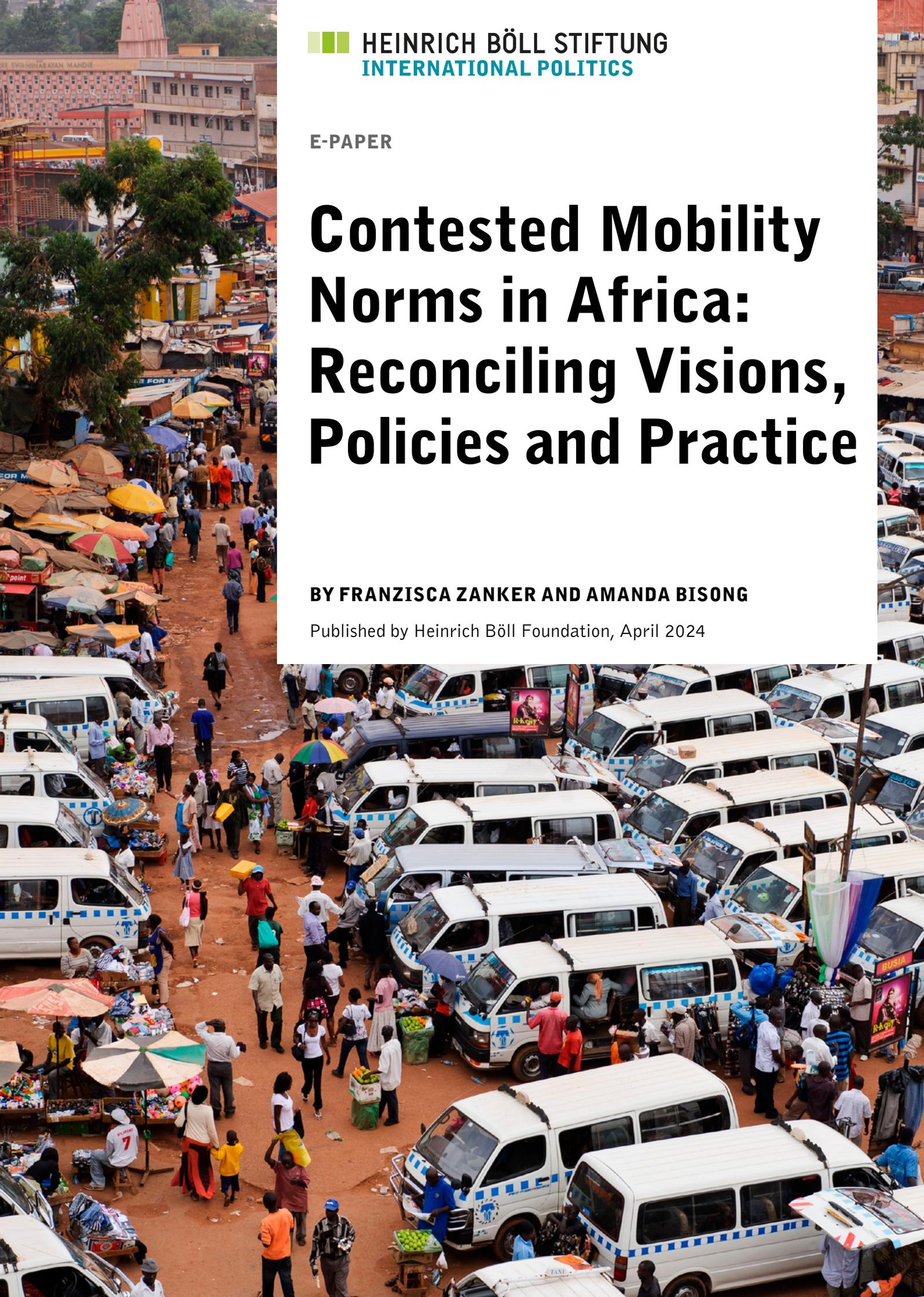


E-PAPER

Contested Mobility Norms in Africa: Reconciling Visions, Policies and Practice

BY FRANZISCA ZANKER AND AMANDA BISONG

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Foreword

How would we think about the world if our starting point was Africa? In an age featuring widespread anti-immigrant sentiments and mobilisations, what ideas, tools and outlooks can we glean from Africa's normative values and practices of mobility to rethink human migration? Although thinking is ordinarily not trapped in place, it nonetheless takes a site as its starting point. The study of Africa has for too long been dominated by the practice of thinking about Africa through categories, concepts and assumption that are largely drawn from European societies. This is described by the Ugandan scholar Mahmood Mamdani as theory by analogy.^[1] In *Contested Mobility Norms in Africa: Reconciling Visions, Policies and Practice*, Amanda Bisong and Franzisca Zanker flip the dominant script by looking at Africa as a site from which to generate knowledge about both the African and human condition. The authors draw on the normative perceptions, practices, regulations and contestations around mobility in order to think about Africa on its own terms.

This report studies the norms that underpin mobility in Africa as an ordinary human practice, an embodied right and even as a social expectation. This exploration is significant, not least because it highlights the perceptions of mobility, the world outlook that informs it, the actions of states, the contradictions between stated policies and practices, the divide between policy and popular perceptions, but also the limits and dangers of imposing policies drawn out of another socio-historical reality.

Norms, like culture and tradition, have histories: They come into being, are interpreted in different ways, are subject to contestations around axes of social differences such as class, gender and generation, and they change over time. Minimally shared historical experience provides a broad normative outlook around which such contestations take place. In the case of mobility in Africa, the relatively vast land vis-à-vis the population meant that mobility was central to the peopling of Africa, state formation and livelihood arrangements. It is therefore common in African history for entire settlements to move to another location in search of opportunities, for adventure, the promise of better governance and to escape conflict. Indeed, the prestige of polities was often linked to how many people they attracted. Even conquest was linked to expanding populations and incorporating new members. This produced, with variations, an openness to mobility, both as a form of resistance to oppressive social norms,^[2] and as a lifestyle and orientation to the world.^[3]

- 1** Mamdani Mahmood, *Citizen and Subjects: Contemporary Africa and the Legacy of Late Colonialism*, Princeton, NJ: Princeton University Press, 1996.
- 2** Harold Olofson, «Yawon dandi: A Hausa Category of Migration», *Africa* 46, no. 1 (1976): 66–79.
- 3** Yusufu Bala Usman, *Beyond Fairy Tales: Selected Historical Writings of Yusufu Bala Usman*, Zaria, Nigeria: Abdullahi Smith Centre for Historical Research, 2006.

In contrast, the trajectory of Africa's neighbour, Europe, is different. A comparatively small land mass with a dense population, the focus of expansion in Europe was the maximisation of territory, not the incorporation of «outsiders». This gave rise to an outlook that conflated identity with territory, and it therefore provided little room for an «outsider» to become a part of a political community. In the former case, a shifting sense of belonging was inevitable to both attract and incorporate people. The political outlook in territorially expansive Europe was territorial expansion sans social incorporation.

That exclusionary outlook was superimposed onto Africa as part of colonial statecraft and accumulation. The most successful case is Southern Africa with the creation of native reserves and Bantustans^[4] that were strictly governed based on the assumptions of impermeable ethnic boundaries, which were monitored by limiting the movement and settlement across ethnic lines.^[5] Movements across ethnic boundaries were primarily permitted towards colonial mines and farms. This outlook is implicated in present-day anti-immigrant sentiments and mobilisations in South Africa. The conscious creation of immobility through state policies has rendered «othering» based on national boundaries as natural. Thus, the post-Apartheid polity grapples with an entrenched worldview of suspicion of mobility from the rest of the continent. Just like in Southern Africa, colonial capitalism in West Africa depended on labour from across the sub-region.^[6] An important difference, however, is that unlike Apartheid and its migrant labour system, in West Africa both the British and the French took advantage of the pre-existing mobile arrangement of seasonal workers and traders to create a pool of labour across colonies without the strict enforcement of ethnic boundaries.

Framed around eight normative formulated assumptions, one can see the extent to which putative norms are operationalised or not. The report carefully teases out the normative statements from Africa's historical patterns of mobility; important ontological and philosophical concepts about community and hospitality; state actions and orientation; and the available knowledge from Africa's scholarly output on mobility. Below I briefly focus on four of the normative statements that highlight the multiple considerations on African mobility touched upon by the report and beyond.

First, migration is essential for development: The report provides fresh insight into the perennial question that accompanies the migration-development nexus, that is, does anyone migrate with the intention of developing any country or locality? This is fleshed out

4 Archie Mafeje, «The Ideology of 'Tribalism'», *The Journal of Modern African Studies* 9, no. 2 (1971): 253–61.

5 Mahmood Mamdani, «Indirect Rule, Civil Society, and Ethnicity: The African Dilemma», *Social Justice* 23, nos. 1–2 (1996): 145–50.

6 Walter Rodney, *How Europe Underdeveloped Africa*, Washington, DC: Howard University Press, 1982.

through a set of sub-norm statements that look at the place of migration in the process of development, the political economy of migration, the instrumentalisation of migration in geopolitics and the leveraging of aid by powerful countries to push for return migration under the rubric of development. By doing this, the report puts forward a conception of development beyond the economic lens by framing development to encapsulate «human flourishing», the exchange of ideas, know-how and aspirations. The report raises the question: Whose development? This is an important aspect of the discussion, as it points to several divides and contradictions: the divide between an ongoing continental rhetoric of migration and development on one hand, and policies at the national level that contradict the rhetoric and militate against mobility on the other. What emerges here is state inertia in promoting mobility, even when states simultaneously profess mobility as a pillar of development.

Second, I want to discuss the norm around Pan-Africanism and the aspirations of an integrated continent where people move freely: Africa's history of Pan-Africanism paves the path for free movement. As accurately depicted by the report, Pan-Africanism by default sees Africa as a unit within which Africans should be free to – and encouraged to – move. The Pan-Africanist vision sees human movement as part of the integrative process of the continent. While a younger generation of Africans appears to be embracing Pan-Africanism after a long lull, the report perceptively draws attention to the somewhat performative emphasis on culture and aesthetics, and less on the integrative goal of Pan-Africanism. The barriers to movement within the continent further limit the thrust of Pan-Africanism. Contributing to this barrier, which effectively closes off Africa to itself, are the European Union's (EU) policy imperatives. The EU externalisation drive of shifting its borders into Africa to avoid migration works under the following assumption: If Africans cannot move easily within Africa, it will hinder them from reaching Europe. Yet again, Europe stands in the way of Pan-Africanism.

Third, another norm statement notes that there is a culture of welcome in Africa that protects people on the move: By drawing on concepts such as Ubuntu (from Southern Africa) and Teranga (from Senegambia), the report examines the extent to which Africa is welcoming to mobile persons. Here, the earlier reference to an openness to mobility comes into play. The report shows how people routinely assist those on the move: as a form of human compassion, fellow feeling and even social expectation. It is common in African sayings to be exhorted to always cook a large meal because a visitor may arrive at any time. This hospitality is contextualised as a historical social arrangement and not some essential folk quality. This is important, in that it shows that societies can move towards a more caring and open outlook. Accordingly, societies such as Germany that are currently in the throes of extreme right-wing anti-immigrant projects could, with conscious social practices, move towards more humane perceptions and treatment of «others» – a lesson Europe can learn from Africa.

Finally, another norm states that with the rise of security problems, African countries need to protect their borders: Since 11 September 2001, migration has increasingly been seen through the lens of security and the War on Terror. Western bilateral agreements with African states around migration are often justified in the name of preventing terrorism. The report rightly points to the misnomer of equating migration with terrorism and security threats, given that the threats to state security largely emanate from within state boundaries. This is related to an exclusionary understanding of sovereignty and nationalism on the African continent, something the Tanzanian scholar Issa Shivji^[7] calls narrow nationalism. Shivji explains his point through the critical and programmatic works of Julius Nyerere, Tanzania's first president, who once said: «African nationalism is meaningless, dangerous, and anachronistic, if it is not at the same time Pan-Africanism».

This report is a result of years of commitment to an alternative, critical and decentred approach to thinking about African migration. It takes African perspectives seriously, not in an insular and hegemonic manner but in a dialogic spirit. By speaking with African policy-makers, rights advocates and researchers, Bisong and Zanker have consciously challenged the practices of thinking for and on behalf of Africa. Instead, the authors are opening up a paradigm of thinking with Africa on Africa's terms.^[8] In doing so, the report portrays Africa as a site of critical and independent thinking and sets out to listen and think with Africa and its thinkers. While interviews for the report were conducted in Kenya and online, the scope of the report covers the African continent. Its relevance, however, goes beyond the continent.

This report will be a very useful resource for all those interested in a reasoned understanding of African mobility, and by implication the wider contemporary migration question. I therefore recommend it for academics, policy-makers, activists, and the publics in Africa and Europe.

Berlin, April 2024

Dr Faisal Garba
University of Cape Town, South Africa

7 Issa Shivji, «Nationalism and Pan-Africanism: Decisive Moments in Nyere's Intellectual and Political Thought», *Review of African Political Economy* 39, no. 131 (2012): 103–16.

8 Souleymane Bachir Diagne, *The Ink of the Scholars: Reflections on Philosophy in Africa*, CODESRIA, 2017.

Abbreviations

Abuja Treaty	Treaty Establishing the African Economic Community
ACHPR	African Charter on Human and People's Rights
AfCFTA	African Continental Free Trade Area
AU	African Union
AU-FMP	Protocol on the Free Movement of Persons, Right of Residence and Right of Establishment
BIAT	Boosting Intra-African Trade
CRRF	Comprehensive Refugee Response Framework
DRC	Democratic Republic of the Congo
EAC	East African Community
ECOWAS	Economic Community of West African States
EU	European Union
EUTF for Africa	The European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa
IGAD	Intergovernmental Authority on Development
IOM	International Organization for Migration
MPFA	Migration Policy Framework for Africa
OAU	Organisation of African Unity
PAFOM	Pan-African Forum on Migration
RECs	Regional Economic Communities
RSF	Rapid Support Forces

SADC

Southern African Development Community

UNHCR

United Nations High Commissioner for Refugees

Executive Summary

By analysing what mobility norms are prevalent in the African context (acknowledging its diversity), this report aims to shed some light on the complexity of policy-making in this field. The goal of a better understanding is to promote improved cooperation on migration partnerships between African and European partners by actually incorporating African norms on mobility and giving space for their expression – in other words, taking mobility norms into account in all their complexity in order to better negotiate migration partnerships. We argue that this will contribute to creating a more balanced approach towards migration cooperation and will, in turn, create partnerships that are of use to African partners – and not only those that take into consideration the interests of the European partners.

