

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE
UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone +251115- 517700 Fax : +251115- 517844
Website : www.africa-union.org

EXECUTIVE COUNCIL
Ninth Ordinary Session
25 – 29 June, 2006
Banjul, THE GAMBIA

EX.CL/288 (IX)

PROGRESS REPORT ON THE IMPLEMENTATION OF THE
EXECUTIVE COUNCIL DECISION ON THE FREE MOVEMENT
INITIATIVE IN AFRICA, AS IT RELATES TO
THE AFRICAN DIPLOMATIC PASSPORT

**PROGRESS REPORT ON THE IMPLEMENTATION OF THE EXECUTIVE COUNCIL
DECISION ON THE FREE MOVEMENT INITIATIVE IN AFRICA, AS IT RELATES
TO THE AFRICAN DIPLOMATIC PASSPORT**

You will recall that Executive Council adopted Decision EX.CL/Dec.21(VII), in Sirte Libya in 2005 on the Ministerial Meeting on Free Movement in Africa wherein Council decided to:

Quote

- Para 5 “**ACCEPTS** the concept of an African Passport in principle and **RECOMMENDS** that further consultations be carried out at national, sub-regional, regional and continental levels to address all pertinent issues including constitutional, legal, social, economic, security and human rights aspects;”
- Para 6 **ALSO ACCEPTS** in principle the proposal for the issuance of an African Diplomatic Passport, and **RECOMMENDS** that consultations be undertaken before its issuance;”
- Para 7 “**REQUESTS** the Commission in consultation with Member States to:
- a) consider establishing a committee of experts from Member States, charged with providing guidance to the Commission on matters relating to free movement of persons to carry the process forward.
 - b) establish a specialized office to follow-up on the implementation of activities related to free movement in Africa
 - c) convene a forum fro African Officials at Sub-regional, regional and continental level to consult and recommend on issues of common concern such as the harmonization of relevant laws, policies and regulations as well as assess the structures that would facilitate free movement in Africa
 - d) proceed with necessary follow-up actions to ensure implementation of this decision and report to the nest Ordinary Session of Council in January 2006.”

Subsequent to this decision, the Commission established a Committee of Experts from Member states in August 2005. The Committee is composed of Members of the Bureau of the Experts Meeting as constituted in June 2005 in Tripoli, namely the Federal Republic of Nigeria (Chair), The Great Socialist People’s Libyan Arab Jamahiriya (1st Vice-Chair), Republic of South Africa (2nd Vice Chair), Republic of the Sudan (3rd Vice-Chair), Republic of Burundi (Rapporteur). In addition, it was agreed in Tripoli that the Bureau be expanded with the representation of Member States from each of the African Union. Consultations with the Regional Dean based in Addis Ababa resulted in the inclusion of the following Member states in the Committee of Experts on Free Movement in Africa, namely; Republic of Namibia

(South), Republic of Djibouti (East), Republic of Senegal and Burkina Faso (West), Republic of Cameroon (Central), Arab Republic of Egypt and People's Democratic Republic of Algeria (North)

With the Committee formed, the Commission invited the Committee of the Experts on Free Movement Matters in Africa so that it can provide guidance to the Commission on matters relating to free movement of persons and carry the process forward, but on four different occasions, it was not successful.

Having failed to convene the meeting of the Committee of Experts on Free movement matters in Africa, The Commission convened a Meeting of the Bureau of the Committee of Experts, to seek guidance on the way forward. The Bureau of the Committee met from 15-16 June, at the AU Headquarters in Ethiopia.

The meeting considered Executive Council Decision EX.CL/Dec.211 (VII) in its entirety, in particular as it related to the next practical steps in the issuance of an African Diplomatic Passport to be launched during the Heads of State and Government Summit held in January 2007; establishment of a Specialised Office to deal with free movement issues in Africa; consultation at regional and continental level including conducting working visits to the RECs (ECOWAS, SADC, IGAD/EAC, ECCAS, CENSAD/AMU) to learn from regional experiences and identify best practices, harmonize policies and develop a continent wide framework free movement in Africa, including the concept of an African Passport to be issued to all African citizens; consideration of visa liberalization regime; right of residence in Member States for African nationals and elaboration of a framework for deportations and mass expulsions in Africa consistent with Member States obligations under the African human rights protection regime, with at its core the 1981 African Charter on Human and Peoples' Rights and other relevant international instruments.

