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SUBJECT: - AfCFTA Framework Policy Brief Series

PROF. MUHAMMED TAWFIQ LADAN, PhD
DIRECTOR, DIVISION OF AfCFTA LAW AND POLICY (DALP),
OFFICE OF THE DIRECTOR GENERAL
NATIONAL INSTITUTE FOR LEGISLATIVE AND DEMOCRATIC STUDIES,
NASS, ABUJA
No. 2, ABUBAKAR O. SULAIMAN AVENUE, PIWOYI DISTRICT, OFF UMARU
MUSA YAR'ADUA EXPRESS WAY, AIRPORT ROAD, ABUJA

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Topic:

Evidence-Based Review of the African Protocol on Free Movement of Persons, Goods, and Services: Accelerating Trade Mobility and Regional Economic Integration under the AfCFTA

Evidence-Based Review of the African Protocol on Free Movement of Persons, Goods, and Services: Accelerating Trade Mobility and Regional Economic Integration under the AfCFTA

By

Prof. Muhammed Tawfiq Ladan PhD

1. Introduction and Current Operational Status

The African Union (AU) Protocol on Free Movement of Persons, Right of Residence, and Right of Establishment stands as a vital institutional pillar for the success of the African Continental Free Trade Area (AfCFTA). While the broader AfCFTA agreement has achieved historic political consensus and extensive state participation, the Free Movement Protocol faces a severe implementation deficit. Adopted officially by the AU Assembly on **January 29, 2018**, in Addis Ababa, Ethiopia, the protocol was intended to operate in tandem with the launch of the Single African Air Transport Market (SAATM) and the tariff-reduction frameworks of the AfCFTA.

Despite its strategic importance, the Protocol's operational status remains highly restricted. As of the 2025–2026 monitoring period, it has secured only four official state ratifications—Mali, Niger, Rwanda, and São Tomé and Príncipe—falling significantly short of the 15 ratifications required to legally enter into force across the continent. This creates a stark structural asymmetry within the African integration project: while states have committed to a unified continent-wide market for goods and services, the human capital, entrepreneurs, and service providers required to drive that market remain legally bound by restrictive, fragmented national borders.

2. Objectives and Scope

The 2018 Protocol establishes a comprehensive, progressive legal framework structured around three distinct, sequential phases designed to systematically eliminate borders as barriers to human capital mobility:

Phase 1: Right of Entry → Phase 2: Right of Residence → Phase 3: Right of Establishment

(Visa-free entry & standardized stays)

(Permits to live, work, and offer services)

Rights to found & run legal enterprises)

- **The Right of Entry:** Guarantees citizens of AU member states visa-free entry into the territory of other member states for a specified duration, minimizing entry requirements to valid travel documents and standard health verifications.
- **The Right of Residence:** Entitles citizens to reside within a host member state for the purposes of employment, professional service delivery, or extended economic engagement, requiring host nations to harmonize domestic labor and immigration laws.
- **The Right of Establishment:** Grants individuals and corporate entities the right to set up, manage, and expand businesses, professions, and industrial companies in any member state without discriminatory local regulatory hurdles or prohibitive expatriate quota costs.

Under the AfCFTA legal framework, this scope is directly bound to the liberalisation of trade in services and goods. By removing legal and administrative barriers to the movement of natural persons (Mode 4 in international trade terminology), the Protocol provides the foundational mobility framework necessary to unlock regional supply chains, optimize logistics, and allow professionals to cross borders freely to execute contracts.

3. Benefits to Key Stakeholders

Cross-Border Traders and MSMEs

Informal and small-scale cross-border trade constitutes a significant share of intra-African commerce, employing a vast demographic of women and youth across West and Central Africa. For small-scale traders, a fully operationalized protocol provides immediate legal protection. It de-criminalizes cross-border movement, replaces arbitrary, volatile immigration mandates with predictable legal windows, and eliminates the systemic vulnerability that leaves informal traders exposed to border extortion, physical harassment, and the summary confiscation of trade goods.