The report covers eight different «norm statements on mobility», whereby norms are understood as collaboration and contestations between policy norms (norms as included in policies influenced by various actors) and social norms (a process-based understanding of norms that considers the wider socio-political context). These norm statements were discussed with 22 interview partners, including academics, policy advisors, consultants, civil servants, civil society advocates, a legislator and representatives from the African Union (AU) between September and November 2023, in Nairobi and online. The report highlights the following:

1. There is a broad consensus that **«migration is essential for development»** (82% of interviewees agreed), and migration is mostly seen as something that contributes positively to the growth and progress of a society. Yet, the meaning of development and potential repercussions such as brain drain are contested, making the implementation of policies more difficult. There is often a disconnect between policy-making at the regional or national level and translation to a broader societal level, where there might be a near-consensus linking mobility to economic prosperity (and in turn development), but not necessarily on accepting migrants into your own community.
2. All interviewees personally agreed that **«free movement in trade will shape economic development for the future»** (100%), though they were more sceptical about how important it was for policy-makers (only 53% thought they would agree with it). As we can see with the difference in the African Continental Free Trade Area (AfCFTA agreement), signed by 54 countries and ratified by 47, and the Protocol on the Free Movement of Persons, Right of Residence and Right of Establishment (AU-FMP), signed by 33 countries and ratified by only four, there is a huge discrepancy between accepting free movement in trade, but not of persons. This results in a dividing line between policy and practice.
3. A majority of the interviewees (70%) agreed that **«the diaspora is one of the most important actors for governments and African institutions to engage with»**, in

particular due to their economic importance by contributing remittances, for example. However, the group is heterogeneous and its definition varies according to institutions. Moreover, the political role of the diaspora is disputed, and often their involvement remains symbolic.

4. Only a slight majority (55%) agreed that «**Africa's history of Pan-Africanism paves the path for free movement**» since the concept has various definitions and interpretations of its meaning and relevance. The idea is more of an intellectual exercise rather than a reality, and thus implementation problems and external influence counteract the free movement agenda on the continent.
5. All of our interviewees (100%) agreed that «**African migrants have (legal) rights and these need to be respected**», yet only 15% thought policy-makers would agree with the norm statement. The pervasive abuse of migrant rights across the continent is tied to national interests and enforcement issues.
6. A majority (63%) agreed that «**there is a culture of welcome in Africa that protects people on the move**», yet they also thought that only 20% of policy-makers would agree. The implementation of a «cultural» norm that is subject to constant change and evolution is difficult and highly contested.
7. Whilst only a small number (18%) agreed that «**with the rise of security problems, African countries need to protect their borders**», a large majority of our interviewees (82%) thought policy-makers would agree. Thus, this is a norm in practice, if not (always) in policy, and by no means a social norm. Interlocutors widely contested the norm related to the meaning of «protected borders» and pluralistic norms of cross-border mobility.
8. Only a minority of our interviewees (19%) thought that «**African states are sovereign countries and need to protect their own markets and citizens**», and only half thought policy-makers would agree (50%). Again, written policy documents do not really support this norm statement, but ad-hoc policies and practice highlighting national sovereignty are obstacles to the implementation of migration policies on the continent.

Mobility norms are often a mismatch between social and policy norms. The contestations between social and policy norms create ambiguity that can negatively affect mobility. All of these contestations, discrepancies and tensions between social and policy norms contribute to the development and evolution of mobility norms on the African continent.

A number of contestations are of major relevance for European policy-makers seeking to improve cooperation with African partners: namely, the colonial legacy of neoliberal framing, the undue external influence on policies and the lack of political consensus on certain issues between and within African states.

Secure borders and migrant rights were the most disputed issue with regard to the personal opinions of our interlocutors and what they believed were the opinions of policy-makers. This points to a strong dissonance between policy norms of border control and silence on migrant rights at best, and social norms that advocate for strong rights of migrants through borders that enable their movement. Those mobility norms with policies that diverge too much from other social norms – including the Pan-African movement, migrant rights, a culture of welcome, secure borders and national sovereignty – merit particular attention when it comes to a consideration of how this can affect migration cooperation.

More space is needed for a plurality of expressions and the acknowledgement of social norms in an evolving socio-political context. This report presents a nuanced understanding of migration and mobility on the continent with a view to developing tailor-made policies to address migration-related cooperation between European and African countries. A more productive way forward would be joint discussions on areas of agreement and progress – and on the areas in which things are «stuck» or in tension – in order to come up with joint avenues to address these challenges. Moving forward, we need to consider how we can use these insights to promote balanced cooperation that caters to the interests of all parties, namely African and European states as well as non-state actors and citizens alike.

1. Introduction

Open a European newspaper and you will find anti-migration policies, rhetoric and fear-mongering within the headlines and articles. As right-leaning political parties gain votes across Europe, the public space for considering migration as a fundamental right, a form of humane protection and a frequently positive contribution to society is diminishing. This report looks at one of Europe's closest neighbours, an area that European policy-makers have increasingly targeted: Africa. Although cooperation on migration between the two continents goes back at least two decades – not least with the Cotonou Agreement – interest in the topic has intensified since the first Euro-African summit dedicated to migration took place in Valletta in 2015. The results have been, at best, mixed.

Out of nine European mobility partnerships – the highest form of cooperation – only three are with African countries (Cape Verde, Morocco and Tunisia). However, the difficulties of even long-running partnerships are underlined by the fractious relationship between the European Union (EU) and Tunisia, for example. The country recently returned €60 million of direct budget support in October 2023, despite an agreement to deepen cooperation on migration that was signed only months earlier in July.^[9] More broadly, areas of cooperation between the EU and African countries include migration management, border controls and the return of irregular migrants. To this end, the EU spent €5 billion on the EU Emergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa (EUTF for Africa) between 2016 and 2021.^[10] Yet, here too, the outcomes have been limited. On the issue of migrant returns, for example, even for a relatively small country such as the Gambia, Europe has considered the cooperation on returning migrants to be insufficient and has imposed visa sanctions.^[11]

Part of the difficulty with the partnerships and cooperation on migration stems from different interpretations of the meaning and value of migration, and of how to approach the issue in the context of partnership. What are the interests of African policy-makers, migrant rights advocates and ordinary citizens? Migration is understood differently on the African continent: Migration is a right, a normal element of life, a rite of passage, and it is essential for development. When we asked our interviewees (see below) what was unique about migration on the continent, they painted a complex picture. They mentioned cross-border movements across colonially imposed borders as well as pervasive inequality and poverty. They spoke of the multiplicity of different types of mobility (e.g. including domestic workers to the Middle East), different durations (seasonal, temporary and often circular) and

9 Liboreiro, «Tunisia Snubs Brussels and Refunds €60 Million in EU Aid».

10 European Commission, The EU Emergency Trust Fund for Africa Annual Report 2022.

11 Zanker and Altrogge, «Protective Exclusion as a Postcolonial Strategy: Rethinking Deportations and Sovereignty in The Gambia».

countries that were simultaneously origin, transit and destination points. Others focused on the many conflicts on the continent that drive displacement, but also on the high tolerance and acceptance of migration and the support it provides for families. For some, migration forms part of a broader connection to spirituality and Ubuntu:^[12] Migration exists in relation to a community, shaping how people move and thus shaping the community itself, including a broadening of perspectives when migrants bring home (or transfer) new knowledge.

Thus, «movement is a part of life in Africa and this should be the case» (Interview Nbi5, see Appendix 1 for a list of interviewees). Progressive policies support this reality of migration on the continent, including the protection of refugees contained in the Refugee Convention from the Organisation of African Unity (OAU) from 1969, or the protection of the internally displaced enshrined in the 2009 Kampala Convention. Moreover, various regional agreements in regional economic communities (RECs) consider the free movement of persons as a central aspect of integration. These include the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC), the Intergovernmental Authority on Development (IGAD) and the East African Community (EAC) (see Table 1). The priorities of the AU on migration and mobility are set out in the Treaty Establishing the African Economic Community (Abuja Treaty 1991) and its policy frameworks governing migration, mobility and displacement. The 2006 African Common Position on Migration and Development, and the 2008 and 2018 revised Migration Policy Framework for Africa (AU-FMP) provide an overarching, non-binding framework on the AU's approach to migration. In addition to the above frameworks, the 2018 Protocol to the Abuja Treaty contains the right to the free movement of persons, the right of residence and the right of establishment. It also includes the protocol towards a single African passport and the Open Skies agreement (Single African Air Transport Market), all of which govern the mobility of persons on the continent. These frameworks represent priorities and compromises, given the varied interests of African states in migration and displacement. They are flexible, giving the necessary space for AU member states to adopt and adapt certain implementation steps at their own pace. Consequently, AU member states – bilaterally and as part of RECs – develop specific policies that align with the identified priorities of the AU and operationalise these policy frameworks.

12 Ubuntu is a Bantu term meaning «humanity». It is a philosophical idea that exists in different variations across several language groups and is mostly defined as a universal bond across a shared humanity. In practice, the term recognises personhood to be relational – «I am because we are» – rather than based on individuality.

Table 1: Major policies on refugees and migrants in Africa

Major policies on refugees and migrants in Africa	
African Union	<ul style="list-style-type: none"> – OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) – African Common Position on Migration and Development (2006) – Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (2009) – Action Plan for Boosting Intra-African Trade (BIAT) Initiative (2012) – African Union Agenda 2063 – The Africa We Want (2015) – AU Free Movement of Persons Protocol (2018) – Migration Policy Framework for Africa (AU-FMP) (2018) – Agreement Establishing the African Continental Free Trade Agreement (AfCFTA) (2019) – Single African Air Transport Market (2018) – 3-Year Implementation Plan of Action for The Global Compact on Safe, Orderly and Regular Migration in Africa (2020–2022) – African Union Guidelines on Return, Readmission and Reintegration (2022)
Regional Economic Communities	<ul style="list-style-type: none"> – ECOWAS Free Movement of Persons, Residence and Establishment Treaty for the abolition of obstacles to free movement of persons, services and capital (1979) (partially implemented) – COMESA Protocol on the Free Movement of Persons, Labour, Services, Rights of Establishment and Residence 2001 (gradual removal of visa requirements, stage 1, in the process of implementation) – SADC Protocol on the Facilitation of Movement of Persons (2005) (not operational) – EAC Common Market Protocol (2010) including free movement (partially implemented) – IGAD Regional Migration Policy Framework (2012) (active)

Despite these impressive frameworks, African states and policy-makers have varied views on migration. These perceptions, as evidenced in the underlying narratives at the national (and sometimes sub-national) level, determine whether states ratify or implement policies. Sophisticated policy frameworks on free movement continue to suffer from a lack of implementation, to varying degrees, including in the ECOWAS region and the AU-FMP. Governments all across Africa impose colonial legacies of «othering» refugees and other migrants according to logics of labour, amongst other reasons.^[13] Xenophobia is persistent on the African continent and, due to its politicisation, tends to manifest in violence against migrants as well as expulsions and deportations.^[14] Where does this divergence and complexity come from?

Definition of Mobility Norms

Mobility norms, as discussed in this study, speak to multiple forms of movement that are predominant on the continent, including migration for purposes of work, study or personal relationships, daily cross-border movements and forced displacement caused by conflict, poverty or other reasons.

13 Brankamp and Daley, «Laborers, Migrants, Refugees».

14 Akinola, «Introduction: Understanding Xenophobia in Africa».

Whilst mobility and migration occur widely in Africa, the efforts of development actors and policy-makers in addition to external pressures have resulted in a «sedentary bias» in policy-making – a viewpoint that expects Africans to stay where they are and considers migration to be the exception. This is dominated by the perceived «threat» of African migration towards Europe. Despite the scaremongering pervasive in the European press, most migration occurs within the African continent. In fact, research regularly estimates that more than 80% of African migrants move within the continent.^[15] Similarly, according to research by the International Organization for Migration (IOM) from 2017, 80% of Africans contemplating migration actually have no interest in leaving the continent and do not intend to move permanently. Moreover, when they do leave the continent, 94% of Africans migrating to other continents move through regular channels. In the context of global mobility, Africa accounts for only 14% of the global migrant population (as opposed to 41% from Asia or 24% from Europe, for example).^[16]

European and, more generally, Global North thinking on migration has shaped the lens through which the topic is seen, discussed and approached in policy and daily discourse, without creating space for the multiple, complex ways that migration is understood in other spaces, including in Africa. A case in point is the Global Compact for Migration from 2018, which, despite aiming at a global approach to migration, was relatively one-sided in the end.^[17] The importance of migration for people and governments in Africa is complex and multifaceted – an issue that this report seeks to explain. It does so by asking in what ways governments, regional bodies such as the AU and IGAD, citizens and civil society frame migration normatively. In other words, what are the mobility norms?

Moreover, how do such mobility norms align with public policies? By identifying what norms are prevalent in the African context and analysing how they converge with public policies (acknowledging their diversity), we aim to shed some light on the complexity of migration in Africa. The aim of a better understanding is to promote improved cooperation on migration partnerships between African and European partners by actually incorporating African norms on mobility and giving space for their expression – in other words, taking mobility norms into account in all their complexity in order to better negotiate migration partnerships. We argue that this will contribute towards creating a more balanced approach to migration cooperation and, in turn, create partnerships that are of use to African partners and not solely in the interests of Europeans. Moreover, understanding the multiplicity and complexity of how migration is perceived and operates on the continent will contribute to broadening the perspectives of both European and African policy-makers

15 International Organization for Migration, Africa Migration Report.

16 Achieng and Katungye, «Pan-Africanism, Regional Integration and Migration»; Appiah-Nyamekye Sanny, Rocca, and Schultes, ««Updata-Ing» the Narrative about African Migration».

17 Pécoud, «Narrating an Ideal Migration World?»; Madokoro, «Eurocentrism and the International Refugee Regime»; Panizzon and Jurt, «Through the Looking-Glass».

on what viable options exist for cooperation on migration beyond the «sedentary bias» and containment approach currently being implemented.

The reason that mobility norms are defined comprehensively (see Textbox 1) is because in reality people often move for different reasons at different times and do not simply belong to one category. We refer to migrants inclusively – meaning refugees and other migrants – and only refer to refugees when we mean a specific rights-based status attached to a person at a particular time. Speaking of «Africa» and «African» mobility norms fails to do justice to the diverse and intricate continent comprising 54 countries.^[18] Nevertheless, we employ these terms as a contrast to «Europe» and its associated values, interests and mobility norms, whilst recognising that African norms are equally prone to being contested and disputed, much like those in Europe. This provides space for understanding in what ways and on which normative grounds African policies and societal values may diverge from European approaches towards migration cooperation agreements.

