



Legal Identity, Secure Border Management, and Free Movement

Alan Hirsch PAFOM 9 Cape Town December 2025



Travel in Africa is not easy (especially for Africans)

- Only 4 countries ratified the 2018 Free Movement of Persons in Africa Treaty
- Only two African countries currently fully open their borders to all other African citizens (down from 5 last year)
- Africans don't need a visa for only 28 per cent of intra-Africa travels (no progress)
- Large African economies are most restrictive
- There remain, of course, considerable infrastructure and service obstacles to travel within Africa

Why should it be easier to move in Africa?

AU Free Movement of Persons Protocol, 2018:

...the 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....*

Even more important today:

- AI, Automation, geopolitics, impact of COVID—cheaper labour no longer such an advantage—onshoring, nearshoring, friendshoring—without effective integration Africa will remain poor*

Seven years after AU-FMP...in 2025

“We cannot talk about a united Africa if Africans themselves cannot move freely within their own continent. It is time for our governments to evaluate what has worked and what has not worked. Visa restrictions remain one of the biggest barriers to intra-African trade.”

Ambassador Albert Mudenda Muchanga, the African Union Commissioner for Economic Development, Trade, Tourism, Industry and Minerals at a

High-Level Strategic Dialogue on Accelerating Visa-Free Movement for Africa's Transformation, February 2025



AU-FMP->Not yet ratified

The Services Protocol of the AfCFTA

- Currently focuses on financial, transport, business, communication, and tourism services sectors
- It facilitates travel by liberalizing movement for professionals and businesspeople
- Focus on "Movement of Natural Persons" as a key trade mode, allowing temporary work for skilled individuals
- Goals are to reduce visa barriers and recognize skills
- Protocol is not yet fully implemented yet, but the AfCFTA is driven by a strong and determined secretariat



Why migration governance reform so slow and possibly reversing?

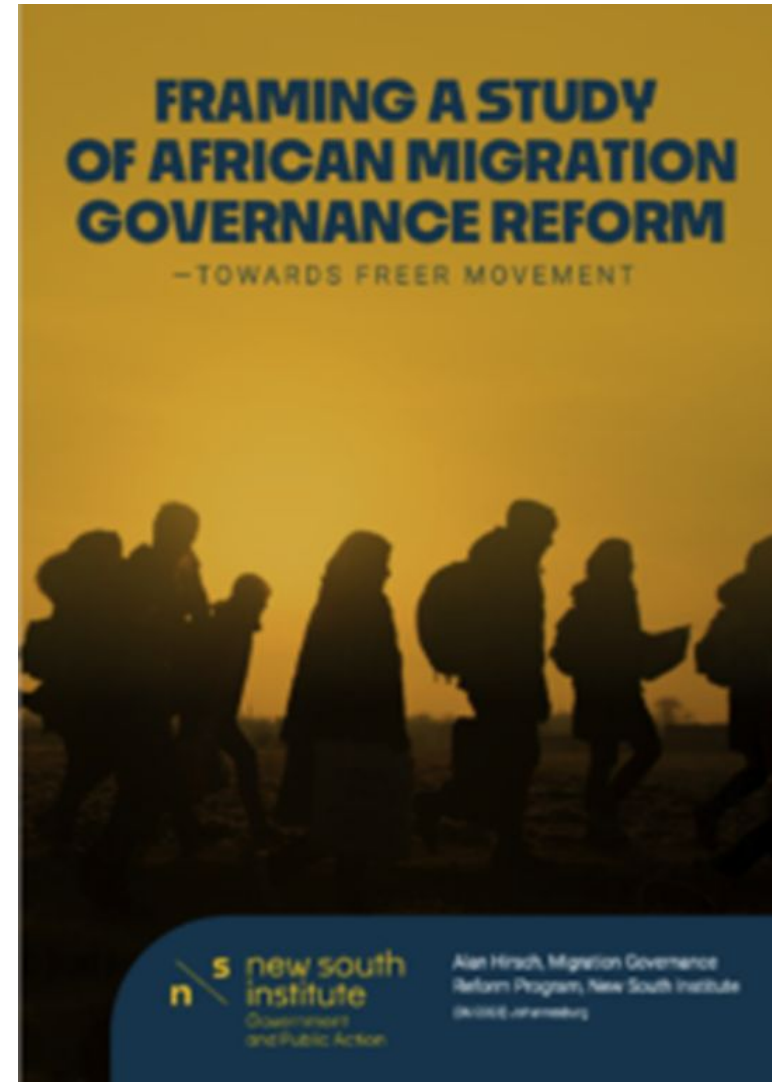
- Issues of understanding and trust
 - Proximity, language and culture, common standards
 - Richer, larger countries fear uncontrolled influx of economic refugees
 - Fear that lack of proper systems makes it easy for criminals, smugglers and/or terrorists to cross borders
 - Lack of coordination on social policies and systems
 - Global trends
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What was the experience of the EU?