The meeting also agreed on a work plan to guide the Commission in effectively implementing the Decision in 2006/2007.

The outcome of the Bureau of the Committee of Experts Meeting is attached hereto and includes the Report of the Meeting of the Bureau of the Committee of Experts; the agreed Matrix on the work plan for implementation of the Executive Council Decision EX.CL/Dec.211(VII) on free Movement in Africa and the AU Commission's briefing note on the Implementation of the said Decision.

This Report is submitted for information purposes and to update the Executive Council on progress in implementing the said Decision

REPORT
OF THE BUREAU OF THE COMMITTEE OF EXPERTS
MEETING ON FREE MOVEMENT

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone +251115- 517700 Fax : +251115- 517844
Website : www.africa-union.org

**MEETING OF THE BUREAU OF THE COMMITTEE
OF EXPERTS ON FREE MOVEMENT IN AFRICA
15 – 16 JUNE 2006
Addis Ababa, ETHIOPIA**

REPORT
OF THE BUREAU OF THE COMMITTEE OF EXPERTS
MEETING ON FREE MOVEMENT

**REPORT OF THE BUREAU OF THE COMMITTEE OF EXPERTS MEETING
ON FREE MOVEMENT**

INTRODUCTION

1. The Bureau of the African Union Member States Committee of Experts on Free Movement in Africa took place from 15 – 16 June 2006 in Addis Ababa, Ethiopia. The meeting was opened by the Chairperson of the Bureau (Nigeria) in the presence of Members of the Bureau from Libya (1st Vice-Chair); South Africa (2nd Vice-Chair); the Sudan (3rd Vice-Chair) and Burundi (Rapporteur). The Commission was also in attendance, as well as the Consultant who developed the Concept Paper on Free Movement. The list of participants is attached to this Report.

2. The meeting was called to provide guidance to the Commission on the implementation of Decision 211 adopted in Sirte by the Executive Committee, in particular as it related to the next practical steps in the issuance of an African Diplomatic Passport; establishment of a Specialized Office to deal with free movement issues in Africa; consultation on the concept of an African Passport to be issued to all African citizens; consideration of a visa liberalization regime; right of residence in Member States for African nationals and elaboration of a framework for deportations and mass expulsions in Africa consistent with Member States' obligations under the African human rights protection regime with at its core the 1981 African Charter on Human and Peoples Rights, and other relevant international instruments.

OPENING CEREMONY

3. After welcoming the participants the Chairperson informed the Meeting that the Commission had finally decided to convoke the Bureau following unsuccessful efforts to convene a meeting of the full Committee of Experts with the participation of the other regional representatives as designated by Regional Deans, i.e. Namibia for Southern Region; Cameroon for Central Region; Djibouti for Eastern Region; Senegal and Burkina Faso for Western Region and Algeria and Egypt for Northern Region. He informed the meeting that as indicated in the Background Note the Commission has attempted to convene Meetings of the Committee foreseen in Decision 211 to guide it in the implementation of the said Decision on at least four separate occasions, to no avail. Member States had not responded to the invitation for the meetings.

4. In his opening remarks the Chairperson highlighted the need for the Bureau to adopt a robust approach in following up on the issuance of an African Diplomatic Passport and the elaboration of a general free movement regime in Africa. He expressed concern over the lack of response to the Commission's invitation to the Committee on Free Movement to meetings meant to provide guidance to the Commission, in the implementation of the Sirte decision, which was predicated on the Tripoli Ministerial Conference Resolutions. He highlighted that Decision 211, when read with the Ministerial Conference Resolutions and the recommendations of the Experts meeting held at Tripoli was very clear on what needs to be done in meeting the directives of the policy organs in this area.