We conducted 22 interviews for this study from September to November 2023 in Nairobi and online. Interviewees included academics, policy advisors and consultants, civil servants, civil society advocates, a legislator and representatives from the AU, though we asked our interviewees to respond in a personal capacity. The study was reviewed by two renowned African migration scholars and is of interest to all those interested in better understanding migration on the continent.^[19]

Unless stated otherwise, the following text draws on an analysis of the 22 interviews we conducted for the study (see Appendix 1). In particular, we considered the overall levels of agreement or contestation for particular norm statements, as further elaborated below. We asked interviewees to assess each norm according to their personal-professional capacity, as well as to indicate whether they thought other actors or institutions agreed or disagreed with the norms. This provided an indication of the levels of agreement for particular norms that we refer to throughout the report. We indicate the levels of agreement as percentages, since the overall total number of (dis)agreement varies – because they were semi-structured interviews, not all the conversations included all norm statements (for the exact numbers, see Appendix 3). The percentages are only indications based on qualitative interviews, though they are helpful in giving an overall indication and were triangulated

18 This point was also frequently raised by our interviewees. Whilst most definitions and institutions count 54 African countries, there are officially 55 countries in Africa according to the AU, which includes Western Sahara. However, throughout this report we follow the more standardised version of 54 countries.

19 Our thanks go to Prof. Mary Setrana (University of Ghana) and Dr Kudakwashe Vanyoro (Witwatersrand University) for their insightful feedback and comments. Thanks also to Emre Akbiyik, Ernest Chetachukwu Anudu, Aimée Becker, Molly Casey, Johanna Unnewisse, Nora Wolf and especially Franziska Feldhahn for their research assistance, and Laura Lambert, Maria Kind and Kirsten Krampe for their contributions to the development of the study. All errors remain our own.

with policies, reports and other secondary sources. In the following, we briefly address conceptualisations of norms before outlining eight different norm statements (and their contestations) in Africa.

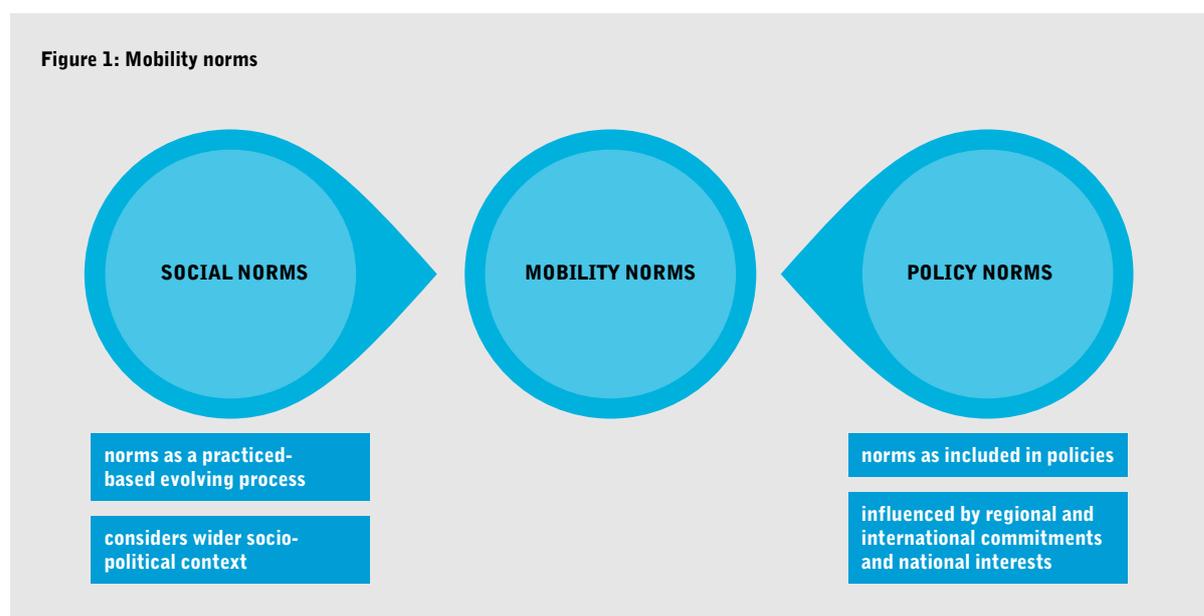
2. Mobility Norms in Africa

Conventional literature, particularly on international relations and migration research, typically defines norms as widely accepted rules and regulations that stipulate (acceptable) behaviour. In this understanding, norms are defined by legislation, conventions or policy documents that are largely influenced by specific institutions. Nonetheless, as we show below, they can also be informal, flexible and unwritten shared principles that govern behaviour. Norms arguably give structure, order and stability to the world.^[20] The primary emphasis for most scholars is on the legal dimensions – in this case, international refugee law, but also, for example, legal standards on human/migrant rights or labour mobility reflected in trade agreements.^[21] These international norms are then adapted (or diffused) to local circumstances by states, international organisations such as the AU and IOM, or by bureaucrats. This idea of local adaptation (and the related concept of norm subsidiarity) of international norms is useful for understanding how certain mobility norms may develop in Africa in accordance with local beliefs and practices, whereas the subsequent domestic legal frameworks vary greatly and frequently falter in implementation.^[22] If we consider «African» norms on, for example, security architecture, these can be adopted through a discursive redefinition for the local context (localisation) or a general translation of a norm for the specific context (meaning-in-practice).^[23] This interpretation, however, follows the mindset of a «global» norm, adapted to a local context, and does not acknowledge the social dimension of norms.^[24]

The general understanding of legal-international norms disregards the power relations embedded in these legislations and policies.^[25] Accordingly, norms are not static and ahistorical, but rather develop through a power-laden process of normalisation, which can be considered through the application of a post-colonial emphasis on power relations.^[26]

- 20** Epstein, «The Postcolonial Perspective: An Introduction»; Finnemore and Sikkink, «International Norm Dynamics and Political Change»; Gibbs, «Norms: The Problem of Definition and Classification».
- 21** Lavenex and Piper, «Regions and Global Migration Governance»; Jurje and Lavenex, «Mobility Norms in Free Trade Agreements».
- 22** Acharya, «Norm Subsidiarity and Regional Orders»; Betts and Orchard, «Introduction»; Geddes and Maru, «Localising Migration Diplomacy in Africa?»
- 23** Coleman and Tiekou, African Actors in International Security.
- 24** Though such adaptation processes can arguably amount to decolonial practices or agency, see Jabri, «Disarming Norms».
- 25** See, for example, Achiume, «Migration as Decolonization»; Epstein, «The Postcolonial Perspective: An Introduction»; Gathii, «TWAIL».
- 26** Epstein, «The Postcolonial Perspective: An Introduction»; Betts and Orchard, «Introduction».

Norms in Africa – whether on governance, leadership, gender or migration – are without a doubt affected and influenced by the impact of colonialism.^[27] Without seeking to essentialise one «traditional» way of thinking, there is a variety of research that considers long-standing values amongst peoples as an example of «African norms». Olivier de Sardan, with various co-authors, has developed the idea of «practical norms», whereby rules are not enforced, but there is a different normative understanding; a certain practice may break some kind of constitutive rule but still follow implicit norms. The «practical norms» approach seeks to study public authority as a social process rather than a (entirely) policy-driven process.^[28] Thus, an alternative focus on norms is to see them as everyday justifications of human behaviour (or «moral economies») produced by public discourses in conjunction with state discourses, or discursive frames.^[29] The ways that states act towards marginalised groups, including refugees and other migrants, is tied up in moral judgements regarding the (il)legitimacy of their marginalisation according to a «shared sense of what should be done».^[30] This amounts to a moral economy made up of moral judgements and their accompanying emotions, which are produced, circulated and appropriated in a specific historical and social context. Normative justifications for the way migration is regulated can be found in speeches, parliamentary debates, bills, press releases and newspaper articles. These are subject to challenges from civil society actors, migrants themselves and street-level implementation practices that may result in a different outcome than what was intended.



- 27** Akuul, «Indigenous Democratic Norms and Values of Pre-Colonial Africa»; Malunga, «Identifying and Understanding African Norms and Values That Support Endogenous Development in Africa».
- 28** See, for example, de Herdt and Olivier de Sardan, Real Governance and Practical Norms in Sub-Saharan Africa.
- 29** Linsenmaier, Schmidt, and Spandler, «On the Meaning(s) of Norms».
- 30** Fassin, «Moral Economies Revisited»; Fassin, «Can States Be Moral?»

As a working definition for this study, we see mobility norms as forms of collaboration and contestation between policy norms (norms included in policies influenced by various actors) and social norms (a process-based understanding of norms that considers the wider socio-political context). Although the norms included in policies aim to capture social norms, they do not completely do so. Also, because social norms change (or evolve), they differ from the norms encapsulated in policies. Furthermore, various factors influence which norms are taken up in policies – international commitments, regional commitments and national interests – so that these go beyond social practices and attempt to create a balance between the various interests. In sum, mobility norms are made up of both social and policy norms, though these may diverge (see Figure 1).

To our knowledge, few authors have addressed the concept of mobility norms in Africa.^[31] We argue that mobility norms help us to understand the priorities of migration policies. The ways that norms are manifested in state practices depend upon dynamic and evolving power relations. This is also reflected in the interviewees' understanding of norms as an established, expected or standard way of doing things, building on culture and laws, and subject to temporal and spatial changes. In the following, we discuss eight norm statements on migration in Africa, summarised in Table 2, which we developed based on existing literature, policy reports and policies, as well as on our previous work as academics and practitioners in the migration field.

Table 2: Overview of the different mobility norms (in order of appearance)

Mobility norms	
#1	«Migration is essential for development»
#2	«Free movement in trade will shape economic development for the future»
#3	«The diaspora is one of the most important actors for African governments and institutions to engage with»
#4	«Africas history of Pan-Africanism paves the path for free movement»
#5	«African migrants have (legal) rights and these need to be respected»
#6	«There is a culture of welcome in Africa that protects people on the move»
#7	«With the rise of security problems, African countries need to protect their borders»
#8	«African states are sovereign countries and need to protect their own markets and citizens»

³¹ Exceptions include Betts, «From Persecution to Deprivation»; Hahn and Klute, Cultures of Migration.

Norm Statement #1: «Migration is essential for development»

«Well-managed migration may have a substantial positive impact for the development of countries of origin and yield significant benefits to destination States.»

African common position on migration and development, African Union, 2006

«There are real questions of uplift from poverty, of wealth creation and redistribution. To address them efficiently, we need to open Africa to herself.»

Achille Mbembe, «Bodies as Borders», 2019, p. 17

The origins and motivations for migration as an integral part of development are linked to the decolonial struggle of early independent African states. Newly independent African states were of the opinion that jointly improving their economic standing globally and creating opportunities for integration within the continent would help them emancipate themselves from their colonial history (see also norm #4).^[32] This sentiment is reflected in various AU policies. Although the founding treaty of the OAU did not mention migration and mobility explicitly, the Abuja Treaty of 1991 emphasised the important role of mobility in improving development outcomes for the continent and improving the livelihoods of African citizens.^[33] These ideas are further encapsulated in the Agenda 2063 of the AU, which restates the need to address intra-continental mobility, protect the rights of asylum seekers and refugees, and encourage labour mobility as a pathway to development. The revised Migration Policy Framework for Africa (AU-FMP) from 2018 recognises that migration within the African context is an important livelihood strategy. Through its guiding framework, the AU-FMP supports African states in managing cross-border migratory movements with the objective of harnessing their benefits.^[34] In a similar non-binding

32 Nkrumah, *Africa Must Unite*; Legum, *Pan-Africanism A Short Political Guide*.

33 See the Founding Charter of the OAU in May 1963 and Article 4 paragraph 2 (i) and Chapter VI of the Treaty establishing the African Economic Community 1991. The focus of the founding charter was on (establishing/ restating/ respecting) the sovereignty of the newly independent states and eliminating colonialism (neo-colonialism) from the continent.

34 The AU-MPF includes 8 pillars and 11 crosscutting themes. The pillars are migration governance, labour migration and education, diaspora engagement, border governance, irregular migration, forced displacement, internal migration and migration and trade. The 11 crosscutting themes are Migration and Development; Migration Data and Research; Human Rights of Migrants; Principles of Non-Discrimination; Migration, Poverty and Conflict; Migration and Health; Migration and Environment; Migration and Gender; Migration, Children, Adolescents and Youths; Migration and Older Persons; and Inter-State and Inter-Regional Cooperation.

but prescriptive manner, the 2006 African Common Position on Migration and Development recognises the important linkages between migration and development. Moreover, the REC-level agreements were created not least to facilitate the development of labour mobility tied to economic development. At the intercontinental level, the Samoa Agreement (signed in November 2023) is the latest partnership between the EU and Africa (amongst other regions). This partnership underlines the idea that «migration can be a source of prosperity, innovation and sustainable development» (see Article 65 and also Article 3f).^[35] However, the focus is varied: in the Africa chapter of the post-Cotonou Agreement, there is an intensive focus on return and reintegration measures as an integral contribution to the development of African countries. This indicates some of the different positions and priorities of migration development, though for the time being the agreement holds little diplomatic relevance.^[36]

Academics have also stressed that the connections between migration and development are integral to the growth of African societies and livelihoods.^[37] In this sense, many people on the continent see migration as a livelihood strategy, bringing in remittances at the household level, as well as contributing towards small and large-scale development projects built from funds received from family members who have migrated (see also norm #5 on diaspora). This norm of migration being integral to development occurs at a policy level while also encapsulating what is practised in society. Although people migrate for various reasons, the search for work and an escape from economic hardship often play into it: «the main driver of migration [...] is the lack of opportunities here [...] looking for better prospects» (Nbi10).

Increasingly, policy-makers also equate responses to forced migration with development opportunity. This is because by transforming humanitarian aid into development aid, local communities can also benefit from (new) public infrastructures, including schools and hospitals. A typical example is Uganda, one of the largest hosts of refugees in Africa that has adopted refugee protection into its development plan. Uganda's approach is at least in part inspired by the Comprehensive Refugee Response Framework (CRRF), which was developed under the Global Compact on Refugees.^[38] Some of our interviewees resonated with this position. Speaking of the remote areas where camps were built in Kenya, one interviewee responded that «it has developed the region for the local community that used to live there» and it was «the refugees [...] who developed the place» (Nbi11). The CRRF aims to deliver development to both host and refugee communities. It is also tied to the

35 European Commission, «Partnership Agreement between the European Union and Its Member States».

36 See also Carbone, «Double Two-Level Games and International Negotiations».

37 Awumbila, Badasu, and Teye, *Migration in a Globalizing World*; Mbembe, «Bodies as Borders»; Okyerefo and Setrana, «Internal and International Migration Dynamics in Africa».

38 Ahimbisibwe, «Uganda and the Refugee Problem».

2030 Agenda for Sustainable Development and intends for refugee protection to be built on self-reliance.

82% of interviewees personally agreed with Norm Statement #1, but only 50% thought it was a statement that others, especially policy-makers, would agree with as well; 44% suggested stances towards migration and development were mixed, often differing between theory and practice.