Enterprise Mobility and Foreign Direct Investment (FDI)

For larger corporate entities and conglomerates, the Protocol radically alters the economics of regional scale. It permits cross-border enterprises to move executive talent, technical specialists, and operational managers seamlessly across continental subsidiaries. This labor fluidity reduces the compliance costs of regional expansion, lowers the legal barriers to intra-African foreign direct investment, and empowers corporate entities to integrate cross-border value chains, transforming localized operations into pan-African industrial networks.

Sending and Host States

For governments, the institutionalization of free movement yields balanced macroeconomic benefits. Sending states experience optimized, regularized remittance flows, human capital development via circular migration, and the alleviation of local underemployment pressures. Host states benefit by rapidly filling highly specialized or seasonal labor deficits, expanding their domestic tax bases through regularized migrant business registrations, and driving domestic economic growth through increased consumption and intra-African tourism.

4. Challenges and Obstacles to Implementation

The profound delay in the protocol's entry into force stems from an array of political, national security, and regulatory anxieties among member states:

- **Sovereignty and Border Anxieties:** Wealthier and politically stable economies fear that opening borders will trigger unmanageable migration surges, strain domestic public infrastructure, and exacerbate local labor market competition.
- **National Security Frameworks:** In regions plagued by asymmetric security threats—such as terrorism, banditry, and illicit arms trafficking—states lean heavily on physical border controls, viewing open borders as an unacceptable vector for transnational crime.

- **Conflicting Legislative Regimes:** Across the continent, domestic immigration enactments, national labor protection laws, and citizenship acts frequently contradict regional and continental integration protocols, rendering supranational mandates toothless at the operational border post.
- **Persistent Non-Tariff Barriers (NTBs):** Even within highly integrated sub-regions, trade mobility is choked by infrastructural deficits, overlapping regulatory certificates, erratic border closures, and a lack of mutual recognition agreements for professional skills and product standards.

5. The Strategic Role of Digital Systems in Removing Barriers

To decouple security concerns from trade restrictions and dismantle bureaucratic blockages, the deployment of interoperable digital systems is the primary mechanism to operationalize the 2018 Protocol and accelerate AfCFTA integration.

Digital Identity and Biometric Interoperability

Fragmented national identification registers prevent real-time verification of traveler profiles, driving border agencies to rely on slow, paper-based immigration clearance. By establishing interoperable digital identities linked directly to biometric databases across borders, states can initiate reliable pre-clearance protocols and automated entry systems. This architecture ensures national security via data verification while offering expedited passage to legitimate cross-border traders and professionals.

The AfCFTA Non-Tariff Barriers (NTB) Reporting Mechanism

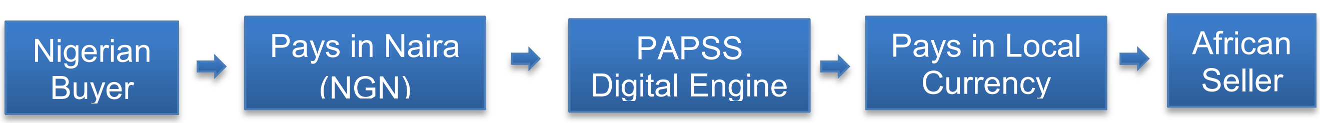
The digital AfCFTA NTB reporting portal enables cross-border traders and micro, small, and medium enterprises (MSMEs) to log real-time trade obstructions—ranging from unlawful border delays to visa denials and extortion attempts. This centralized digital platform routes complaints directly to designated national monitoring committees and the AfCFTA Secretariat, establishing a metrics-driven, auditable dispute system that pressures member states to resolve systemic border friction.