5. In response to the Chairperson's Welcome Remarks, some Members requested the Commission to explain the reason why the Committee of Experts had not been able to meet. The Head of Division for Refugees, Returnees and Internally Displaced Persons provided an explanation that Member States had generally not responded to entreaties to attend the inaugural meeting of the Committee, despite several communications to this effect from the Commission.

6. Following an extensive general debate on the impediments to the effective functioning of the Committee, Member States agreed to reactivate the Committee through the demarches of individual Bureau Members.

III. COMPOSITION OF THE BUREAU

7. The Bureau as constituted at Tripoli, Libya was as follows:

Chair	:	Nigeria
1 st vice Chair	:	Libya
2 nd Vice Chair	:	South African Union
3 rd Vice Chair	:	The Sudan
Rapporteur	:	Burundi

IV. ADOPTION OF THE DRAFT AGENDA

8. After due consideration, the Experts adopted the Agenda of the Bureau of Experts Meeting, with an amendment merging proposed item 3 and 4 in light of the linkage between the outcome of the Ministerial Conference and the Sirte Decision 211 on Free Movement in Africa.

V. ORGANISATION OF WORK

8. The meeting adopted the following working hours

Morning	:	10:00hrs	-	13:00hrs
Afternoon	:	15:00hrs	-	18:00hrs

VI. PROCEEDINGS

AGENDA ITEM 3: Consideration of the Executive Council Decision 211 in conjunction with the Outcome of the Ministerial Conference on Immigration Issues – (DocumentsEX./CL/Dec.211(VII));

Mtg/Immigration/Min./Res.1 (i) and Report on the African Union Conference of Ministers on Immigration – EX.CL/197 (VII); Report of the Meeting of Experts on Immigration – Mtg/Immigration/Experts/Report (I) and the draft Background Note on the Process of Developing a Free Movement Framework in Africa, in particular as it related to the Issuance of an African Diplomatic Passport by January 2007.

10. The Commission introduced the draft background note and outlined some of the constraints that had prevented the Commission from fully implementing Decision 211. The Commission indicated that it had not made a submission to the PRC Sub-Committee on Structures for the creation of the Specialized Office to deal with Free Movement Issues because it had hoped to be guided by the Committee of Experts in defining the terms of reference of the office. The same reason had also frustrated efforts to proceed with the issuance of the African Diplomatic Passport or the carrying out of other activities anticipated under Decision 211.

Agenda Item 4 – Discussion/General Debate

11. During the general debate on this item, Member States were agreed on the need to issue an African Diplomatic Passport since the Executive Council at Sirte had specifically requested the Commission to do so after consultations with relevant actors on the technical specifications of such a passport. Member States also highlighted the need for the Commission and the Committee of Experts to focus attention on the issuance of an African Diplomatic Passport, in particular with regards to addressing issues relating to its security features, scope of application (within Africa or one with international validity), eligibility criteria, list of potential beneficiaries, designation of an issuing authority and generally ensuring that such a document's integrity and credibility would be protected. In Addition, there would be need to address the question of whether individual Member States or regions would issue it or whether it would be issued by a central authority, such as the AU Commission.

12. Member States expressed concern over the delay by the Commission in requesting for the creation of a specialized office to deal with free movement issues, and requested that an appropriate submission on the structure, mission and functions of such an office and its budgetary requirements be made at the next Session of the Relevant PRC Structures.

13. Members of the Bureau also noted the importance of regional consultations in the elaboration of the broader free movement regime involving key stakeholders to ensure ownership to the process by Member States and African Peoples. To this end, there were calls for regional consultations and lessons learnt review at the level of RECs and AU regions, which would be used to inform the process of elaborating a free movement regime in Africa.

14. Members of the Bureau also recognized the potential input of relevant international partners such as ICAO and IOM among others with a specialized knowledge in addressing wider issues of free movement and on the specific technical aspects related to the issuance of travel documents.