The experts interviewed broadly agreed with Norm Statement #1 (82%). They noted that, depending on the context and connotations, people in Africa view migration in the daily social context as making positive contributions to the growth and progress of society in general as well as the family and the individual. Beyond remittances, this also includes investments and knowledge transfers, into the health and education sectors, for example. The interviewees noted that policies and discussions on migration and development, especially at the continental level, are presented in a positive light, emphasising the contributions of migrants to the development of their home and host societies. Nonetheless, 50% of those who responded believed that others would not agree with this norm.

What is development? Whose development?

There are four major levels of contestation. First, academics, as well as our respondents, have multiple opinions about the degree to which migration actually correlates with development.^[39] Especially in countries where immigration is generally unpopular, such as South Africa, interviewees noted that there wasn't such a broad consensus on the migration–development link, since «they see migration as impacting their development» (emphasis added; Dig4). Some interlocutors made a similar point related to whether refugees could or should have a development role. This led to a critique of the CRRF approach of turning refugees into neoliberal commodities, but also the critique that the development ventures of CRRF-inspired legislation, such as access to labour markets, had not had enough success. Lastly, some of our interviewees criticised the fact that many of the migration–development discussions amongst policy-makers focus entirely on (financial) remittances, without considering social or political remittances.

Secondly, and tied to this, the European policy impetus has been to fund development projects to stop migration. With a longer history, but intensified by the EUTF for Africa projects (see above), the recent focus has been to implement development projects in order to reduce or stop emigration (towards Europe in particular) and to «incentivise» countries to

39 De Haas, «Migration and Development»; Clemens, «Losing Our Minds?»

improve their cooperation on return migration.^[40] The effects have been limited, though these approaches have also been at least partially adopted by African governments, at minimum on a narrative level (see also norm #4).^[41] The EUTF for Africa approach is also a stark example of the difference in European and African attitudes to migration: «When it comes to migration the emphasis is development, and I think that's the contrast if you compare Africa and Europe. I mean for Europe, I think over the past years migration is management» (Dig10).

Thirdly, there was a range of opinions that were linked to the understanding of what development can mean as well as on the type of policy needed, stressing both well-managed migration (as in the African Common Position on Migration and Development) and free movement on the continent as necessary steps of economic development. This is related to the varying levels of development across African countries, whereby the more developed countries view migration from some less-developed countries as a threat to their own domestic development.

Fourthly, there are also negative effects of migration on development, such as brain drain.^[42] It is often younger, highly educated citizens who want to emigrate, which poses a clear threat to the countries that lose out on productivity, creativity and a highly skilled labour force.^[43] The problem of brain drain is acknowledged in policy documents, including for example in the AU-FMP, but the degree of its acknowledgement (especially due to inner-African migration) and responses vary between different countries. As it stands, it contests the norm of a straightforward link between migration and development.

Multiple disjunctures: National and societal migration–development connections

While African states reproduce the rhetoric of migration and development at the continental and regional levels, this is not translated into opportunities for migration within most African countries. On the one hand, state agencies meant to implement migration (and related) policies create numerous obstacles, for example, in the processes of access and entry – sometimes also linked to corrupt practices. On the other hand, citizens within host communities may see the development aspirations of migrants as a threat to their own development. This fuels the narrative of migrants competing for jobs with citizens (see also norms #2 and

40 Bartels, Money against Migration; Black et al., «Migration Drivers and Migration Choice».

41 Teye, «Critical Migration Policy Narratives from West Africa».

42 Berger, «Brain Drain, Brain Gain and Its Net Effect».

43 Appiah-Nyamekye Sanny, Rocca, and Schultes, ««Updata-Ing» the Narrative about African Migration».

#7). This norm needs to translate down to a broader societal level, where there might be a near-consensus on the link between mobility and economic prosperity (and, in turn, development), but not necessarily on accepting migrants in your own context (see also norm #5).

The complex decision-making process of whether or not to migrate as well as when and where to migrate exists outside the realm of policy-making. This highlights the fact that any potential policies may be irrelevant anyway to the practice of migration (for development purposes). Moreover, while policy statements at the REC and AU levels reiterate a migration-for-development norm, the practices and policy-making of individual countries may differ (see also norms #7 and #8); the country context plays a role in what is a regional and continental norm.

As for the norm on trade (#2), levels of development play a key role in the policy options explored by African states despite the commitments made at the regional and AU levels. Beyond the continent, legal pathways for migration have decreased over the last decades with a concurrent rise in irregular migration, as reported by the European Commission.^[44] Consequently, it is difficult to develop policies related to the migration-for-development norm when these also depend on favourable immigration policies by other countries. Moreover, development is extremely complex; migration alone is only one of many factors, which include governance, anti-corruption measures and terms of trade. This makes it difficult to say that «development migration» as a normative idea has been implemented in policy. Even if the link between development and migration were clear and simple, policy implementation would no doubt frequently get caught up in the juggling of responsibilities among different departments working on migration issues.

Overall, however, there is no disjuncture between (social) norms and policies; it is just that the latter lack implementation.

Norm Statement #2: «Free movement in trade will shape economic development for the future»

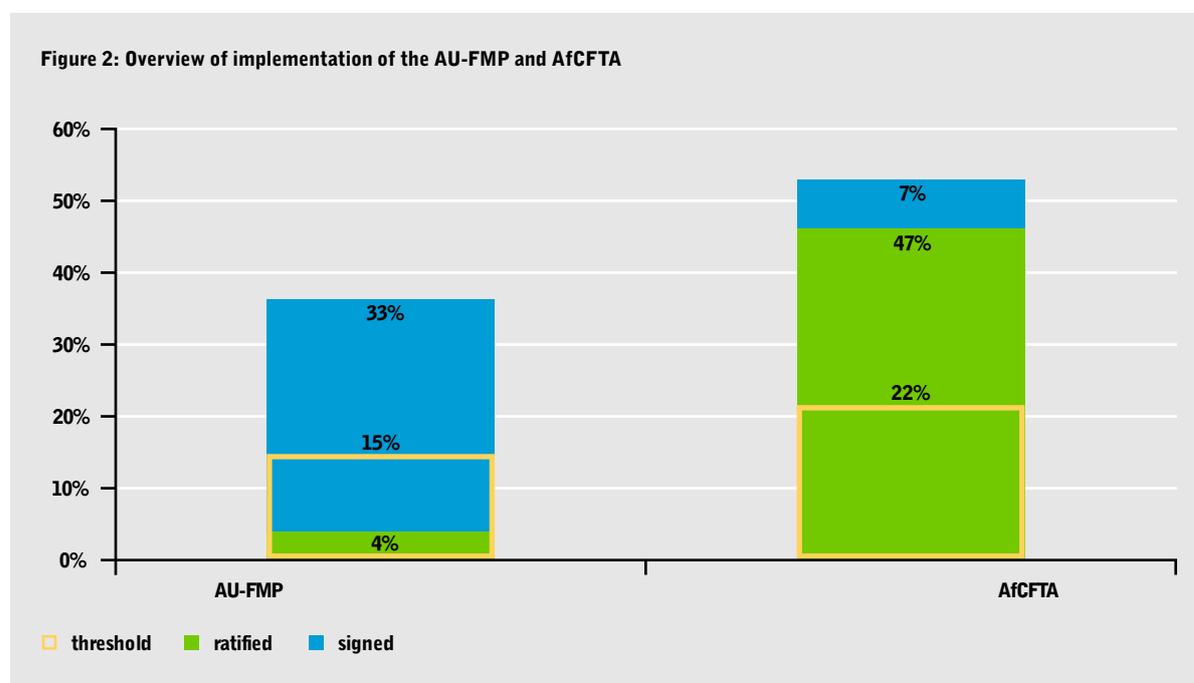
«Although the movement of labour across countries within some African regions is a sensitive issue that has been a source of tension, if well managed, it can serve as an important instrument for enhancing productive capacity, boosting intra-African trade, and achieving a more equitable distribution of the costs and benefits of regional integration.»

Action Plan for Boosting Intra-African Trade, African Union, 2012

44 Natale, Migali, and Münz, «Many More to Come?»

Acknowledging the deep linkages between migration, trade and economic integration in Africa at both the regional and continental levels, several initiatives of the AU and RECs are aimed at promoting the coordination of economic policies to strengthen economic integration and facilitate trade. These policies aim to facilitate the free movement of people and goods as a driver of economic growth and development. The BIAT initiative adopted in 2012 recognised the importance of regional integration, especially the intra- and inter-regional mobility of factors of production (including labour) in promoting the economic development of AU member states and the welfare of citizens. The BIAT initiative emphasises that «well-managed» migration can enhance productive capacities and boost intra-African trade. It concedes that mobility among member states is a sensitive issue, especially as it relates to security and employment (see also norms #7 and #8). BIAT advocates for a balance between these tensions and argues for regional and continental integration, including mobility, to be a priority for AU member states.

The Abuja Treaty, the BIAT initiative and Agenda 2063^[45] set the groundwork for the negotiation of the agreement that established AfCFTA agreement) and the Protocol to the Abuja Treaty relating to Free Movement of Persons, Right of Residence and Right of Establishment (AU-FMP). While there has been significant movement by states on implementing the AfCFTA agreement, the AU-FMP has not received as much attention. To date, the AfCFTA agreement has been signed by 54 countries (including Western Sahara but not Eritrea) and ratified by 47 countries, while the AU-FMP has been signed only by 33 countries and ratified by four countries. The protocol requires ratification by 15 countries to enter into force (see Figure 2).



45 African Union, «Agenda 2063 - Our Aspirations for the Africa We Want» sets out the aspirations for achieving the development goals of the continent.

RECs have adopted different means to integrate free movement into their regional integration agendas. The EAC and ECOWAS particularly see the facilitation of trade and movement of goods, services and persons as promoting economic development. The EAC integrated the free movement of persons into its Common Market Protocol – although this will now be tested with the expansion of the membership of the EAC to include Somalia and the Democratic Republic of the Congo (DRC). Even the most advanced REC with regard to the movement of persons, ECOWAS, is facing implementation challenges.^[46]

100% of our interviewees personally agreed with Norm Statement #2; but only 53% thought it was a statement that others, especially policy-makers, agreed with as well, with 42% suggesting mixed stances towards free movement and trade, often due to a prioritisation of trade over movement.

All of the interviewees agreed with Norm Statement #2 but were less certain when asked whether other people would agree; only 53% expected this to be the case this value dropped down to below half. In this way, free trade was still «an aspirational norm» (Dig8). It seems that most people on the continent agree that there should be free movement of goods, as envisaged in the AfCFTA agreement. Still, when it comes to one's own country, people are less convinced. Data from a recent Afrobarometer survey shows that 49% of people in 18 different countries have an interest in the promotion of free trade («open borders»). Yet, nearly the same share – 47% of people – also prefer policies that support domestic industries rather than opening up to free trade across the continent.^[47]

«Trade goods cannot move without people»: Tensions between free trade and movement

Some critical scholars contest the discussions on free trade, linking colonial labour movements (where the migration of some people as labourers was encouraged) to the contemporary debates on free trade. For them, movement that is limited only to labourers – without their family, identity and cultural values – represents a neoliberal framing with a logic of bodies as labour without seeking to establish wider free movement.^[48] As one interviewee put it, for those involved in trade activities, labour migration is only temporary: «We're not

46 Arhin-Sam et al., «The (in)Formality of Mobility in the ECOWAS Region»; Yeboah et al., «The ECOWAS Free Movement Protocol».

47 Appiah-Nyamekye Sanny and Patel, «AD433».

48 Achieme and Last, «Decolonial Regionalism»; Boeyink and Turner, «Postcolonial States and Migration»; Brankamp and Daley, «Laborers, Migrants, Refugees».

talking about labour migrants who go to other countries and live there and die there» (Dig5). More generally, the major contestation around the free trade issue is the concurrent scepticism towards free movement, even though, at the local level, «trade goods cannot move without people» (Nbi10). According to one of our interlocutors, the messaging around free trade is consistently framed in a positive manner, compared to the mixed messaging on free movement, adding to the disconnect between the two. Domestic interests involving the free movement of persons are strong, with increasingly negative connotations in relation to labour mobility (see also norms #4, #7 and #8). African governments repeatedly raise security concerns to explain their reluctance to move forward on the AU-FMP, including at the most recent Pan-African Forum on Migration (PAFOM) meeting in November 2023.

Border closures for security reasons (see also norm #7), as well as more general restrictive border practices, are a major non-tariff barrier to trade, including when it slows down trucks and traders. It comes down to «a disconnect between recognising that goods don't trade themselves and that movement would be the related support for that trade» (Dig4). At a societal level, free trade – in combination with free movement – is not always welcomed, with migrants being perceived as economic burdens and potential security threats, as outlined elsewhere (e.g. norm #7)

Challenges to implementation

Given these tensions, there are still challenges to implementing this norm. Several contradictions exist in policy and in practice, including the divergence between rhetoric and practice; a lack of coherence between regional, continental and national legislation; and practical challenges to establishing trade.

First, politically speaking, the development of free trade will depend on how countries choose to pursue the issue in the future; it is «a matter of mindset» (Dig11). Both Paul Kagame in Rwanda and William Ruto in Kenya personally endorsed free trade and visa-free entry to their countries by the end of 2023.^[49] For the most part, such moves have remained unilateral and/or bilateral proclamations, such as between Ghana and South Africa, as announced in September-October 2023.^[50] At times, there is a disjuncture between rhetoric and practice. In his opening speech as the then new AU chair in February 2020, South African President Cyril Ramaphosa envisioned «an Africa connected through a vast

49 Africanews, «Kenya to Scrap Visas for All African Visitors by Year-End»; TradeMark Africa, «AfCF-TA Should Ease Free Movement Of People - Paul Kagame»; Kenya is still facing some difficulties in implementing this visa-free entry, see Africanews, «Kenya: Backlash over New Visa-Free Entry Policy Many Describe as Hectic».

50 Africanews, «Kenya to Scrap Visas for All African Visitors by Year-End»; Africanews, «Ghana, South Africa Sign Visa Waiver Deal».

network of roads and railways, enabling the free movement of goods, people and services». ^[51] Yet, implementation even of the regional SADC framework remains limited. A new White Paper released by the South African government in November 2023 arguing for a «complete overhaul of the migration system in South Africa» does not mention free movement or trade. Similarly, for Kenya, one interlocutor responded to the question of whether Ruto was open to free trade by saying: «Outside the country, he seems so. Within the country, we are having a hard time with him» (Nbi11).