- In EEC from 1957 free movement of workers
- In 1968 extends to residential rights implemented slowly and still subject to national regulations
- The Schengen Agreement of 1985 allowed for the abolition of internal border controls and for cooperation on matters of visa policy between (initially five) signatory states
- The biggest step towards open Europe came with the Single European Act in 1986 (29 years after the first step) full free movement for citizens of member states
- Legally underpinned by Treaty of Amsterdam 1999 (13 years later)
- EU has half the member states of the AU, and less inequality of wealth and state capability

What can we learn from the EU

1. The process is slow
2. Still little coordination on external policies, and very protectionist
3. Not all states move at the same pace
4. Sovereignty is only gradually given up
5. Less inequality makes it easier (massive transfers to poorer countries)
6. Completely open borders for EU citizens has the corollary of stern outward policies (usually)



What have we learned: ECOWAS

- ECOWAS has had significant positive effects on mobility
- Visa free and even passport free travel
- Permitting historically rooted patterns to continue
- But REC treaties are not uniformly respected
- Laws on migration, work rights and residence not harmonised
- Little qualification recognition or access to social services

<https://nsi.org.za/projects/migration-governance-reform/>



What have we learned: EAC

- As in ECOWAS, leadership is important
- EAC commitment to a Common Market 2010
- Density of formal and informal forums
- Some states within EAC have integrated deeper than the rest
- Unevenness between member states due mainly to state capability/inequality issues
- Little progress in formal harmonisation of education, health & social welfare systems
- Even before EA-CMP, OSBPs were making major strides

<https://nsi.org.za/projects/migration-governance-reform/>



OSBPs in East Africa

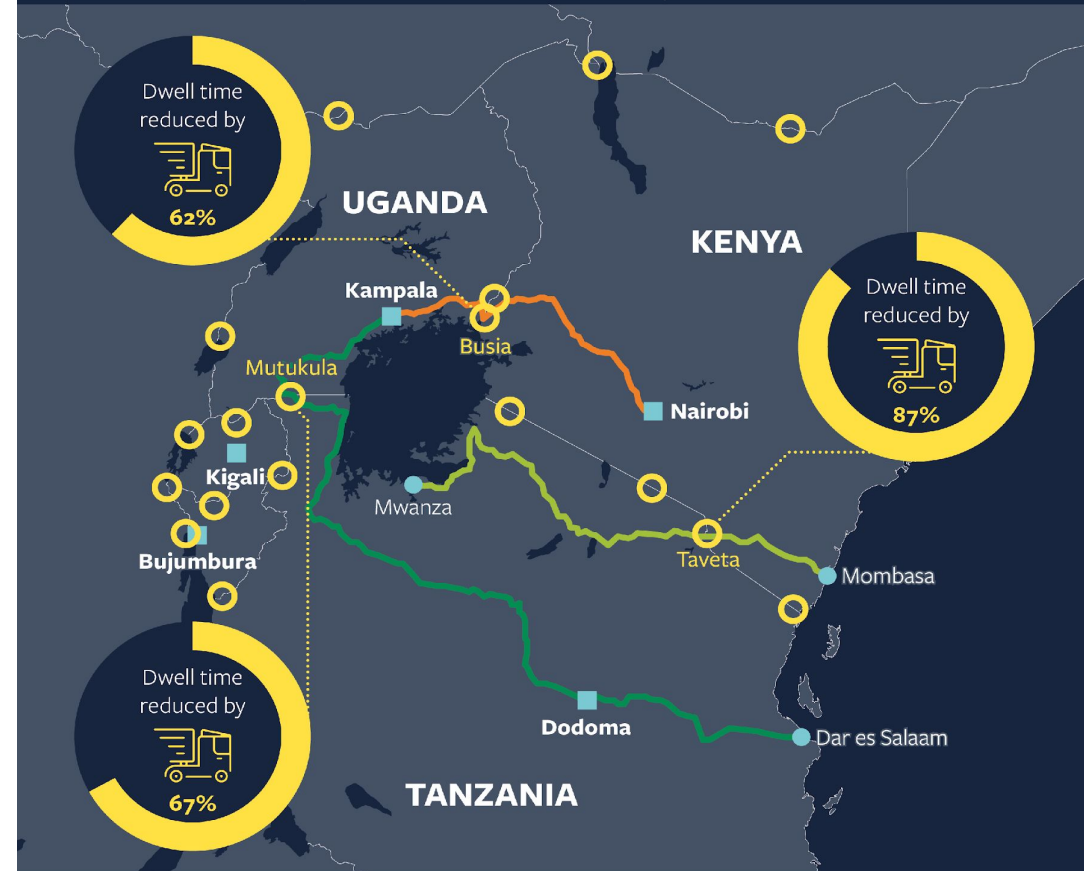
- One of the few excellent examples of successful developmental foreign aid in Africa
- OSBPs rely on standardised IDs and border management systems
- They are technical achievements and don't require major policy reform
- EAC OSBPs praised by Minister Schreiber introducing South Africa's OSBP bill into SA parliament

