energize a functional rhythm of AfCFTA. Case in point, very little has been achieved to mainstream the 4<sup>th</sup> AfCFTA pillar focusing Free Movement of Persons,. Evidence from other regions show that well managed and Free Movement of Persons is a precondition for an integrated economic development. The AfCFTA is thus positioned to directly stimulate economic development and in doing so, will directly foster

socio-economic growth trajectory, boost creation of decent jobs and amplify integration of Africa – a home of fastest growing economies, the youngest population, and a robust labour force, Africa is primed to benefit from a demographic dividend boom.

African integration remains very prominent on the AU agenda, with significant progress towards the implementation of the AfCFTA entailing a range of measures lowering sovereign boundaries to allow deeper engagements and cooperation with neighbours on the African continent.<sup>2</sup> Vexing question then arise: What are the requisite conditions and exigencies required to lay foundations for a vibrant integration of the continent in the context of AfCFTA? Research shows that chief among these is development complex comprising of *Free Movement of persons, Migration Governance* regimes.

### **Cross intersections of Labour Migration, Migration, Free Movement and Trade**

The Free Movement Protocol clarifies that **free movement of persons**, capital goods and services will promote integration, Pan- Africanism, enhance science, technology, education, research and foster tourism, facilitate inter-African trade and investment, increase remittances within Africa, **promote mobility of labour, create employment**, improve the standards of living of the people of Africa and facilitate the mobilization and utilization of the human and material resources of Africa in order to achieve self-reliance and development. The MPFA also recognizes importance of **trade-labour-migration nexus**, and its interdependence on free movement of person. To the extent that free movement of persons is a key pillar of trade and economic integration, it facilitates trade in goods and services and industrialization, thereby contributing to socio-economic development and poverty reduction. Acceleration of implementation of AfCFTA is thus intrinsically interwoven with regular migration and free movement of people devoid of restrictions stifling trade in Africa. In the same vein labour migration is a current and historical reality in Africa impacting directly on the economies of countries of origin and destination. In this regard, labour migration and migration feature prominently among the conditions required to stimulate acceleration of AfCFTA in myriad ways: These include investment into diverse economic sectors, labour market skill contributions to countries of origin and destination, usage of remittances as investment to economic sectors, more so in the financial markets, tangible flows of knowledge and skills; tourism and trade of goods and services.

The Protocol on Free Movement of Person nexus with trade is acknowledged by literature, highlighting that creating a single continental market for goods and services, with free movement of cross-border traders under the AfCFTA is of critical importance for labour migration and migration, and its contribution to socio-economic development.

Policies, strategies, and programmatic responses relating to trade facilitation have generally focused on a limited definition of trade facilitation in terms of the reduction and removal of barriers that slow down or increase the cost of the movement of goods across borders and along trade corridors. Less focus has

<sup>2</sup> Alan Hirsch (2021): The African Union’s Free Movement of Persons Protocol: Why has it faltered and how can its objectives be achieved?, South African Journal of International Affairs, DOI: 10.1080/10220461.2021.2007788

been placed on human mobility, including those aspects that can broadly expedite on the movement of goods and bring economic dynamism in neighboring economies by enhancing the movement of people - such as immigration controls, entry and stay requirements and travel documentation (including visa and permit requirements) as well as other human mobility related aspects, including public health considerations. Trade and investment are facilitated by people and as such, the free movement of persons and facilitation of labour migration is an integral part of the African free trade area strategy. The cases of Rwanda, Kenya, and Uganda are a compelling evidence of positive effects of the free movement of people on cross-border trade after these countries revised their administrative procedures for work permits and entry visas. The three countries recorded a 50% increase in cross-border trade with each other<sup>3</sup>, epitomizing a pronounced strong nexus between trade and free movement with positive impetus on labour mobility and regional integration. Consequently, in order to accelerate the implementation of AfCTA the free movement of persons, migration, labour migration and trade nexus ought to be explored.

Notably, “easier movement of persons on the continent would make African labour markets more efficient, enabling companies to bridge skills gaps by recruiting from neighboring countries, and create greater agility, pliability and elasticity in African norms and standards and conditions for the mobility of workers has the potential to lower unemployment rates”<sup>4</sup>.

### ***Optimizing Free Movement of Persons for Integration***

The Free Movement Protocol is a significant landmark on the road to continental integration. It is also a significant instrument to the full implementation of the AfCFTA. Prior to the adoption of this instrument, various Regional Economic Communities (RECs) and other organizations<sup>5</sup> have been created with the aim of removing barriers to trade and the free movement of goods, capital, and people. Regional Economic Communities including the Arab Maghreb Union (UMA), The Community of Sahel-Saharan States (CEN-SAD), the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC), the Economic Community of Central African States (ECCAS), the East African Community (EAC), the Common Market for East and Southern Africa (COMESA) and the Intergovernmental Authority for Development (IGAD) have introduced policies and instruments to facilitate the free movement of nationals between their member states. Congruently, the pathways for optimization of labour migration through bolstering the nexus between trade and free movement of persons derive viability from favourable preexisting Africa intra-trade conditions inspired by the RECs relevant frameworks. Such frameworks include ECOWAS's 1989 Protocol which made provisions for Nationals of REC Member States to enter, reside, and establish economic activities. This protocol was subsequently followed by the 2000 establishment of the ECOWAS passport which facilitated the free movement of ECOWAS members throughout the region. Additionally, the EAC's 1967 Treaty for East African Cooperation established measures to achieve the free movement of persons between Kenya, Uganda, and the United Republic of Tanzania in addition to the trade of labor and services. These