Second, there is a lack of coherence between national regulations and the regional and continental commitments undertaken by states. National trade policies of African countries rarely include any aspects relating to the mobility and movement of persons (either as part of labour migration or as transporters of goods). Legislative attention is mostly limited to trade in services (which focuses on service suppliers) and is strictly demarcated from the broader mobility and movement of persons. Government bodies working on trade do not necessarily interact with those working on free movement. Furthermore, several national laws and regulations – especially as they relate to access to the labour market and the employment of non-nationals – are not in alignment with the provisions of the regional and continental free movement protocols. This lack of coherence is particularly visible in the right of residence and right of establishment – where the necessary changes in national laws to ensure adequate implementation of these provisions are still missing. For example, in ECOWAS, although the free movement protocols provide for equal treatment in terms of employment, member states' nationals are still exposed to discriminatory practices that restrict their entry into the labour market or limit their participation. Moreover, some employment sectors are reserved for nationals, creating discontent among other ECOWAS member states (see also norm #8). Overall, there is a preference for bilateral agreements to facilitate mobility, often resulting in a lack of implementation at the REC level of agreements on the movement of persons. As a result, although other aspects of REC-related integration may work well, there is an observed reluctance on the part of states to implement REC-related mobility.

Third, there are several practical challenges impeding improved trade relations across the continent. These include a lack of necessary infrastructure and logistical frameworks to connect places, such as flight routes and reliable road networks, and information and communications technology. Importantly, there are also challenges for business travellers themselves, including access to visas (see norm #8). Our interviewees noted that it is sometimes more expensive to fly between African cities than to places outside the continent. According to Afrobarometer surveys, 56% of respondents say it is «difficult» or «very difficult» to cross borders in their region for work or trade. ^[52] Even within ECOWAS, 63%

51 Ramaphosa, «Acceptance Statement By South African President H.E Cyril Ramaphosa».

52 Appiah-Nyamekye Sanny, Rocca, and Schultes, ««Updata-Ing» the Narrative about African Migration».

of Gambians say it is difficult for people to cross international borders to work or trade in other West African countries.^[53] In fact, only 2 in 10 Africans say they find it easy to cross borders for work or trade.^[54] Moreover, the implementing agencies at the borders sometimes exhibit limited knowledge of regional policies. Consequently, even in regions where there are regional free movement protocols, businesspersons and traders face numerous challenges when crossing borders, such as border authorities who request multiple entry documents even when visa-free regulations are in place.

Without free movement there is no free trade: A dividing line between policies and practice

There is strong agreement that free trade would be good for the future of the continent. Most agree that this necessitates the movement of people: «If you want the capital to move to be a place where it can be invested and be able to create wealth, to create employment, then people have to move with that capital» (Nbi10). Despite the increased discussions on linking trade and the free movement of people, the AU-FMP has still not yet been negotiated and ratified, compared to the AfCFTA agreement. This incongruence can in part also be explained by the idea that free movement will need to be implemented at the REC level, where – although slow – some change is happening, with the AU-FMP only taking a secondary role. In this sense, RECs are «pockets of free movement regimes within the continent» that in time «can start transcending into this greater opening up of the continent» (Nbi8). For the time being, stakeholders in several African countries, including policy-makers, do not see or want to see a clear link between trade and free movement. Instead, free movement and trade are treated as two separate issues. There were attempts at the latest PAFOM meeting from November 2023 to discuss precisely the link between the two, aiming to raise awareness on how free movement can facilitate trade.^[55] Yet, the connection between trade and free movement is so delicate that, according to one interviewee involved in AU negotiations, «within the trade space, we never use the word migration, number one. We use the words movement and mobility» (Dig5). Both a significant change in political will as well as buy-in from African citizens across the continent are necessary for free trade to be successfully implemented. In the meantime, «people will find their way to trade, right? You only sign a free trade agreement to fast track and facilitate trade, but if you don't sign it, there will still be trade» (Dig11).

53 Ebere, «Gambians See Sharp Decline in Emigration»; see also Appiah-Nyamekye Sanny and Patel, «AD433».

54 Appiah-Nyamekye Sanny and Patel, «AD433».

55 PAFOM, «Bolstering Free Movement and Trade Nexus in AFCFTA».

Norm Statement #3: «The diaspora is one of the most important actors for African governments and institutions to engage with»

Firstly, given the history of enslavement, the concept of the diaspora is culturally–symbolically resonant on the continent with regard to the global African diaspora. For example, Ghana named 2019 the «Year of return», calling on diaspora members (especially from the United States) to come on heritage tours. Tied to Pan-Africanism (see norm #4), the idea is «the spirit that we need to move beyond always looking at oneself through the eyes of the other, through the eyes of the West. The feeling that we need to appreciate that it's a global experience, a shared experience of blackness, of what it means to be of African heritage» (Dig8). Such homecoming events provide a simultaneous expression of a Pan-African identity with diaspora contributions to tourism and local markets as well as to development projects and national development more generally.^[56] With the transformation of the OAU into the AU in 2002, the diaspora became institutionalised as a development agent, with the AU recognising the diaspora as a sixth region. The AU and the Citizens and Diaspora Directorate within the AU, which is in charge of diaspora relations, define the diaspora as «peoples of African origin living outside the continent, irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent and building of the African Union».^[57]

According to the AU-FMP, diaspora remittances help as a source of foreign currency, increased potential for trade flows and philanthropic activities, and can assist in relief and development (see also norm #1). As one interviewee stated: «When I go back home [to my birth area], where my community comes from, the schools, the churches, hospitals have been built because of the diaspora. They give back, they bring back, and they try to improve the community» (Nbi11). Given the importance of remittances for both underperforming national economic development and at the individual household level, they «have a critical role to play in achieving the end of poverty».^[58] The diaspora is an esteemed actor across the continent.

70% of interviewees broadly agreed with Norm Statement #3, and 59% thought it was a statement that others, especially policy-makers, somewhat agreed with as well, with 29% suggesting responses towards the role of the diaspora were mixed.

56 Kleist, «Flexible Politics of Belonging»; Adu-Ampong and Dillette, «Commemoration and Commodification».

57 <https://au.int/diaspora-civil-society-engagement>

58 African Union Commission, «Migration Policy Framework for Africa and Plan of Action (2018–2030)», 39–40.

Remittances make up a significant portion of the gross domestic product of many African countries: In 2021 remittances brought in more than \$96 billion, foreign direct investments \$83 billion and overseas development assistance came to \$58.4 billion.^[59] The interlocutors widely agreed on the positive contribution of the diaspora (70%), frequently relating this in terms of financial contributions, including the diaspora tax, a diaspora bond as in Nigeria or remittances more generally. A frequently discussed negative side effect of the diaspora is the issue of brain drain (see also norm #1), whereby trained professionals leave their countries of origin and work elsewhere. According to the president of the African Development Bank Group, the effects of brain drain in the health sector alone cost Africa \$2 billion every year.^[60] Yet, overall, there «is a growing consensus that the diaspora can have a significant impact on the development of their home countries».^[61] Out of 54 African countries, 50 have a governmental institution responsible for diaspora policies, 37 at a ministerial level. Of the four countries where there is no specific diaspora institution, Mauritania is currently developing and expanding its policies and institutions to oversee the affairs of the diasporas, and São Tomé and Príncipe has no specific policy but the diaspora can vote (see Appendix 2). Some countries implement specific programmes to further attract diaspora engagement: Ghana, as one example, has even developed the possibility for the appointment of a diasporic chief.^[62] Ethiopia introduced an Ethiopian Origin ID card for diaspora members who have changed nationality from 2002 onwards; with this card, they hold all the same rights as Ethiopians, such as entering the country without a visa.^[63]

«They like the money, but not the opinion»: Contestations of the diaspora

However, the diaspora is not merely a neutral development actor. The diaspora also includes political actors with political effects. Diaspora returnees in, for example, Somalia can create tensions with those who remained in the country, due to the privileges they hold.^[64] From another perspective, a migration specialist working for an international organisation raised the concern that the diaspora was used by states as a «cash cow» that

59 Statista, «Africa»; UNCTAD, «Investment Flows to Africa Reached a Record \$83 Billion in 2021»; Harcourt, «Official Development Assistance».

60 African Development Bank, «Diaspora's Remittances, Investment and Expertise Vital for Africa's Future Growth».

61 African Migration and Development Policy Centre, «Evaluation of the African Union Migration Policy Framework for Africa».

62 Kleist, «Flexible Politics of Belonging».

63 Aduugna, «Once Primarily an Origin for Refugees»; Chacko and Gebre, «Leveraging the Diaspora for Development».

64 See also Hammond, «Diaspora Returnees to Somaliland».

ultimately replaced the state in delivering services. A primary example here is the Diaspora Bond in Nigeria, which raised \$300 million since its launch in 2017. This, the interlocutor argued, was a gamble, since remittances can always slow down at any time, such as during the pandemic.^[65] This amounted to an unfair expectation for individual migrants to become «a collective that provides services» to a country or community, which, depending on their personal situation and choice, they may not want to do (Nbi8). A refugee advocate agreed on this point: «This creation of dependency is a burden for the people in the diaspora» (Nbi9). This is worsened by the fact that those in the diaspora often face a number of challenges, living in crowded hostels, with poor diets, inadequate health care and abysmal working conditions.^[66] Besides the contested political role, the focus on economic contribution also means that governments underestimate the social remittances linked to culture, technical skills or scientific contributions, which the diaspora also bring.

A major issue is, of course, that the definition of diaspora is disputed and it is a heterogeneous group. Different institutions across the continent define diaspora differently: For the Citizens and Diaspora Directorate, the diaspora only refers to people outside the continent and not, for example, Nigerians living in South Africa. National diaspora strategies also vastly differ. Some countries may consider only the diaspora living in certain «wealthy» countries and ignore their nationals elsewhere. For example, countries may often ignore their diaspora in the Middle East, who also contribute remittances (more frequently, but smaller amounts) and may need more state support in terms of the protection of their rights, including against forced removals.^[67] The very terms used for the definition of diaspora change, affecting diaspora policies and putting a focus on different «classes» or «categories» of the diaspora, for example professionals vs. domestic workers. Moreover, not all members of a diaspora choose to be involved with the country they left.

I mean, diaspora are different for different countries [...] are these people that are left fleeing from conflict? [...] They may not be as enthusiastic to engage with a government that made them leave home. I'm thinking about Sudan right now. I don't think they want to talk with anyone from that country.

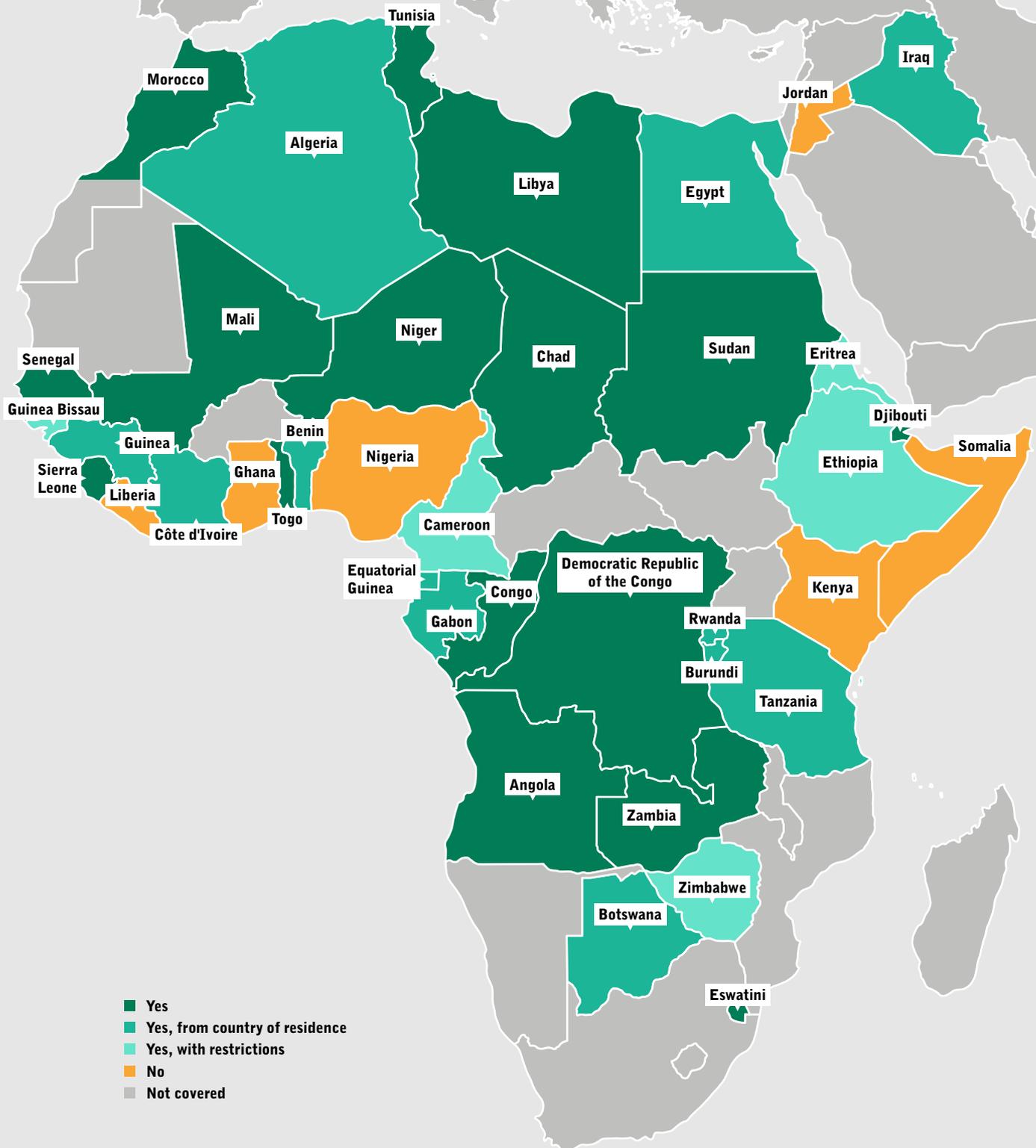
(Nbi8)

65 Contrary to expectations however, remittances remained relatively stable throughout the COVID-19 pandemic, registering a decrease of only 1.6% worldwide; see World Bank, «Defying Predictions, Remittance Flows Remain Strong During COVID-19 Crisis».

66 World Health Organization, «World Report on the Health of Refugees and Migrants».

67 Human Rights Watch, «Ethiopia».

Figure 3: Do citizens resident abroad have the right to vote?