Agenda Item 5 – The Way Forward

15. Following exhaustive discussions by the Bureau of the Committee of Experts it was decided that the AU Commission develop a work plan in the form of a Matrix detailing how the decision would be implemented with details as to objectives (operative paragraphs of Decision 211), activities planned and time frames foreseen. The Bureau highlighted that the following would be the priority actions to be reflected in the matrix thus:

- a. Activation of the Committee of Experts by the Bureau in conjunction with the Commission and notification of its membership to all regional Deans as a reminder.
- b. Programme of work on the issuance of an African Diplomatic Passport by January 2007, with details of the technical and practical steps to be undertaken in the process by the Commission in light of the specific directive in Operative paragraph 6 of the Sirte Decision, in which the Executive Council decided that an African Diplomatic Passport be issued.
- c. Measures to be undertaken to establish the Specialized Office to deal with broader free movement issues including but not limited to consultations on the concept of an African Passport to be issued to all African citizens; consideration of a visa liberalization regime; right of residence in Member States for African nationals and elaboration of a framework for deportations and mass expulsions in Africa consistent with Member States obligations under the African human rights protection regime with at its core the 1981 African Charter on Human and Peoples Rights, and other relevant international instruments.
- d. Undertaking of regional working missions to review the practice of the AU regions in dealing with free movement issues with the participation of the Commission and Members from the Committee of Experts. The lessons learnt from this exercise would be compiled into a report for consideration by an African wide regional/continental forum of stakeholders in free movement.
- e. AU Member States regional/continental forum/meeting to review elements of the free movement framework for Africa after regional consultation in regional workshops convened around the main meeting in November 2006. The Outcome of this Meeting involving regional and continental Member States Senior Officials and Experts and Experts would be presented for consideration by the Executive Council in January 2007 and a decision would be sought on the next steps in that process.

16. The Commission developed a Matrix on Implementation of the Executive Council Decision on Free Movement in Africa, which is attached to this Report.

Agenda Item 6: ADOPTION OF THE REPORT AND RECOMMENDATIONS

17. Following extensive consideration of the Matrix the Bureau of the Committee of Experts adopted it with amendments and recommended that it be attached to this Report and be submitted for information as a progress report to the June 2006 Session of the Executive Council at Banjul, the Gambia. The Bureau of the Committee of Experts agreed to submit this Report of the Meeting, which was adopted; the Matrix Work Plan and the Progress Report for information purposes to the Executive Council at Banjul.

Agenda Item 7 – Any other Business

18. The Bureau of the Committee of Experts on Free Movement decided to schedule its next meeting of the Committee of Experts for November 2006, to review progress in the process of the preparation for the issuance of an African Diplomatic Passport and the elaboration of the structure of the proposed Specialized Office on Free Movement.

19. In closing, the Chairperson of the meeting thanked the Bureau for re-energizing the Committee of Experts and thanked the Commission and all participants for their positive and constructive contribution towards the attainment of a free movement regime in Africa. He called on the Commission and the Committee to judiciously ensure that the ambitious time frames for the accomplishment of key tasks and assignments are met, in particular the issuance of an African Diplomatic Passport to Heads of State and Government at the next Summit.

20. There being no other issues to discuss, the meeting ended at 16:30 hrs.

**MATRIX ON IMPLEMENTATION OF THE EXECUTIVE COUNCIL DECISION
[EX.CL/Dec.211 (VII)] ON FREE MOVEMENT IN AFRICA
ADOPTED IN SIRTE, LIBYA JULY 2006**

**Meeting of the Bureau of the
Committee of Experts on Free
Movement In Africa
Addis Ababa, Ethiopia
15 – 16 June 2006**

**MATRIX ON IMPLEMENTATION OF THE EXECUTIVE COUNCIL DECISION
[EX.CL/Dec.211 (VII)] ON FREE MOVEMENT IN AFRICA
ADOPTED IN SIRTE, LIBYA JULY 2006¹**

¹ See attached Annex – AU Commission Information Note on the Implementation of Decision 211 on Free Movement in Africa since August 2005.