One-Stop Border Posts (OSBPs) locations in East Africa

○ OSBPs ■ Capitals ● Key towns

Faster border crossings lowered operational costs for transporters on sensitive routes.*

— Nairobi to Kampala — Dar Es Salaam to Kampala — Mombasa to Mwanza



Adapted from One-stop border posts in East Africa: state encounters of the fourth kind, DOI:10.1080/17531055.2020.1768468. * Data estimation 2011-2018

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One-stop border posts in East Africa: impact on transport costs and issues

for further analysis: <https://bit.ly/44yYyK5>

One-stop border posts (OSBPs): an assessment of the economic and social impact: <https://bit.ly/44YBtQP>



What have we learned overall from the experiences in ECOWAS, the EAC and the EU?

- It always takes a long time
 - The more countries there are, the longer it takes
 - Transfer of sovereignty is a very slow process
 - It's easier when regional powerhouses lead the way
 - Inequality between countries makes it more complicated
 - Unless you have regional transfers
 - And improve the capabilities of the poorer states
 - Density of regional forums on migration helps (e.g. PAFOM helps)
 - Moving on several fronts adds up positively (e.g. in EAC, Rwanda unilateral, R+U+K plurilateral, visa free more broadly, OSBPs too)
 - The experience of other regions suggests that the AfCFTA Services Protocol proposal on visa free travel for professionals could be a continental step
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Depoliticised steps forward—when policy progress is difficult