Although the diaspora is often politically engaged during elections and more generally, this influence can be potentially problematic for governments.^[68] Whilst some countries have special representatives for the diaspora (e.g., Niger, Senegal, Tunisia), this is more the exception than the rule. Mostly, political rights are restricted; only in 32 countries can the diaspora actually vote (see Figure 3).^[69] Even when the diaspora can vote, as in Kenya, this is often so difficult that it impedes access for many. Polling for Kenyans abroad is limited to specific places (e.g. all Kenyans in the United Kingdom must vote in London) and the political will to implement voting has been limited; in the 2013 and 2017 elections, fewer than 3,000 Kenyans abroad were actually allowed to vote out of a possible 3 million.^[70]

For governments, according to a civil servant working in refugee affairs, the relationship with the diaspora is mixed: «They like the money, but not the opinion» (Nbi4), or according to a diaspora representative, «They are all welcome as long as they are not talking politics» (Dig10). Similarly, a migration specialist working for an international organisation noted that «the negative perspective [of the diaspora] is in terms of the direction they want to take in terms of politics» (Nbi6). One migration scholar went even further and noted that the diaspora can even be seen as a «threat in terms of political interests» (Dig2).

In sum, there was a common recognition of the diaspora as development actors, but not as political actors. Quite a few of the interviewees were not sure whether the diaspora was as important as the norm statement claims, and others contested that although the diaspora was very important at a household level, this was not always the case for governments. At best, the role of the diaspora is of course context-dependent and mixed. «Is the diaspora a panacea for the social and economic challenges in Africa?» mused one diplomat interviewee. «I wouldn't say yes, but I also wouldn't say no» (Nbi2).

Limited involvement of the diaspora

In terms of implementation and the disjuncture between social norms versus policy norms, this is not really the case for the diaspora, considering that the normative understanding is largely limited to the economic role of the diaspora. However, enhanced collaboration with the diaspora is a recommendation that is still included in many policy documents.^[71]

68 The diaspora has political influence beyond a direct vote, like for example influencing voting patterns through their remittances, e.g., by asking family members to vote a certain way or by using development projects to showcase particular governments as favourable to investments. See, for example, Bisong, «EU External Migration Management Policies in West Africa».

69 The source for Figure 3 is the Diaspora Engagement Map; <https://diasporafordevelopment.eu/interactive-map>.

70 Wellman and Whitaker, «Diaspora Voting in Kenya».

71 See, for example, African Union Commission, «Migration Policy Framework for Africa and Plan of Action (2018–2030)», 42–4.

Several interviewees also mentioned that African political stakeholders need a more meaningful collaboration with the diaspora. It seems that the involvement of the diaspora remains largely at a symbolic level, a performance of belonging, with no real or only limited political influence possible. Accordingly, one migration researcher found that, especially institutionally (rather than personally), the norm statement was merely an «aspirational statement» (Dig1).

Norm Statement #4: «Africa's history of Pan-Africanism paves the path for free movement»

«Ensuring free movement of persons as well as goods and services in Africa as a crucial element for deepening continental integration and unity in the spirit of Pan-Africanism, African Renaissance and realization of Agenda 2063.»

AU Decision on the Free Movement of Persons and the African Passports (2016)

Pan-Africanism means different things to different people, who variously interpret it to be an idea, a philosophy or a movement. At its core, it goes back to the liberation movements of the 1950s and 1960s, with an intellectual grounding in unity as a shared goal. One of the forefathers of Pan-Africanism, Kwame Nkrumah, said: «It is clear that we must find an African solution to our problems and that this can only be found in African unity. Divided we are weak; united, Africa could become one of the greatest forces for good in the world.»^[72] Then, as now, the focus is on liberation, political and economic independence.

Various negotiations led to the formation of the OAU in 1963, built on the premise of economic and political integration. As part of this, free movement remained fundamental to promoting continental integration and Pan-Africanism. This led, for example, to the more generous OAU Convention on Refugees in 1969. Central to thoughts on free movement was, and is, a discussion on the artificial nature of the borders on the continent, which were imposed by colonial imperialists, and the recollection of pre-colonial mobility. Accordingly, Pan-Africanism, as noted by Legum, demanded the adjustment – if not abolition – of «the artificial frontiers drawn by imperialist powers to divide the peoples of Africa, particularly those which cut across ethnic groups and divide people of the same stock».^[73] Intellectual leaders disagreed on the future they saw for the continent, futures that ranged from a closer relationship with colonial countries such as France, according to the first Senegalese president, Léopold Sédar Senghor, or a superstate with free movement as a

72 Nkrumah, I Speak of Freedom.

73 Legum, Pan-Africanism A Short Political Guide, 229–32.

pillar, according to Nkrumah.^[74] These divisions over a future orientation – later divided into «gradualists» and «immediatists» in the Pan-African project – have continued till today.^[75] Consequently, territorial integrity and sovereignty were aspects of the OAU from the start (see also Norm #8).

Yet, the neoliberal stronghold on the continent today is for many a neocolonial struggle, whereby territorial nationalism continues to undermine regional (and continental) integration, undermining Pan-Africanism. Already in 1963, Nkrumah wrote that it is «curious [...] that [...] many of the new African states should cling to their new-found sovereignty as something more precious than the total well-being of Africa and seek alliances with the states that are combining to balkanize our continent in neo colonialist interest».^[76] In consequence, for some scholars and activists free movement remains necessary to ensure Pan-Africanism and ultimately liberation for the continent. For example, for Achille Mbembe, a major advocate of a borderless Africa, this means, «we cannot turn this portion of the Earth into a double prison, where people cannot move outside and they cannot move from within. We have to turn Africa into a vast space of circulation for her own people».^[77] The AU, which succeeded the OAU in 2002 recognises that the interlinkages between the freedom of movement of persons, goods and services lead to improved integration and development on the continent as part of the Pan-African agenda. According to the AU, «to achieve these aspirations of Africans» seeing themselves as one people united under the ideals of pan-Africanism, the physical and invisible barriers that have prevented the integration of Africa's people need to be removed».^[78]

Today Agenda 2063 has one flagship project (out of 14) on the African passport and free movement of people, which aims to remove restrictions on Africans' ability to travel, work and live within their own continent. Guidelines on the design, production and issuance of the African passport were endorsed by the AU Specialised Technical Committee on Migration, Refugees and Internally Displaced Persons in November 2018 and subsequently adopted by the AU Assembly of February 2019. No African passport has yet been issued.

55% of interviewees broadly agreed with Norm Statement #4, whereas 32% disagreed; but 53% thought it was a statement that others somewhat disagreed with, whereas only 24% thought that others would broadly agree as well.

74 Nkrumah, *Africa Must Unite*; see also Boeyink and Turner, «Postcolonial States and Migration».

75 Achieng and Katungye, «Pan-Africanism, Regional Integration and Migration».

76 Nkrumah, *Africa Must Unite*, 158.

77 Mbembe, «Bodies as Borders», 17; see also Oloruntoba, «Crisis of Identity and Xenophobia in Africa»; Ndlovu-Gatsheni, «Decolonising Borders, Decriminalising Migration and Rethinking Citizenship».

78 African Union, «Visa Free Africa».

Although many of our interlocutors (a slight majority at 55%) were open to the idea of Pan-Africanism as a foundation to argue free movement today, they also had very different thoughts on what this would mean for them. «The spirit is there» (Dig5), including a connection to free movement, but this does not mean it easily translates into practice. For some, Pan-Africanism was defined by pre-colonial mobility: «The bottom line with Pan-Africanism is that, before the Berlin Conference in Germany we had no borders. We could move from one point to another» (Nbi10). For others, most of what remained of the concept was a cultural bond over music and arts, Afrobeats, dance, fashion design. A majority (53%) also thought that others would not agree with the statement, highlighting that this norm statement has mixed relevance on the continent.

Pan-Africanism for whom and what?

For the AU and its officials, the norm of Pan-Africanism is strong and also evoked when it comes to protecting African migrants (see also norm #5). For example, in response to the recent xenophobic rhetoric by Tunisian President Kais Saied against African migrants in February 2023, the AU Commissioner warned in a press release that he «strongly condemns the shocking statements issued by Tunisian authorities targeting fellow Africans which go against the letter and spirit of our Organisation and founding principles».^[79] EU externalisation practices and their impacts on the continent also contradict the spirit of Pan-Africanism.

Throughout its history as a movement, there have, however, been variations in conceptualising Pan-Africanism and the free movement tied to it, from open borders (see also norm #7) to a focus on trade (see also norm #2). If free movement comes via the AfCFTA agreement, this, for some critics, places too much focus on neoliberal capitalist interests: «So it's about the money more than it is about a Pan-African identity» (Dig4). This goes against Achieng Akena's argument that Pan-Africanism is by nature inclusive and foregrounds the importance of mobility rights for refugees, young people and women, including for work in informal sectors.^[80] As one interlocutor put it: «We need to be firm on what Pan-Africanism is first for ourselves» (Dig7).

There was some indication that (at least one version of) Pan-Africanism tied to free movement has regained new strength again in recent years. Reasons given included the emergence of new leaders on the continent – potentially as a counterpart to European externalist interests – as well as more general reforms of the AU to become less dependent on external donors. In late November 2023, the new Nigerien regime annulled the

79 African Union, «The Chairperson of the African Union Commission Strongly Condemns the Racial Statements on Fellow Africans in Tunisia».

80 Quoted in Nobil Ahmad, «Pan-African Responses to Europe's Restrictive Immigration Regime».

controversial Loi 2015-36, which amongst other issues, negatively impacted free movement within ECOWAS.^[81] This may be an indication of a changing wind, but the influence of a government that gained power through a coup is likely to be limited.

As it stands, the idea of Pan-Africanism is nonetheless of little relevance for many people on the continent. Several of our interlocutors noted however that the diaspora dominates the discussion of the idea.^[82] Intellectual discourses on Pan-Africanism by elite and middle-class Africans will not necessarily be given much consideration by ordinary citizens of migrants from other African countries: «Some of these people who articulate this concept, they are highly educated, they went to the West [...] they are able to connect to this ideal [...] But the majority is hustling to make a living. So they don't have time for this kind of idea» (Nbi6). Most people are unaware of what the AU does, and although there is a strong intellectual and even written normative agenda of Pan-Africanism signifying free movement, this has not yet been translated into policies. A national interest in as well as a strong political agenda on the matter has yet to emerge. The situation is reminiscent of when Pan-Africanism first emerged: «You have to be exceptionally radical to preach unity in a system where there has been a lot of division» (Nbi2).

«People speak Pan-Africanism more than they practise Pan–Africanism!»

The free movement of people and the concept of Pan-Africanism, whilst robust on paper, encounter various challenges during implementation: «People speak Pan-Africanism more than they practise Pan-Africanism» (Dig4). First, the national interests of individual states trump Pan-Africanist ideals (see also norm #8). In particular, xenophobia and anti-black racism continue to stand in the way of Pan-Africanism, as we can see only too well in Tunisia and South Africa today. As one interviewee stated, even though Malians helped Tunisia in their liberation struggle, today Malians are racially discriminated against and abused there.

Secondly, as noted throughout this report (see e.g. norm #2), even when rules of free movement exist, there are often problems of implementation, even in areas of advanced regional integration. As one of the pillars of free movement, Pan-Africanism remains for the time being an intellectual ideal, rather than a reality. When asked whether Pan-Africanism was still relevant today, one policy advisor responded: «I'm not convinced. And that's because every time, there is the rhetoric, but the reality is so different. Every time I

81 Africanews, «Niger Repeals Law Aimed at Slowing Migration».

82 One disagreed and stated that younger generations were interacting more easily across the continent using social media, but none of the other interlocutors supported this position.

have to spend hours and deal with anxiety over whether I'll get a visa to another African country, it tells me that the rhetoric is very different from what's actually happening on the ground» (Nbi8).

European interests in externalisation and free movement act as a clear impediment to free movement ideals within the continent, with African countries often caught between dependence on external foreign aid as well as power constraints and questions about domestic legitimacy. In the face of such immense pressure, it becomes difficult for states to push a Pan-African agenda. More generally, there is the problem of donor dependency, which affects the policies within the AU and mostly does not prioritise a Pan-African agenda. A number of our interlocutors also criticised that countries' policy-making is orientated to Western interests (see also norm #1), highlighting the lack of a Pan-Africanism spirit today.

Though there have been some improvements, such as with the easing of visas (see norms #2 and #8), overall the free movement agenda still lags behind the normative ideal outlined by the AU. Relatedly, many citizens of the continent know nothing about their RECs let alone the AU: A survey in Swaziland found that over a third of citizens do not know enough about the SADC or the AU to determine whether they are helpful.^[83] This is problematic because «[f]or people to dream of the African Union, they need to see the African Union» (Nbi2). In sum, for this norm there was a strong disjuncture between the (social) norm and the policies surrounding it; the norm seems mostly to be an abstract and intellectual one.

Norm Statement #5: «African migrants have (legal) rights and these need to be respected»

«The welfare and rights of African citizens should be of utmost importance. As a result, protecting migrants should be at the top of the agenda of Member States.»

Pan-African Forum on Migration Report, p. 14, Djibouti, 2018

Three sources show the importance of migrant rights on the continent: rights tied to free movement; rights tied to the protection of refugees and asylum seekers; and lastly, rights shown in response to the adverse effects of European externalisation policies.

83 Tsododo, «Most Swazis Say Free Cross-Border Movement Desirable but Not yet a Reality».

Firstly, migrant rights are tied to the norm of free movement (see norm #4). Free movement is protected both from a human rights perspective, as in the African Charter on Human and People's Rights (ACHPR), and as a central pillar of regional integration frameworks in Africa.^[84] The notion of free movement as a human right – whereby the interpretation of being African rests on a collective idea, rather than being based on the individual – is reflective of the region's history of injustices, which started before, and were certainly amplified through, the advent of colonialism.^[85] The ACHPR, which takes into consideration the cultures and values of African societies, acknowledges the freedom of movement in Articles 12 and 13. In some RECs with advanced provisions regarding the free movement of persons, this is considered one of the rights endowed on citizens of the region. For example, the ECOWAS Protocol relating to free movement creates obligations for every member state and rights for every ECOWAS citizen.^[86] Free movement rights are also justiciable, with regional courts protecting the enforcement of these rights.^[87]

Secondly, the AU has one of the most comprehensive structures on refugee governance and the protection of the rights of displaced persons, asylum seekers and refugees. The AU regulations on refugee protection provide coverage that is more extensive for refugees and asylum seekers than in international conventions, such as the 1951 Convention Relating to the Status of Refugees (Geneva Convention) and its 1967 Protocol Relating to the Status of Refugees. For example, the OAU Refugee Convention remains the only international legal instrument that formally insists on the voluntariness of refugee repatriation.^[88] Moreover, Article 2.5 of the Refugee Convention calls for the shared responsibility of states in responding to refugee and displacement situations. This has formed the basis for cooperation among African states on displacement situations, both within RECs and bilaterally. In addition to the extensive provisions of the OAU Refugee Convention and the Kampala Convention, which offers protection to internally displaced persons, the ACHPR (Article 12) equally provides extensive protection for people on the move. Consequently, in cases of displacement and refugee situations, international, AU and sub-regional policies are applicable, providing displaced persons, asylum seekers and refugees with an extensive array of rights, some of which may be enforceable in regional and national courts.