Integrated Digital Customs and Electronic Single Windows

Paper-heavy customs clearance forces truck drivers and traders to spend days at border posts, accumulating costly demurrage and administrative fees. Electronic Single Windows (ESWs) merge the clearance workflows of customs agencies, sanitary and phytosanitary (SPS) bodies, and standards institutions into a single digital gateway. This migration online minimizes human contact, suppresses the opportunity for rent-seeking and bribery, and radically drops transit times across border corridors.

Pan-African Payment and Settlement System (PAPSS)

Historically, cross-border transactions within Africa required conversion into scarce hard currencies like the US Dollar or Euro, adding steep transaction fees and currency conversion delays. Developed by Afreximbank and the AfCFTA Secretariat, PAPSS digitalizes cross-border payment settlements. It permits a Nigerian trader to settle a transaction in Nigerian Naira (NGN), while the recipient in another African state is paid instantly in their respective domestic currency. This digital settlement mechanism removes banking system frictions and preserves foreign exchange reserves.



6. Comparative Case Studies: National Approaches to Mobility and Digitalization

FOUR NATIONAL MOBILITY MODELS		
Country	**Core Strategic Focus**	**Signature Digital/Policy Tool**
NIGERIA	Trade Corridor Modernisation	PAPSS Onboarding & Trade Modernisation Project
RWANDA	Total Openness & Automation	Complete Visa Abolition via Irembo Portal
KENYA	Regional Talent & Transit	Electronic Travel Authorisation & RECTS
GHANA	Institutional Single Window	ICUMS Architecture for Paperless Customs

Nigeria: The Regional Hub Confronting Corridors of Extortion

Nigeria represents Africa's largest domestic market, yet its cross-border traders endure severe systemic friction along its primary West African arterial corridor—the Seme-Krake border connecting Nigeria to the Benin Republic. Traders suffer from excessive physical checkpoints, uncoordinated cargo inspection regimes, and illicit toll-collecting.

To counter these structural blockages, Nigeria has scaled its onboarding onto the **PAPSS network**, enabling its financial institutions to lead regional payment settlements. Domestically, the Nigeria Customs Service is rolling out its multi-million dollar *Trade Modernisation Project*. This initiative seeks to deploy an all-encompassing, automated Electronic Single Window, phase out manual cargo interventions, and establish automated tracking systems to replace the physical checkpoints that currently stifle the ECOWAS transit corridors.

Rwanda: The Pioneer of Complete Visa Openness

Rwanda stands as the premier continental archetype for aligning national law with the spirit of the 2018 Free Movement Protocol. Recognizing that mobility drives service-sector growth, Rwanda unilaterally abolished all visa entry requirements for citizens of every African nation.

This progressive policy is anchored by **Irembo**, an advanced, centralized digital state service portal. *Irembo* automates immigration, processing background verifications and security queries behind the scenes while granting immediate clearance at entry points. Rwanda's approach proves that national security does not require rigid borders; rather, security can be sustained via robust data analytics and integrated biometric monitoring.

Kenya: Digital Workforce and East African Mobility

Kenya has leveraged digital innovation to champion regional integration within the East African Community (EAC) and across the broader continent. Kenya transitioned its immigration entry architecture into a global **Electronic Travel Authorisation (eTA)** system, moving entry authorizations online to minimize physical border paperwork.

Within its sub-region, Kenya digitized its labor market access tools, introducing the free *Class R* work permit to eliminate financial barriers for specialized professionals moving from EAC member nations. Furthermore, Kenya anchors the **Regional Electronic Cargo Tracking System (RECTS)**. Operating out of the Port of Mombasa, RECTS employs digital seals and satellite tracking to monitor transit trucks in real time across borders, bypassing historical interior check-stops and slashing average freight transit times across East Africa by more than 50%.

Ghana: Hosting the AfCFTA and Driving Single Window Integrity

As host to the permanent AfCFTA Secretariat, Ghana has undertaken systemic internal reforms to act as an open gateway for continental trade. Ghana extends visa-free or visa-on-arrival clearance to the vast majority of AU member states, utilizing automated biometric entry kiosks to process regional arrivals.