SECTOR ACTIVITY	EXPECTED OUTPUT	SPECIFIC ACTIONS TO BE UNDERTAKEN	RESOURCES REQUIRED	TIME FRAME	ACTION BY
1. Establishment of the Committee of Experts	To provide guidance to the Commission on matters relating to free movement in Africa	The Committee is composed of <ul style="list-style-type: none"> - The Bureau of the Committee of Experts on free movement in Africa² elected in Tripoli and - Member States Expert representatives from each of the 5 African regions³ 	AU Budget	Already in place – Achieved in August 2005	AUC in consultation with the Regional Deans
2. Issuance of an African Diplomatic Passport	To provide a political symbol of African Nationhood as well as give Africa presence in the World	<ul style="list-style-type: none"> - Develop a design of the African Diplomatic Passport - Ensure its security and protection features by researching to find out available security measures - Mission to expert laboratories to find out the most recent technologies and security features - Print sample, edit and then print the final document - Designate a list of potential beneficiaries - Decide on an issuing authority 	AU Budget	<p>The total process will take 3 months</p> <p>To be issued during the January Summit 2007</p>	AUC and the Committee of Experts in consultation with relevant international partners such as IOM and ICAO

² Nigeria (Chair), Libya (1st Vice Chair), South Africa (2nd Vice Chair), The Sudan (3rd Vice Chair), Burundi (Rapporteur)

³ Namibia (South), Djibouti (East), Senegal and Burkina Faso (West), Cameroon (Central), Egypt and Algeria (North)

<p>3. Establishment of a Specialized Office to deal with free movement issues in Africa</p>	<p>To follow-up on the implementation of mandated activities related to free movement in Africa</p>	<ul style="list-style-type: none"> - The Chairperson of the AUC designated the HARDP Division/Department of Political Affairs to deal with the issue of free movement in Africa pending the establishment of a specialized structure - Hire two consultants to provide the HARDP Division with specialized expertise on issues related to free movement in Africa, pending the establishment of a specialized office - Develop the structure of the specialized office and submit for consideration by the PRC Sub-Committee on Structures - Propose a budget for consideration by the Advisory Sub-Committee on Budget and Administrative Issues on the programme budgetary implications of such an office and its anticipated activities 	<p>AU Budget</p>	<p>Done in July 2005</p> <p>By July 2006</p> <p>During the next meeting of the PRC Sub-Committee on Structures</p>	<p>AUC and the PRC Sub-Committee on Structures</p>
---	---	--	------------------	--	--

4. Undertake working missions to all Regions/RECs and to IOM and ICAO	<ul style="list-style-type: none"> - To learn from regional and international experiences, and identify best practices on facilitation of free movement regimes within the regions - Explore the possibility of technical cooperation/assistance in elaborating relevant aspects of free movement 	<ul style="list-style-type: none"> - Undertake a mission to ICAO and IOM Headquarters in Switzerland - The Delegations will be composed of 2 Members of the Committee of Experts⁴; AUC Officials and AU Consultants - Undertake regional assessment missions to ECOWAS, SADC, IGAD/EAC, ECCAS, CENSAD/AMU 	AU Budget	<p>Missions to be undertaken in August 2006</p> <p>July 2006</p>	Committee of Experts, the AUC and a representative of the concerned Regional grouping from the Committee of Experts
5. Regional/Continental Meeting/Consultation on Free Movement in Africa	To harmonize regional policies and develop a continent wide framework on free movement in Africa	<ul style="list-style-type: none"> - Conduct a three day meeting of all Member States Experts on Immigration and Free Movement matters - Relevant stakeholders⁵ are to be invited by the respective Member States - Organize 1 day regional based workshops to discuss and harmonize regional practices, relevant laws and policies on issues related to movement free within their regions on the margins of the said 3 day Meeting/Consultation with Regions and All Member States 	AU Budget	The meeting to be held in November 2006, Addis Ababa	AUC and the Committee of Experts/PRC

⁴ One member from the region being visited and the second from another region

⁵ Such as Foreign Affairs, State Security, Home Affairs, Aviation Services, Frontier Authorities, among other stakeholders. Designation of composition of Member States Delegations will be done by the relevant line Ministry.

