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EX.CL/341 (XI)

**REPORT ON THE IMPLEMENTATION OF THE AGENDA OF
THE AFRICAN UNION ON THE FREE MOVEMENT IN AFRICA**

REPORT ON THE IMPLEMENTATION OF THE AU FREE MOVEMENT AGENDA

INTRODUCTION

1. The Constitutive Act of the African Union, stipulates that one of the main objectives and purposes of the African Union is to enhance the integration of Africa and to ensure greater interaction among African peoples and people of African descent. One of the key ways in which this centrality of people at efforts in regional integration has been expressed is through facilitating the free movement of persons, goods and services for nationals of regional blocs.

2. It is this central principle of African integration that informed discussions on facilitation of a free movement regime in Africa, including the establishment of an African Diplomatic Passport during the African Union Conference of Ministers on Immigration held in Tripoli, Great Socialist People's Libyan Arab Jamahiriya, which took place from 15 – 18 June 2005. In consideration of the recommendations made by the Tripoli Ministerial Conference, the Executive Council adopted Decision **EX.CL/Dec. 211 (VII)** in Sirte, Great Socialist People's Libyan Arab Jamahiriya, in which the concept of an African Diplomatic Passport was accepted, in principle and recommended that the issuance of the same be done, following a consultative process. Subsequently, a Committee of Member States Experts on Free Movement of Persons¹ (Committee of Experts) was constituted to guide the Commission on the implementation of the Free Movement Agenda.

3. The Bureau² of the Committee of Experts on Free Movement held several preparatory meetings in Addis Ababa to guide the AU Commission on the implementation of Executive Council Decision **EX.CL/Dec.211 (VII)**. The Bureau of the Committee of Experts advised that the African Union Free Movement Agenda be implemented in phases starting with the issuance of an African Diplomatic Passport.

4. During its Ordinary Session held in January 2007, in Addis Ababa Ethiopia, the Executive Council adopted Decision **EX.CL/Dec.337 (X)**, which requested the Commission to take necessary measures, in collaboration with Member States, to launch the African Union Diplomatic Passport as early as possible.

Implementation of Decision EX.CL/Dec.337 (X)

5. Further to the adoption of the above Decision, the Commission, guided by the Bureau of the Committee of Experts held several meetings to consider the best way in implementing its provisions and agreed on the following:

¹ Algeria, Burkina Faso, Burundi, Cameroon, Djibouti, Egypt, Libya, Namibia, Nigeria, Senegal, South Africa and The Sudan

² Nigeria, Libya, South Africa, The Sudan and Burundi

- That the Commission launches both the African Union Diplomatic and Service Passports for cost effectiveness;
- That the Diplomatic Passport would be green in colour while the Service Passport would be blue;
- That the Passports be produced in Africa by an African company;
- That the AUC Consultant on Free Movement elaborates the necessary specifications that such passports should meet and the Commission circulates these specifications to all AU Member States;
- That the Commission then invites Member States meeting those specifications to formally express interest in the production of the AU Diplomatic and Service Passports.

6. The AUC Consultant then designed the different security features of the said passports for the consideration and endorsement of the Bureau.

7. Subsequent to formal requests to all AU Member States for expression of interest in the production of the Passports, submissions were received from the Republics of Zambia, South Africa, Zimbabwe, The Sudan, Sierra Leone and the Federal Republic of Nigeria. Only the Republics of South Africa, Zimbabwe, The Sudan and the Federal Republic of Nigeria responded to the invitation for an interview at the AU Headquarters, during which companies were given the opportunity to showcase their capabilities. The South African Government Printing Works was thereafter selected to produce the African Union Diplomatic and Service Passports.

8. The Commission then engaged the South African Government Printing Works and worked very closely with its officials to ensure that the paper produced, the designs and the booklets met the agreed upon specifications and that the passports were ready for issuance on Africa Day 2007. It was indeed a moment of great accomplishment to the AU Commission when the African Union Diplomatic and Service Passports were launched at the AU Headquarters on 25 May 2007 at a ceremony honoured by the presence of the Chairperson of the African Union, H.E. Mr. John Kufuor, President of the Republic of Ghana and the Prime Minister of the Federal Democratic Republic of Ethiopia, H. E. Mr. Meles Zenawi who were also the first recipients of the African Union Diplomatic Passport. Plans are underway to issue the African Union Diplomatic and Service Passports to the Officials of the African Union and other eminent African personalities.

9. To take forward the process of effectively facilitating free movement in Africa, following the introduction of the African Union Diplomatic and Service Passports, a combination of measures would have to be taken by the African Union including liberalization/abolition of visa regimes and facilitation of residence permits.

10. The intricacies of these measures are amply justified in the Executive Council Decision **EX.CI/Dec.211** which inter alia:

“**URGES** Member States to ensure that the process of facilitating free movement be implemented at bilateral, sub-regional, and regional levels, from which an Africa- wide framework would be developed”.

The said Decision, it should also be recalled, furthermore provided guidelines to the Commission on the implementation of the Free Movement Agenda viz:

“**REQUESTS** the Commission in consultation with Member States to:

- a. establish a specialized office to follow-up on the implementation of activities related to free movement in Africa,
- b. convene a Forum for African Officials at sub-regional, regional and continental levels 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.”

Conclusion and Way forward

11. The AU Commission will accordingly continue to work with Member States through a process of detailed consultations at the regional level to address all potential political, legal, social, security, economic and cultural problems that might affect the smooth facilitation of free movement of persons within Africa. In this context, a meeting of Member States Experts scheduled for November 2007 will elaborate an operational framework on facilitation of free movement in Africa. This framework will provide for guidelines on liberalization or abolition of visa regimes, possibilities of relaxation of legal frameworks and practices in the issuance of residence permits in favour of African nationals, as well as modalities for the introduction of an African Passport.

12. However, in order to implement the AU Framework on Free Movement that will be elaborated after wide consultations with Member States, the establishment of a well resourced Specialized Office should be given due attention.

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