<sup>3</sup> <https://theconversation.com/free-movement-of-people-across-africa-regions-are-showing-how-it-can-work-197199>

<sup>4</sup> Bisong, A. and Mayer, N. 2021. Connecting people and markets in Africa in 2021. ECDPM Commentary. Maastricht: ECDPM

<sup>5</sup> [https://www.cemac-int.translate.google/?\\_x\\_tr\\_sl=fr&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=en&\\_x\\_tr\\_pto=sc](https://www.cemac-int.translate.google/?_x_tr_sl=fr&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc)

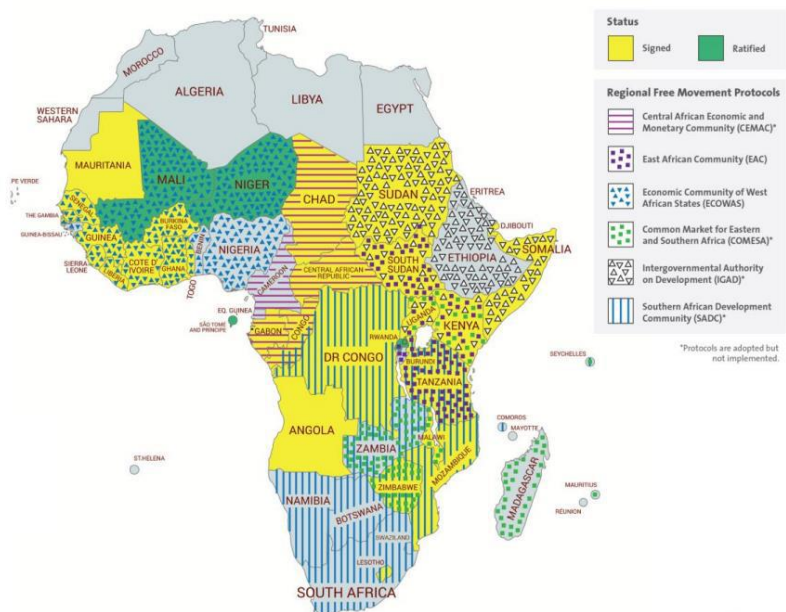
regional frameworks established a foundation for the AU FMP, and continue to make provisions for the integration of economic activities within those regions.

Facilitating regular migration through the AU FMP can significantly increase the benefits for African migration for origin and destination societies as it has been established that restrictive immigration and visa practices have stimulated irregular migration and migrants smuggling, interrupted labour circulation as well as blocked access to (regular) migration opportunities to the poorest and more vulnerable members of societies. Thus, limiting the positive contributions of migration to poverty reduction and reducing inequality in countries of origin and destination facing realities of economic fragility is an omission. Application of selective immigration and visa policies tend to privilege the already privileged by providing ample legal provisions for the highly skilled professionals to migrate freely and regularly, while the lower and semi -skilled people are often excluded from regular migration opportunities thus condemning these poor to the periphery of continental economic activity.

**The status of free movement in Africa**

To date, few countries on the continent are easily accessible to citizens of other African states. So far, those few countries have not registered an influx of migrants by facilitating access to African migrants in their respective countries. Currently, the four countries that have ratified the Free Movement of Persons Protocol are Mali, Niger, Rwanda, and Sao Tome and Principe. These Member States are continuously implementing instruments of the FMP Protocol including Rwanda's introduction of the e-Passport which is intended to boost access within the East African Community.

**Figure 1: African Union Free Movement Protocol Signatories and ratifications, and regional free movement protocols**



According to the Africa Visa Openness Report (2022)<sup>6</sup>: 32 countries still require the nationals of at least half of the continent's countries to obtain a visa before travelling. Regarding visa-free travel and visas on arrival: 48 countries (89%) out of 54 now offer visa-free travel to the nationals of at least one other African country with 42 countries (78%) offering visa-free travel to the nationals of at least 5 other African countries. 3 African countries (6%) offer visa-free travel to the citizens of all other African countries. Visas on arrival: 29 countries (54%) now offer a visa on arrival to the nationals of at least one other African country. A total of 24 countries (44%) offer a visa on arrival to the nationals of 5 or more countries while 14 countries (24%) offer a visa on arrival to 35 or more African countries.<sup>7</sup>

Source: ECDPM Discussion Paper No. 311 (2021)

The AU Agenda 2063 included as one of its flagship programmes approved by the AU Summit the introduction of an "African Passport and free movement of people" within the first ten years. Implementation of Agenda 2063 provisions on migration would imply "transforming Africa's laws, which remain generally restrictive on movement of people despite political commitments to bring down borders with the view to promoting the issuance of visas by Member States to enhance free movement of all African citizens in all African countries by 2018". This would mean that "there will be free movement of goods, services and capital; and persons travelling to any Member State could get the visa at the point of entry".