6. Progress Report presented in Banjul	Executive Council updated on the progress of the implementation of Decision EX.CL/Dec.211 (VII) on Free Movement in Africa	<ul style="list-style-type: none"> - Meeting on the Bureau of the Committee of Experts on Free movement - Develop a work plan for the implementation of Decision EX.CL/Dec 211(VII) by the Commission and the Committee of Experts - Present to Council the Report and recommendations of the Bureau of the Committee of Experts Meeting from 15 – 16 June 2006 on Free Movement, the matrix on the work plan adopted by the Bureau and the AUC progress report on implementation of Decision EX.CL/Dec 211(VII) 	AU Budget	Executive Council Meeting in July 2006	AUC
7. Consideration by AU Executive Council	Adoption of a decision on a Continent wide framework on free movement in Africa	<ul style="list-style-type: none"> - Submit the recommendations and the outcome of the Regional/Continental Meeting/Consultation on Free movement in Africa to the Executive Council 	AU Budget	January 2007	AUC

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone +251115- 517700 Fax : +251115- 517844

Website : www.africa-union.org

EX.CL/288 (IX)
Annex 3

**Briefing Notes on the Implementation of the Executive Council
Decision on the Free Movement Initiative in Africa¹ as
it relates to the African Diplomatic Passport**

¹ EX.CL/DEC.211 (VII)

Briefing Notes on the Implementation of the Executive Council Decision on the Free Movement Initiative in Africa² as it relates to the African Diplomatic Passport

Background

1. At the African Union Conference of Ministers of Immigration in Tripoli, Libya, Great Libyan Arab Jamahiriya, from 15-18 June 2005, the Commission submitted for consideration, a concept paper on the Free Movement of Africans within the continent. A significant part of the concept paper dealt with issues relating to the issuance of an African Passport, which would lead to more continental integration and facilitate free movement within the continent. In consideration of the concept and recommendations presented at the Ministerial Meeting, the Executive Council, in its decision, EX.CL/211³, accepted the concept of the African Passport and the African Diplomatic Passport, in principle but with recommendations for further consultations at the national, sub-regional, regional and continental levels before any issuance of such passport.
2. Other provisions made by the Executive Council's decision, include the establishment of a Committee of Experts from Member States, with the responsibility of providing guidance to the Commission on matters relating to free movement of persons in Africa. It was hence decided that the Committee should include expert representatives from each of the five African Regions. Namibia and South Africa for Southern Africa, The Sudan and Djibouti for Eastern Africa, Nigeria, Senegal and Burkina Faso for Western Africa, Cameroon and Burundi for Central Africa and Libya, Egypt, and Algeria for Northern Africa were thereafter nominated by the Regional Deans of the PRC to represent their respective regions.
3. Since the adoption of the Executive Council's Decision in July 2005, the AU Commission has made several attempts to convoke a meeting of the enlarged Committee of Experts on Free Movement, to set up a framework and work out the modalities for the implementation of the Decision, particularly that aspect dealing with the issuance of the African Diplomatic Passport to no avail⁴. In light of the lack of attendance by Member States to any of the meetings, the Commission decided to convene the Bureau of the Experts Meeting which convened in Tripoli for the Ministerial Meeting mentioned above and call upon them for guidance on the implementation of

² EX.CL/DEC.211 (VII)

³ Doc.EX.CL/DEC.211. Decision on the Ministerial Meeting on Free Movement in Africa.

⁴ 9 August 2005 Ref: Note Verbale POL/DIR/86(II)94; 27 October 2005 Ref: Note Verbale POL/DIR/86(II)1523; 4 November 2005 Ref: Note Verbale CPA/MSI/496-05.cam among others

the Decision 211 especially as it relates to the African Diplomatic Passport and other elements of the Executive Council Decision.

