



# Regional Institutions and 'Free' Movement of People in Africa – AU and ECOWAS

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# African Union's Normative Frameworks

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- Lagos Plan of Action, 1980 – ***Self-reliance; foundation for an 'African Economic Community.'***
- Abuja Treaty, 1991 – ***Stages toward continental integration.***
- Migration Policy Framework for Africa (2006; revised 2018).
- Agenda 2063 – ***'African Passport and Free Movement of Persons Initiative'***.
- Current gap - ***AU Free Movement Protocol, 2018, remains largely unratified.***

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- AU Free Movement Protocol, 2018.
- Phased implementation - ***Rights of entry, residence and establishment (Art 5)***.
- AfCFTA, 2018.
- Create a single market for trading in goods and services – ***Facilitated by the movement of persons, Art 3(a)***.
- Protocol on Trade in Services – ***Mode IV Service Supply (Temporary presence of natural persons)***.
- Trade liberalisation and mobility of persons are mutually reinforcing -***Phased, market-oriented mobility approach***.

# ECOWAS Normative Frameworks

- ECOWAS Revised Treaty, 1993 - ***Establish a common market (Arts 3 and 59).***
- Three-phased ***progressive approach.***
- Entry - ***Visa-free travel, 90 days; valid travel document (1979 Protocol).***
- Residence – ***Right to seek employment (1986 Supplementary Protocol).***
- Establishment – ***Right to start a business (1990 Supplementary Protocol).***
- **Why ECOWAS stands out?**
- Standardised operational tools supporting mobility - ***ECOWAS Passport; ECOWAS National Biometric ID.***
- Institutional role – ***ECOWAS Commission + ECOWAS Court of Justice.***
- Strengthening migration governance - ***ECOWAS Regional Migration Policy, 2018-2028; ECOWAS Labour Migration Strategy and Action Plan (2025-2035).***

# ECOWAS Court Jurisprudence: Rights in Practice.

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- Some key decisions.
- *Femi Falana & Anor v Benin & Others* (2012) – **Clarifies limits to mobility rights.**
- *Baldé v. Republic of Senegal* (2013) – **Restrictions must have a legal foundation and due process required.**
- *Chude Mba v Ghana* (2018) – **Limits to the court’s jurisdiction to compel a member state to enforce a prior judgment.**
- *Sunday Charles Ugwuaba v Senegal* (2019) - **Free movement as a justiciable right of individuals.**
- *Lat Diop v Republic of Senegal* (2025) – **Confirms free movement includes the right to exit.**

# Cross-Cutting Lessons and Recommendations

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- Strengthen the continental regime - *Fast-track ratification of the AU Protocol; Regional commitments must be reflected in national law.*
- Enforcement and compliance can be the Achilles' heel of free movement rights - *Norms must be matched with enforcement.*
- Legal frameworks require practical measures - *Regularisation of mobility needs both top-down legal commitment and bottom-up implementation.*
- Easier to cooperate in smaller regional blocs, or handle migration unilaterally or bilaterally.
- Cross-regional cooperation and recognition.
- Leverage the appetite towards the AfCFTA and its economic focus – *Phased or gradual approach.*
- Institutional coordination and effectiveness – *Create a central institution to coordinate, monitor, and enforce.*
- Enhanced border management.