### **Legal Identity and Integrated Border Management**

A plethora of studies have noted strong linkage between the current posture of AU Member States underscored by acutely low ratification of the Protocol on Free Movement and lack of Integrated Boarder Management system and poor Legal Identity management. Several member states do not have the capacity and resources to establish adequate civil registries to confirm the identity of their nationals and implement integrated border management systems. Consequently, concerns over lack of adequate and assured legal identity and poor border governance among African countries is evident in host countries authorities' reluctance to ratify Free Movement instrument, citing potential security breaches on aspects public policies related, social development, health and security<sup>8</sup>. These issues have contributed to a lack of trust between member states and at the REC level in the implementation of regional free movement protocols. If not addressed, it will hamper the implementation of AfCFTA.

In light of the foregoing the African Union Commission under the auspices of the continental migration Interstate, the Pan-African Forum on Migration (PAFoM) is organizing a Conference to harness, harmonize, harvest knowledge and practice, and stimulate transformative dialogue on the free movement of persons and catapult actors into action to optimize a managed migration and labour migration in view to make intra-Africa trade a reality.

<sup>6</sup> The Africa Visa Openness Report 2022

<sup>7</sup> ibid

<sup>8</sup> AU-IOM, Study on the Benefits and Challenges of Free Movement of Persons in Africa



The conference on **Bolstering Free Movement and Trade Nexus in AfCFTA: *Optimizing Benefits of Migration, Human Mobility and Development***, will, amongst others, contribute to the AU theme of the year 2023 theme “**ACCELERATION OF AfCFTA IMPLEMENTATION**” by unpacking the linkages between the AfCFTA, Free Movement of Persons, Migration across the continent. Emphasis will be placed on mobility of labour and skills of women and men migrant workers, as well as discuss the good examples and mechanisms through which different stakeholders (countries of origin and countries of destination, civil society organizations and social partners) can highlight benefits derived from an integrated economic development for Africa.

### 3. OBJECTIVES OF THE CONFERENCE

The objectives of the Conference are to:

- 1) Promote an improved understanding of the nexus between migration-labour migration, free movement and trade by unpacking socio-economic benefits and positive multiplier effects of this relationship;
- 2) Provide key recommendations for concrete initiatives that illustrate the nexus between trade and the free movement of people, especially labour, on the continent, and the resultant contribution to continental integration and AfCFTA implementation;
- 3) Stimulate a discourse that highlight labour migration and migration-trade nexus in trade and migration as a catalyst to realize the African Economic Community single market;
- 4) Advance dialogue to deconstruct barriers towards advancement of Free Movement of people in Africa.
- 5) Facilitate discussion to highlight the impact of legal identity and border management on free movement and AfCFTA;
- 6) Explore digital technological advancement for gathering of accurate data and information to generate critical statistics in contexts of Free Movement, Labour Migration and Migration for development.
- 7) Engage the continental and regional Parliaments and Regional Economic Communities (RECs) on facilitation of Migration, Labour Migration and Trade in AfCFTA.

### 4. EXPECTED OUTCOMES

The expected outcomes from the Conference are:

- a) Documented experiences and lessons learnt and best practices on migration, human mobility and trade nexus initiatives are shared and disseminated.
- b) Recommendations on strategic catalytic actions for optimizing migration and human mobility to advance AfCFTA is developed and affirmed.
- c) Increased awareness and understanding of the nexus between migration, human mobility, and trade, and how it can contribute to the broader integration agenda for the continent.

- d) AU Migration governance policies and their strategic role in attaining regional integration and promotion of AfCFTA in line with AU 2023 annual theme strategically positioned.
- e) Intra-Africa policy sub-themes for migration, human mobility and trade nexus framed and transformed into a syllabus for knowledge production to advance AfCFTA.
- f) Parliamentary and RECs resolutions on movement of persons and trade in AfCFTA documented

## 5. PARTICIPATION

Participants of the Conference will include: AU Member States government Experts drawn from Trade and Investment, Labour and Employment, Immigration and Migration, International Cooperation, RECs, United Nations, International and Continental Organizations, Civil Society, Experts, Academia, Social Partners, AU (Organs, Specialized Offices, and Departments – Coordination Committee for Migration), Journalists, Parliamentary institutions, private sector actors, Women and Youth formations around the continent.

## 6. LANGUAGE(S)

The Conference will be held in two **AU languages: English and French** with simultaneous interpretation availed.

## 7. DATE AND VENUE :

The PAFoM Conference is scheduled to take place on 31 October – 2 November 2023 at Royal Aria Convention Centre, Gaborone, Botswana

## 8. FORMAT:

- The Conference will be fully in-person format and will include presentations, panel and plenary discussion.
- The Conference will have break-away sessions.
- A rapporteur will be engaged to develop a report and an advocacy brief for this Conference.