Proposed Work Plan based on key elements of Ex. Council Decision Ex.CL. Dec./211(vii)

4. The AU Commission is proposing a draft Work Plan for the implementation of the Executive Council's Decision on Free Movement in Africa, for consideration by the Experts. The Commission's Work Plan highlights seven sectors for implementing EX.CL/DEC.211 (VII):
- (i) establishment of a Committee of Experts;
 - (ii) facilitation of Free Movement in Africa;
 - (iii) establishment of a Specialized Office;
 - (iv) convening a Forum for African Officials responsible for free movement related issues;
 - (v) issuance of the African Diplomatic Passport;
 - (vi) issuance of the African Passport; and
 - (vii) reporting to the next Ordinary Session of the Council in January 2007.

The priority has been placed on the issuance of an African Diplomatic Passport, hence the need to elaborate on the technical requirements (security features, etc); issuing authority; proposed list of beneficiaries; cost implications of such a venture and other relevant processes attendant to a successful launch of such an African Diplomatic Passport.

Establishment of a Committee of Experts:

5. The initiative of this sector was to establish a Committee of Experts from Member States, with the guidance of the Bureau of the Member States Committee of Experts⁵, elected in Libya, in June 2005. The Committee of Experts would meet to discuss the modalities of institutionalizing free movement in Africa and the issuance of the African Diplomatic Passport, in particular in the short term (2006/7). The Commission in consultation with the overall Dean and the Regional Deans by August 2005, as outlined above established the said Committee. However, due to the inability of the enlarged group to convene despite four attempts made by the Commission to do so in the course of 2005, and given the undue delay in proceeding with the implementation of the Sirte Decision on the subject, the Commission has decided to proceed with the Bureau of the Member States Committee of Experts as constituted at Tripoli, with the hope that it would provide guidance to the Commission and also contribute to activating the Committee of Experts of which it is an integral part. This decision would facilitate and accelerate the issuance of the African Diplomatic Passport by January 2007 and the

⁵ The Bureau of the Member States Committee of Experts includes: Nigeria (Chairperson); Libya (First Vice-Chairperson); South Africa (Second Vice-Chairperson); The Sudan (Third Vice-Chairperson); and Burundi (Rapporteur)

elaboration of the other key elements of the free movement regime envisaged by the said Decision.

Facilitation of Free Movement in Africa:

6. Building upon already existing regional and sub-regional practices of free movement, this sector will focus on urging Member States to ensure that the process of facilitating free movement in Africa is implemented on an ongoing basis. Specific actions to be undertaken by the Commission include publicizing the Executive Council Decision on free movement, through a Note Verbale to Member States and other international organizations. Also, the Commission intends to hold consultations with the Bureau of the Tripoli Member States Committee of Experts to provide leadership in the harmonization and standardization of relevant policies, which will lead up to a day long meeting with Regional Experts Representatives in Addis Ababa to identify key issues and measures aimed at facilitating free movement of Africans. Funding for this sector will come from the AU Budget.

Establishment of a Specialized Office:

7. The establishment of a Specialized Office at the AU Commission, dealing with all issues related to free movement in Africa, would facilitate and monitor the implementation of the Executive Council's Decision. Such an office, given the necessary financial and human resource requirements, could also be responsible for the issuance of the African Diplomatic Passport and later other travel documents related to free movement in Africa, including the African Passport, under the authority of the AU Commission Chairperson. Awaiting the guidance and recommendations of the Bureau of the Member States Committee of Experts, the Commission hopes to establish an office as soon as is possible, once all the technical, budgetary and policy implications of the process of issuance of the African Diplomatic Passport have been considered. The Commission would present the programme budgetary implications of such an Office to the PRC Sub-Committee on Structures and the Advisory Committee on Budget and Administrative Matters in 2007. In the interim (since 2005) the Chairperson of the Commission has assigned the responsibility for elaborating and implementing a framework of free movement in Africa and ensuring the issuance of an African Diplomatic Passport to the Division of Humanitarian Affairs, Refugees and Internally Displaced Persons (HARDP) in the Department of Political Affairs. The Division will require additional temporary human and financial resources to implement the programme in full in light of the limited allocation of 2006, which was US\$50,000.00.