84 Helfer, «Subregional Courts in Africa».

85 According to Hendrickson, the African idea of human rights developed as a response to the collective injustices of slavery, racism, underdevelopment and colonialism and seeks to restrict the power of non-Africans over Africans. She notes that the emphasis in African human rights is on collective rather than individual human rights. In contrast to this, the slave trade, and the laws and institutions which supported its existence (mostly international law), deprived Africans of their human rights, as their rights and liberties were constantly threatened (including the right to move). See Hendrickson, «The Human Rights of Africans».

86 Ajulo, «Sources of the Law of the Economic Community of West African States (ECOWAS)».

87 Helfer, «Subregional Courts in Africa».

88 See Article 5 of the 1969 OAU convention.

100% interviewees fully agreed with Norm Statement #5; but only 15% thought it was a statement that others, especially policymakers, practiced or agreed with as well, with 45% suggesting practices concerning the rights of migrants were mixed.

Thirdly, the AU has repeated its strong commitment to migrant rights in response to various European externalisation measures that have resulted in a number of human rights violations. Already at the Valletta Summit in 2015, then AU Chairperson Nkosazana Dlamini Zuma stated that «processing centres or whatever they may be called, are de facto detention centres that will constitute a serious violation of human rights and re-victimization of migrants».^[89] Since then the AU has expressed outrage against violations concerning migrant rights in response to plans to externalise asylum processes to countries such as Rwanda or in the face of Tunisia's racial abuse of African migrants. Individual African states have responded with shock to the mistreatment of migrants, particularly following the 2017 release of CNN footage exposing the auctioning of African refugees and migrants in slave markets in Libya. Consequently, countries such as Nigeria recalled ambassadors and organised repatriation flights (a measure repeated in 2023 for citizens stranded in Tunisia). This egregious situation also served as a rhetorical justification for Rwanda to agree to an agreement with the AU and the United Nations High Commissioner for Refugees (UNHCR) to facilitate the evacuation of African migrants from Libya.^[90]

There was unanimous agreement on migrant rights amongst the interviewees: «because migrants' rights are not just migrants' rights, they are human rights» (Nbi10). The rights of migrants apply at every step of the journey, even when thinking about return: «As an individual, as an African, [you should have the] right to go somewhere, do whatever you want to do, come back to your country and get that opportunity and right to resettle in your own country. Okay. Access your wealth, which you built somewhere else, you know?» (Nbi6). Interviewees noted, however, that there were multiple violations of the rights of migrants and refugees occurring across the continent.

89 African Union, «Valletta Migration Summit».

90 Zanker, «Beyond the Eurocentric Gaze».

Pervasive violations of migrant rights: «Unfortunately, we've been harsh to our own people»

From Tunisia to South Africa to Kenya, national authorities have often been implicated in the harassment, assault and abuse of migrants.^[91] Refugee and migrant protection is yet again dependent on the state and the socio-political context in question. Again, political instrumentalisation leads to scapegoating the migrants and the creation of competition between groups, especially when it concerns unemployment and access to resources more generally. Moreover, encampment policies, forced repatriations and limited resources highlight the rights violations that refugees experience, sometimes at the whim of a government's political decision: Last year in Malawi, refugees who for a long time had been living independently in the capital, Lilongwe, were served eviction notices, forcing them into an overcrowded government camp. Children were among those who were forcibly relocated, and there were allegations that some refugees were even temporarily detained in prison.^[92] As described by a former Kenyan legislator: «The refugee status in Kenya is one that is undignified [...] It's like having all your freedoms, having all your liberties, everything else taken away from you» (Nbi7). The mistreatment and abuse of refugees and other migrants was also linked to issues of class and race.

Reflecting on the protection of migrant rights in Africa, one human rights activist noted: «Unfortunately, we've been harsh to our own people» (Nbi11), comparing the positive treatment and reception of Ukrainian refugees in Europe to what they saw as a much more hostile reception of African refugees, even in Africa itself. Although some interlocutors noted that politicians who were shocked by the conditions of refugees worked to improve legislation, this was an exception (and the implementation of progressive laws is another question).

National interests and enforcement issues

The AU-FMP calls for legal rights for migrants, especially labour migrants, to be established on the continent. But some of the critics of the AU note that it has not taken a strong enough stance on promoting migrant rights. This is especially true when it comes to calling out member states or third countries that infringe on the rights of African migrants. According to this stance, the civil and human rights education that is used to promote social

91 Human Rights Watch, «They Forced Us Onto Trucks Like Animals»; Human Rights Watch, «They Have Robbed Me of My Life»; Human Rights Watch, «South Africa: Living on the Margins»; Morales, «Visit to the Niger»; Balakian, «Navigating Patchwork Governance»; Gaibazzi, «West African Strangers and the Politics of Inhumanity in Angola».

92 Kateta, «Hundreds of Refugees in Malawi Rounded Up and Sent to Camps»; see also Mwangi, «Securitisation, Non-Refoulement and the Rule of Law in Kenya»; Human Rights Watch, «Malawi».

cohesion is inadequate in the face of the numerous structural socio-economic and political factors that ultimately fuel anti-migrant xenophobia in Africa.^[93] Some of our interviewees also found that the protection of refugees and migrants was not being sufficiently prioritised, including at the AU level. As highlighted by the previous stocktaking, the protection of the human rights of migrants is not absolute on the continent. As with other norms, the implementation is hindered by a «lack of resources, lack of capacity, lack of infrastructure» (Dig3).

Rights of refugees (and, to a lesser degree, migrants) are mostly acknowledged at the international, continental and sometimes regional levels, but they are often believed by various stakeholders to contradict other national interests – such as security.^[94] Outside of the ECOWAS region (and even there, implementation problems continue) migrants and refugees rarely experience a full range of civil and political rights: More often than not, states portray migrants (and sometimes refugees) as competitors for limited resources and as scapegoats when public services cannot deliver the goods that the public needs (as in South Africa).

Moreover, migration as a right and the protection of migrant rights may be supported in regional and continental policies as well as in societal practices, yet national legislation often does not reflect this. One policy advisor noted that migrant rights are only «paid lip service» (Dig3). Thus, enforcement is weak at the national level. Even for actions such as the evacuation of migrants from Tunisia and Libya, these were not part of a well-thought-out strategy of migrant rights, but rather ad hoc reactions to a highly politicised situation. Several interlocutors mentioned that national governments had failed domestic workers in the Middle East in particular, where they faced a number of abuses of their labour rights.^[95] National courts mostly do not offer any respite against violations of migrant rights, with the exception perhaps of South Africa, where the courts have played an invaluable role in defending the rights of refugees and other migrants. Mostly, migrants have to resort to regional courts. However, rulings by regional courts (as well as by national courts, as in South Africa) are often not implemented or are ignored by national authorities. This can even lead to political backlash, as with the suspension of the SADC tribunal after a number of high-profile rulings against governments in the region concerning human rights, including free movement as a right.^[96] Frequently, advocates of migrant rights face tense relationships with government officials and, with limited political weight, find it hard to build a broader consensus for their position (Nbi11). There is also limited international pressure to improve migrant rights at a national level: «You cannot hold me to account

93 Omede and Ngwub, «The Role of African Union (AU) in Curtailing Migration Problems in Africa».

94 See Jaji, «Historical Complexities and Transformations of Refugee Policies in Kenya and Tanzania».

95 However, an overall improvement in relations related to migrant labour in the GCC countries in particular was mentioned by some of our interlocutors.

96 Helfer, «Subregional Courts in Africa».

internationally if you are violating the same laws that we have said we should all be bound by» (Nbi8). The presence of anti-migrant rhetoric and sentiments in the global context has not left the continent untouched.

Only an aspirational norm?

There is an abstract norm for the rights of migrants. This norm upholds humanitarian principles and even a «moral obligation»^[97] that is tied to the inalienable right to migrate (most strongly in West Africa) and to progressive refugee conventions, but this does not translate into actual rights. According to one migration researcher, if anything, this is another norm that remains aspirational. Non-state actors have a strong position on migration and mobility as a right, and thus on the rights of migrants, as opposed to the position of many state actors that the right to migration and migrant rights are subject to other state interests, including the security and economic prospects of their own citizens (see also norms #1, #2, #7 and #8). This has led to the failure of states to provide adequate redress mechanisms for migrants (including migrant workers) when their rights are abused. In the words of Akena Achieng and Rosette Katungye: «The challenge with human movement in Africa is not that Africans are moving, but the absence of adequate protection mechanisms for those on the move.»^[98]

Norm Statement #6: «There is a culture of welcome in Africa that protects people on the move»

«African States have a long tradition of hospitality towards refugees and asylum-seekers and have developed legal frameworks governing aspects of refugee protection specific to Africa.»

Migration Policy Framework for Africa (2018), p. 6.

There are different variations across the continent of a cultural attachment to welcoming strangers. This is tied directly to a common understanding of pre-colonial Africa, where free movement was considered sacred and tied to hospitality norms. As Samuel Oloruntoba notes: «The cyclical nature of movement of people outside their country of origin underscores the imperatives of tolerance, accommodation and hospitality – features that have

97 Dinbabo and Badewa, «Monitoring Migration Policy Frameworks».

98 Achieng and Katungye, «Pan-Africanism, Regional Integration and Migration», 91.

defined African cosmic and world views for centuries.»^[99] Migration itself is a form of cultural representation, and where people migrate, they also arrive and are welcomed.

Probably the most prominent example is the idea of «teranga», most commonly used in Senegal. It is a Wolof word, usually translated as hospitality, but it also implies generosity and honour.^[100] Abdourahmane Seck unpacks the national attachment to the concept of teranga in Senegal, where it can be found in the names of tourist companies and on social media as well as part of the official nickname of the national football team (Les Lions de Teranga). Senegalese school students are taught about teranga in «moral education» lessons, which use the proverb «En Afrique, l'étranger qui arrive est roi».^[101] This attention to teranga results in a binding social regime of unconditional welcome materialised in bodies, spaces and culture, linked to social and symbolic kinship. Seck also notes, however, that the norm of hospitality tied to teranga is multifaceted. An additional proverb – «the king is not kin» – suggests a space of scepticism or hostility towards the outsider (rather than the unquestioned trust towards relatives) and expresses the (paradoxical) simultaneity of welcome and caution practised in Senegal.

Beyond this cultural notion of hospitality, there is also a common narrative of welcoming refugees as brothers and sisters, as in Uganda, for example, based on the idea of a shared experience: «We know what it means to be a refugee, and that is why we maintain an open-door policy.»^[102] In some cases, this welcoming nature is also tied to ethnic kinship and cultural ties across borders, though this connection is not always straightforward.^[103] Historically, this idea of a shared experience, with refugees in particular, was also pervasive at the time of the independence struggles on the continent in the late 1950s and 1960s, with the common political goal also resulting in the OAU Refugee Convention (see also norm #4). Accordingly, «the whole issue of facilitating a prima facie arrangement and so on, accepting Africans, it's like the culture, you know» (Nbi6). Lastly, the norm statement on the culture of welcome also reiterates the broader connection between migration and Ubuntu, in which migrants are part of the community, advocating for unity in diversity: This would also mean integrating refugees and other migrants into the community instead of separating them.^[104]

99 Oloruntoba, «Crisis of Identity and Xenophobia in Africa», 14.

100 Riley, «The Politics of «Terànga»».

101 « in Africa, the stranger who arrives is [treated like] a king » Seck, «L'Afrique Peut-Elle Peser Dans Le Débat International Sur La Migration?»

102 Interview with government official, Kampala 2021, quoted in Sebba and Zanker, «Political Stakes of Refugee Protection in Uganda».

103 Bohnet and Schmitz-Pranghe, «Uganda»; Zhou, «Refugees Are Brothers and Sisters in Uganda»; Ikanda, «Somali Refugees in Kenya and Social Resilience».

104 Sebola, «Refugees and Immigrants in Africa».

«Hospitality permeates African societies»

63% of interviewees broadly agreed with Norm Statement #6, but only 20% thought it was a statement that others agreed with as well, with 50% suggesting the response towards a welcoming culture was mixed.

A majority of our interviewees (63%) agreed that there was a culture of welcome across the continent that leads to the acceptance of refugees and other migrants. Accordingly, «[t]he real African spirit [...] [is that] people are welcoming. Traditionally, that is what is supposed to happen» (Nbi11) or «to the extent that we can talk about Africa as a unit, there's something entrenched about receptivity, about warmth for the other» (Dig8). A person involved in human rights advocacy recounted the multiple stories refugees had shared of being helped along the way, including free transport, shelter and food, across kinship categories. Another interlocutor described a project that was trying to implement community-policing structures in border towns to try to cut down on smuggling, which was an issue because «the community, first of all, is a welcoming place. So it's not really their job to police, their job [...] is just to have an open hand and welcome» (Dig7). In an Afrobarometer survey from 2016, 81% of respondents in 33 African countries said they either would like it or not care if their neighbours were immigrants or foreign workers.^[105] Compared to other world regions, including in the Middle East and Asia, the survey results point to a much higher tolerance of migrants in Africa.

A cultural norm as transient

The very idea of «culture» is disputed, and simplified and static cultural categories can even feed into conflict (narratives) between «autochthones» and «foreigners».^[106] Even widely dispersed notions such as *teranga* are complex and multifaceted, and researchers need to consider the understanding of African ontologies of welcome in thought and practice. Moreover, the problem with anything deemed «cultural» is that it is merely a snapshot of a particular moment; cultures are dynamic and exist as flows of interactive processes with heterogeneous people and opinions. Many of the interviewees suggested that this cultural principle of welcoming had changed over time, becoming less important. One interlocutor also suggested that the trauma of colonialism had also divided people on the continent.^[107]

105 Dulani, Sambo, and Yi Dionne, «Good Neighbours?»

106 Hahn and Klute, *Cultures of Migration*.

107 Another mentioned apartheid as part of the reason behind the xenophobic problems in South Africa.

Countries are increasingly under pressure from high numbers of refugees and protracted displacement. In combination with political responses, a general welcoming attitude is also subject to change, or at the very least to contestation from some sections of society. Unequal access to resources, sometimes to the detriment of host communities, has also increased social tensions, such as in Uganda.^[108]

In South Africa, once lauded for its progressive refugee laws – in particular those offering strong protection for LGBTQ+ refugees from across the continent – there has been a slow watering down of legislation, in essence echoing the xenophobic violence against migrant communities. In this sense, a (changing) norm of hostility is incongruous with current policies, which date back to more progressive times. In October 2023, the South African government released a White Paper – the first step to making legislative amendments – seeking to overhaul certain rules, including leaving the UN Geneva Convention for refugees. The press release on the White Paper states: «There have been consistent loud voices calling for effective policy measures and legislative interventions dealing with migration in South Africa. These voices grew louder.»^[109] Thus, due to societal pressures – in interaction with government responses – attitudes towards refugees and other migrants are changing.