The centerpiece of Ghana's trade mobility strategy is the **Ghana Integrated Customs Management System (ICUMS)**. ICUMS operates as an uncompromised Electronic Single Window, integrating all tracking manifests, standards testing, valuation bills, and customs payments into one paperless repository. For West African and Nigerian traders routing through or into Ghana, ICUMS has driven down cargo clearance times from multiple weeks to under 48 hours, replacing arbitrary physical paperwork with a transparent, digitally auditable workflow.

7. Prospects (2025–2026 Data Insights)

Data compiled throughout the 2025–2026 cycle reveals a continent operating at two different speeds. While the formal lowerings of AfCFTA tariffs have accelerated under specialized trading initiatives, actual human mobility remains constrained. The *Africa Visa Openness Index* indicates that approximately 28% of intra-African travel can be conducted entirely visa-free, highlighting a massive gap in the realization of the single market.

However, the outlook is buoyed by sub-regional successes. Regional Economic Communities (RECs), such as ECOWAS and the EAC, are functioning as real-world legal sandboxes. The successful deployment of regional electronic cargo monitors, the expansions of visa-free access in East Africa, and the accelerating commercial transactions flowing through PAPSS indicate that the technological and economic blueprints for continent-wide mobility are fully viable. The overarching challenge for the remainder of the decade is scaling these sub-regional breakthroughs into enforceable, continent-wide mandates.

8. Conclusion

The 2018 African Union Protocol on Free Movement of Persons, Goods, and Services is not a secondary addendum to the AfCFTA; it is its operational catalyst. True market integration cannot occur if commodities move freely while the traders, entrepreneurs, and professionals who sell them are bottlenecked by visa queues and border barriers.

The evidence shows that where mobility is restricted, informal trade is forced into precarious corridors of extortion, corporate supply chains fragment, and the economic yields of the AfCFTA shrink. Conversely, as demonstrated by the digital and political breakthroughs in Rwanda, Kenya, and Ghana, the calculated removal of mobility barriers via automated identity systems, digital single windows, and unified payment rails creates safe, secure, and highly productive economic environments. For Africa to capture the full promise of its 1.4-billion-person market, member states must move past defensive border paradigms and view regulated free movement as a primary engine of continental growth.

9. Recommendations to Key Stakeholders

To the African Union (AU) Commission and AfCFTA Secretariat

- **Appoint a Continental Special Envoy:** Establish a high-level Special Envoy for the Free Movement Protocol to drive targeted political advocacy, address member states' specific security concerns, and accelerate the 11 additional state ratifications required for the protocol to enter into force.
- **Establish a Digital Mobility Taskforce:** Create a technical body dedicated to setting data-interoperability standards for national digital identity registries, ensuring seamless future rollouts of the African Union Passport.

To National Governments (e.g., Federal Government of Nigeria)

- **Harmonize Domestic Statutes:** Systematically align national immigration guidelines, visa-on-arrival mandates, and labor laws with the 2018 AU Protocol and the AfCFTA trade in services schedules.
- **Eradicate Border Corridor Checkpoints:** Order the immediate consolidation of border agencies at major trade gateways like the Seme-Krake border into single, co-located digital single windows to stop the systemic extortion of cross-border traders.
- **Mandate Specialized Border-Agent Training:** Inject comprehensive training programs into national border services to orient field officers on the legal rights of intra-African traders, setting strict penalties for rent-seeking activities.

To Regional Cross-Border Trader Associations and Private Sector Coalitions

- **Utilize Digital Reporting Infrastructure:** Actively train member networks, particularly women and youth MSME operators, to report real-time border delays and extortion via the official AfCFTA NTB digital platform to ensure state accountability.
- **Advocate for Payment Standardization:** Partner with central banks and commercial entities to expand access to PAPSS terminal points, lowering transaction friction for informal sector actors.

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