Convene a Forum for African Officials responsible for free movement related issues:

8. As part of the initial phase in the development of the necessary infrastructure in the continent's progress towards a common African Passport, the Commission hopes to convene a forum, by November 2006, of African Union Member States Senior Officials and other stakeholders to be determined by each Member State, responsible for the issuance of travel documents and immigration issues to consider the various elements of elaborating a free movement regime in Africa including the concept of a common African Passport. The Commission plans to convene a three day Regional/Continental Meeting during which Senior Officials at sub-regional, regional, and continental level will discuss all legal, practical and technical issues among other elements. Member States would consult in regional groupings before convening in an AU wide plenary to negotiate the architecture of a framework of free movement for the continent.

Issuance of the African Diplomatic Passport:

9. As authorized by the Executive Council in Sirte in July 2005, the Commission anticipates that with the guidance of the Committee of Experts and its Bureau, it would be able to formally issue an African Diplomatic Passport by January 2007. The formal launch of the African Diplomatic Passport, would proceed concurrently with the rest of the process in light of agreement at Tripoli by Ministers in Charge of Immigration issues that there are no obstacles to the issuance of such a travel document to limited and defined categories of African high officials including former and current Heads of States, Cabinet Members, Permanent Representatives, officials of the African Union and AU recognized Regional Economic Communities; Supreme Court Judges, and other categories of beneficiaries as designated by the AU Commission under the guidance of the Committee of Experts. There is already an indicative list discussed at Tripoli. Taking into consideration, all other sectors mentioned in the Work Plan, the African Diplomatic Passport would be the first phase in the implementation of EX.CL/DEC. 211 (VII), on Free Movement in Africa, given the directive language in the relevant operative paragraph of the Decision of Sirte on the subject. The timeline of January 2007 is dictated also by the fact the requisite technical and practical consultations with specialized UN and other international organizations and RECs would be undertaken, with limited constraints thus allowing the Commission to come up with a design and model African Diplomatic Passport by September 2006 for consideration by the Committee of Experts.

The Concept of an African Passport:

10. As an ongoing process, following the issuance of the African Diplomatic Passport, the Commission will hold consultations on all issues related to the

issuance of an African Passport to all African citizens, to facilitate free movement within the continent. Consultations at regional and sub-regional level and continental level, under the guidance of the Member States Committee of Experts, especially as relates to the immigration, security, socio-economic implications and all other issues of concern that could be impacted by the issuance of such a common African Passport. This is a medium to long-term process that would require national, bilateral, sub-regional and continent wide consultations prior to its fruition with guidance from the Committee of Experts and decision of relevant Policy Organs of the African Union.

Conclusion: Report to the next Ordinary Session of Council in June 2006:

11. Following the meeting of the Bureau of the Committee of Experts, the Commission plans to present a brief progress report of the Committee of Experts, outlining agreed upon objectives based on Decision 211 and a Matrix on the Implementation of the said Decision in light of the deliberations of the Bureau at the next Ordinary Session of the Executive Council in June 2006. This progress report would also contain elements on the process currently being implemented to ensure issuance of the African Diplomatic Passport by January 2007 and the establishment of the Specialized Office on Free Movement in the same period. No decision is expected from the Executive Council, since this was already done at Sirte. The full report exploring all the ramifications of a free movement regime in Africa will be presented for the consideration of the Executive Council at its Session in January 2007, and would require a specific decision at that point given the budgetary, policy, legal, socio-economic implications among other factors of such a process as required by the Tripoli meeting and specified in Decision 211.

2006

Progress report on the implementation of the Executive Council decision on the free movement initiative in Africa, as it relates to the African diplomatic passport

African Union

African Union

<http://archives.au.int/handle/123456789/4281>

Downloaded from African Union Common Repository