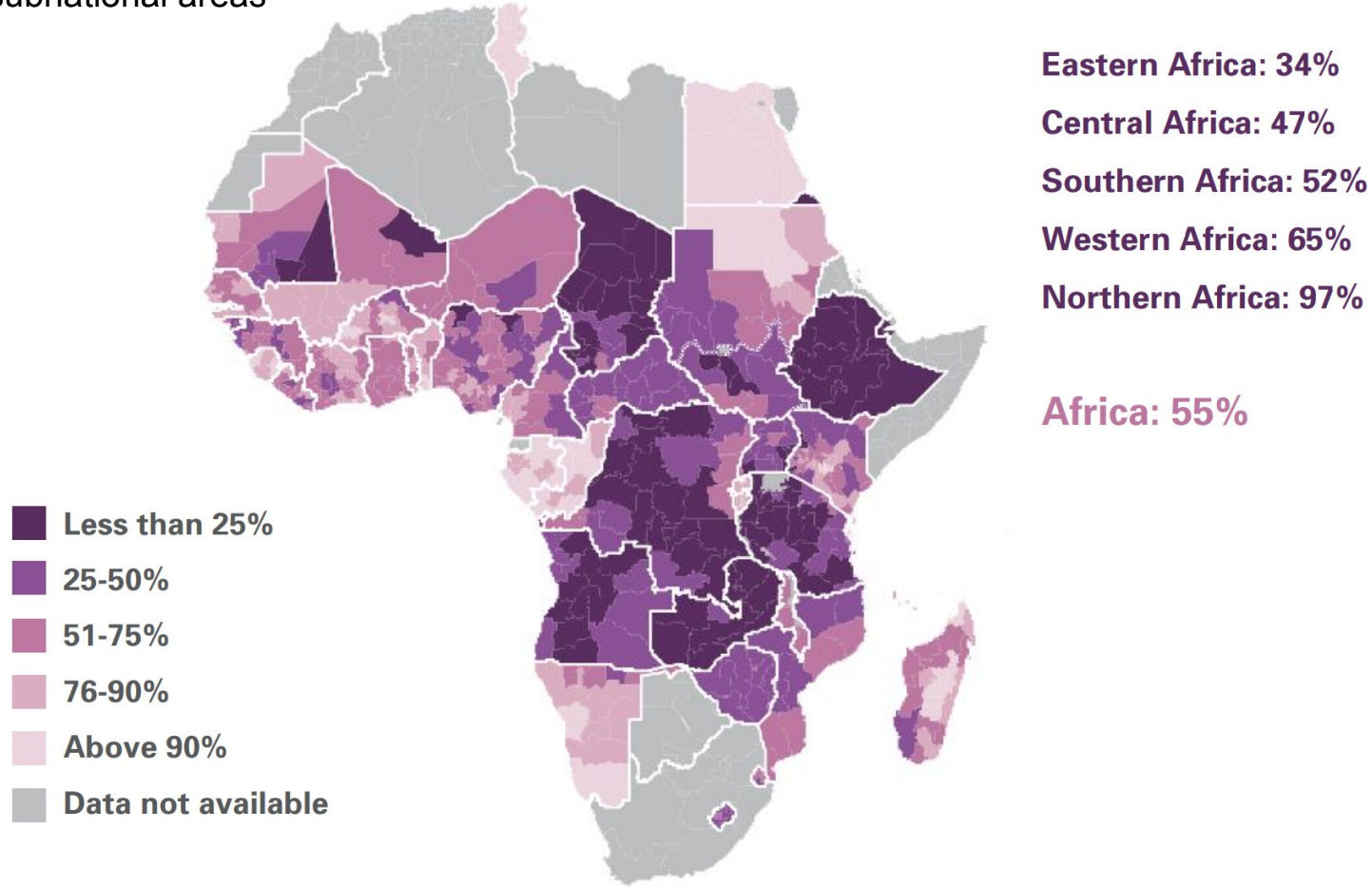
- Harmonisation of passports
 - Mutual recognitions of qualifications frameworks
 - Access to health services
 - Coordination on social insurance or social security
 - One Stop Border Posts
 - Integrated border management systems
 - Exchange of information on crime and terrorism
 - But it all starts with civil registration, especially birth registration
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Weaknesses in birth registration

- Symptomatic of poor quality of administrative systems in countries with weaker state capability
 - These technical issues are not too political
 - A wide range of resources can be mobilised to implement solutions
 - Though the challenge of administrative quality won't be solved overnight, it's a *sine qua non*
 - And a pathway through civil registration
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SDG target 16.9. By 2030, provide legal identity for all, including birth registration

Percentage of children under age 5 whose births are registered in Africa by region and subnational areas



Globally, the births of **one in four** children under 5 have never been officially recorded (164 million). **More than half** (around 91 million) live in **Africa**.

20 countries in the continent are **on track** to achieve universal birth registration by 2030 while **23 countries will need to accelerate progress**.

Source: UNICEF, [A Statistical Update on Birth Registration in Africa](#) (New York, 2022).

So, how can we accelerate progress towards free movement? **First, focus on the technical/non-political issues**

- Encourage Africa's powerhouse countries play their leadership roles
 - When political processes slow down, focus on getting administrative data right, e.g.
 - birth registrations
 - national IDs
 - & passports right
 - Build effective border management systems which are harmonised in regions and more broadly
 - Work towards harmonisation of
 - X-border documentation
 - Security management
 - education qualifications,
 - health service provision
 - and social transfers
 - Build effective One-Stop Border Posts
 - Allow and encourage unilateral, bilateral and plurilateral reforms as well as multilateral
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