Implementing a «culture of welcome»?

A «cultural norm», itself a contested idea, is difficult to implement as a policy. Policies that encourage free movement and trade can be seen as «tapping into an African spirit, a potential that has always been dormant» (Dig8). Often, however, there is a «disconnect [...] between our cultural practice and [...] political pronouncements» (Nbi2). A culture of welcome may be socially embedded, and there may even be a parallel political narrative, but this still does not always translate into the implementation of a wide-reaching welcome policy, as for example with refugee hosting in Uganda, in particular when it concerns LGBTQ+ refugees. In the words of a senior policy advisor, speaking of the desolate conditions many refugees in Kenya have to live in: «What is welcome when people are made to live like this for so many years?» (Nbi8). Another interviewee also raised the issue of aggressive visa policies within Africa as another example of how the welcome culture remains limited (see also norm #8).

Policies of welcome towards refugees in particular have changed from being relatively open and supportive policies during the independence years of the 1960s to increasingly restrictive policies across the continent. Encampment policies in particular have also led to ethno-national forms of exclusion that make it more difficult for refugees to live

108 Bohnet and Schmitz-Pranghe, «Uganda».

109 Department of Home Affairs, «Press Statement on the Release of the White Paper on Citizenship, Immigration and Refugee Protection».

independently and interact with their host communities. There have also been historic cases of mass expulsion of migrants, as in Ghana and Nigeria, during times of economic crisis and the resultant xenophobic sentiment. The broader societal stance towards refugees and migrants depends very much on the government at the time and the wider socio-economic circumstances of the country. Only 20% of our interlocutors thought that other actors believe there is a norm of welcome.

Of course, the levels of acceptance vary hugely depending on the national (and local) context: An Afrobarometer survey in Morocco from 2019 found a much lower level of tolerance than on the continent as a whole – a majority only wanted «a few» (30%) or «none» (26%) refugees, migrants or other displaced persons to live in Morocco.^[110] Similarly, 50% of respondents in South Africa agreed that the country «should bar foreigners from working in South Africa» and 48% disagreed that «politically persecuted foreigners deserve protection in South Africa».^[111] Our interlocutors mentioned several issues that could derail the general welcoming of others, including issues concerning the scapegoating of migrants (see also norms #1, #2, #4, #5, #7 and #8), insecurity, political incitements, burdens on public goods and land, and the lack of a common language, as with English-speaking Ghanaians in French-speaking Côte d'Ivoire. Lastly, the way a migrant is defined and perceived also plays into how much they are welcomed: «If you are a businessperson who wants to invest in Kenya, you are more than welcome. We will just welcome you with open arms» (Nbi4). Accordingly, class and race play a role in how welcome refugees are. This discrimination, in particular with regard to race, is very visible when it comes to the differentiated treatment of African migrants in Europe, but also in Tunisia and South Africa. There is a distinct disjuncture between (social) norm and practice. For some interlocutors, this also means that, as a result, they differentiate between the cultural idea of welcome and the actual protection of migrants.

Norm Statement #7: «With the rise of security problems, African countries need to protect their borders»

«Ensuring our borders are well-managed and well-protected is key to the security and development of our country.»

From the Desk of the President, South Africa, 9 October 2023

110 Appiah-Nyamekye Sanny and Abderebbi, «Jobs Loom Large in Moroccans» Attitudes toward in- and out-Migration».

111 Drying, «Half of South Africans Would Refuse Asylum».

«The trend towards the securitization of migration and borders should not engender the closing of borders and hamper integration efforts in Africa. Rather, cooperation in security, immigration and development need to be intensified to allow for the effective governance of our borders and stimulate economic integration.»

Migration Policy Framework for Africa and Plan of Action (2018–2030), p. 46

This norm is a little different to others: Rather than being a widely accepted norm on paper that addresses issues of implementation, there has been an increase in the securitisation of migration linked to borders across the continent. Thus, it is a norm in practice, if not (always) in policy, and heavily contested. In fact, the AU-FMP gives a nuanced definition, urging that security considerations must be weighed against economic development (see Textbox 1 in Introduction). Moreover, African policy documents tend to include statements reiterating the need to safeguard migrant rights when crossing borders (see norm #5).^[112] A major interest in policy documents is to address problems of trafficking – that is, border protection in the sense of counteracting trafficking, especially within the Khartoum process and IGAD policies. Yet, the same policy documents also set the scene as follows: »States often view irregular migration through the prism of national security, which may lead to a generalization that all refugees and migrants are a potential security threat.«^[113]

The IOM African Migration Report also highlights that security dimensions have increasingly become prominent in policy debates and public discourse when referring to migrants with terms such as «irregular», «illegal» or «undocumented.»^[114] Accordingly, one interlocutor expressed a common opinion: «We have a lot of porous borders. And for all the policy discussions that I've been involved in and the policy-makers I've met, they [...] are looking at it from the security perspective» (Nbi10).

Securitized rhetoric and border closures are among the contemporary practices in Africa. Security issues, in particular those linked to terrorism, have led to border closures, as in Nigeria in 2019, and increased securitized rhetoric, as in Kenya, with Somali refugees and migrants being treated as a security threat, resulting in sporadic border closures.^[115] Security is a major concern raised by policy-makers who are reluctant to implement free

112 Zanker, «Managing or Restricting Movement?»

113 African Union Commission, «Migration Policy Framework for Africa and Plan of Action (2018 – 2030)», 21.

114 Warn and Abi, «Reorganizing Borders in the Age of Free Movement»; Abebe and Mugabo, «Migration and Security in Africa».

115 Jaji, «Religious and Ethnic Politics in Refugee Hosting»; Maina, «Securitization of Kenya's Asylum Space»; Ogbonna, Lenshie, and Nwangwu, «Border Governance, Migration Securitisation, and Security Challenges in Nigeria».

movement on the continent. This finding can be linked to the more general fact that borders are frequently places of harassment, corruption and abuse – hence insecurity – themselves.^[116]

Yet, for many the securitisation of borders does not speak to the reality of mobility on the continent and is tied to European interests, both as a colonial continuity and as a more recent development linked to the post-2015 «migration crisis» in Europe as well as the corresponding increase in migration cooperation on the continent. Funding, administrative assistance and the transfer of expertise from Europe all result in a securitised agenda. A securitised vision of borders has also become a by-product of European externalisation policies, which seek to increase border control on the continent, especially with the EUTF for Africa. The effects of this influence have been, at best, mixed. The infamous Loi 2015-36 in Niger, for example, resulted in negative effects on the local economy and impeded free movement within the ECOWAS region.^[117] More generally, within the ECOWAS region, the externalisation goals of the EU have – according to various critics of current migration approaches – resulted in an overall impediment to the free movement agenda through a focus on projects that aim to stop or reduce migration in the region, with an eye towards Europe. Moreover, in the name of securing borders, the EU trained Sudanese border guards to become the Rapid Support Forces (RSF), which is one of the most criticised migration-related projects. Today the RSF is one of the major warring factions in the civil war in Sudan.^[118] According to our interviews, if African countries fail to adhere to the wider global political consensus that follows restrictive migration policies (at least since 9/11), including at borders, they may lose partnerships in trade, aid and diplomacy, since «Africa is not an island. Africa is connected to the rest of the globe» (Nbi8).

Only 18% agreed with Norm Statement #7, but 82% thought it was a statement that others, especially policy-makers, would agree with.

In sum, there is a practice of securitisation, which has adverse effects and is not necessarily reflected in written policy documents. Only 18% of our interviewees agreed with Norm Statement #7, but a majority believed it was relevant for policy-makers (82%). Again, this shows the preponderance of securitisation rhetoric and practice on the continent, without a corresponding normative ethos or belief in it. This is linked to contested meanings of «protected borders» and pluralistic norms of cross-border mobility, as outlined below.

116 Nigusie, «Migration Frameworks in Africa»; Yeboah et al., «The ECOWAS Free Movement Protocol».

117 Frowd, «Producing the «Transit» Migration State»; Diallo, «IRIN | EU Strategy Stems Migrant Flow from Niger, but at What Cost?»

118 Taxis, «EU Asylum-Reform».

Contested meanings of «protected borders»: Facilitating, not securitising, movement

The idea of «border protection» is in itself disputed and too simplistic to be implemented in a single way across the continent. A major question our interlocutors kept returning to was whether free movement – through regional integration at the REC level or continentally – could be reconciled with security concerns: Does free movement come at the cost of security? Our interviewees argued that whilst borders – and in turn free movement – needs to be regulated (i.e. checking documentation), this cannot be done by closing borders: «Protecting doesn't mean closing. Protecting doesn't mean limiting in a way» (Dig5). In other words, «the challenge is ensuring that legal channels are enabling environments for free movement» (Dig4), otherwise people will just find irregular ways to cross into another country outside formal borders. It is also not feasible given the porous nature of borders: «Some people work in Kenya, they sleep in Uganda. How are you going to protect your borders against that?» (Nbi2). Additionally, closing borders poses a great danger for refugees and other forcibly displaced persons who need to cross borders for their own safety.

Border protection does not mean «building walls and fences» – rather, it is about both keeping borders open and providing services beyond just checking identity documents and excluding access. For example, interviewees mentioned that government-provided public goods, such as health care facilities, should be available in all parts of the country, including at remote border posts. In sum, security issues may matter, but these cannot be tied to border restrictions and instead warrant internal discussions: «Having borders, not to police or securitise movement, but to facilitate it, is what we want» (Nbi6). Borders are – aspirationally – conceptualised as facilitators of movement. A second form of contestation was towards the norm statement itself, namely that the link between migration and insecurity is anecdotal and not backed by evidence.^[119] Yet, when rhetoric of such a link is used – as when the Dadaab camp in Kenya is claimed to pose a threat to insecurity, for harbouring terrorism – no one dares to ask for evidence. For some of our interviewees, it was obvious that the real security threats lie elsewhere: «This (norm statement) is a fallacy [...] most of the terrorism is home-grown [...] borders don't arise there» (Nbi8). One interviewee also questioned why countries should pay heed to security issues through migration management, when many of their security issues arise from internal conflict matters, including a lack of territorial control. Border capacity and broader securitisation are fields where normative orientations are particularly transferrable through funding and technical assistance.^[120] Donors who fund projects that push a securitisation agenda advance the normative framework in that direction.

119 Abebe and Mugabo, «Migration and Security in Africa».

120 Achiume and Last, «Decolonial Regionalism».

Lastly, our interlocutors contested the norm statement on the basis that governments may claim a link between border protection and security, but in reality there are other motivations. For example, whilst many countries justify their restrictive policies based on fear, for some it is also about profiting from exorbitant visa fees. Moreover, the «border protection» rhetoric is not necessarily linked to security. A focus on strong borders in South Africa is rather about economic protectionism, scapegoating, and a long history of opening and closing the border as the political interest in migration of neighbouring countries waxes and wanes.^[121] More generally, «African politicians are no different from European politicians. So, in the event that we cannot deliver, we want to blame the immigrants. And it's so easy to pitch one poor man against another. It's so easy» (Nbi2).

Implementation of what? Pluralistic norms of mobility at the border

Considering all of this, it is of course difficult to speak of a straightforward implementation process. The first question is whether there is, in fact, an issue concerning the lack of implementation of a norm, when it is unclear what is actually being implemented. Although, as noted above, there is an increase in the securitisation of borders and broader migration policies, borders are infamously porous on the continent and, regardless of the technologies, borders cannot be closed entirely. Borders are not static, but rather fluid and part of a dynamic, continuous (b)ordering process. Everyday mobility converges with formalised borders. For example, an estimated 30,000 people, mostly women traders, cross the DRC-Rwanda border between Goma and Rusizi daily.^[122] A survey on attitudes found that respondents who lived closer to borders were even more likely to support free movement than those who lived further away.^[123]

Accordingly, «what we are seeing on the ground is different. People are trading, crossing borders and so on. That is happening. We just frame it as informal trading, informal movement and so on. I think the states know this quite well, and they let it happen. And they are just very careful not to be very vocal about [it]» (Nbi6). We have argued elsewhere that the informal acquiescence to everyday mobility can amount to the existence of pluralistic norms of mobility.^[124] For Vigneswaran and Quirk, this means that «mobility should in no way be confused with <free> movement».^[125]

121 Musoni, Border Jumping and Migration Control in Southern Africa.

122 Achieng and Fadil, «What Is Wrong with the Narrative on African Migration?»

123 Whitaker, «Border Proximity and Attitudes toward Free Movement in Africa».

124 Arhin-Sam et al., «The (in)Formality of Mobility in the ECOWAS Region».

125 Vigneswaran and Quirk, «Mobility Makes States», 13.

Borders are complex phenomena in Africa, tied to their colonial imposition, often across communities that now straddle both sides of a border. According to Warn and Abi, we can speak of a situation in which «these people can reasonably claim that the borders crossed them, rather than they crossed the border».^[126] This leads to contested sovereignty and borders as sites of control-seeking, in contrast to a reality in which borders are places for diverse forms of circular migration and cross-border social connections. The idea proposed by Aspiration 2 of the AU's Agenda 2063 is a continent with «seamless borders» where «the free movement of people, capital, goods and services» does not imply or necessitate the removal of colonial boundaries.^[127] The paradox of African borders is related to their colonial histories, yet these are still likely to remain the status quo, so how exactly they can become seamless is contested. Does it mean regularising and identifying all movement as lawful, or accepting that informal, everyday mobility will need to remain possible? A first step towards understanding border controls in Africa is therefore to recognise that multiple forms of mobility result in a particular idea of a border.

Is there a disjuncture between policies and practice?

There is no consensus on a «secured borders» norm, but rather on the practice that upholds the idea, highlighting an inverse disjuncture. No clear answer is given as to whether there is a disjuncture between the norm – which is heavily contested – and the policy that can result from it. It is safe to say that, even though the securitised rhetoric is strong and increasing in Africa, as in the rest of the globe, it does not speak to the reality on the ground, which includes pluralistic cross-border mobility norms. How the practice and norms on borders will develop remains one of the fundamental questions for the future of mobility on the continent. One interlocutor who has attended many high-level negotiations between European and African partners on migration noted that, «at times, I feel like these [African] governments are talking from two sides of the mouth, depending on where they are» (Nbi8). For another interlocutor, the meaning of borders for Africa was clearly different than European ideas of borders:

At times of crisis [...] the default and logical, the intuitive thing from a global Western perspective is to close [...] the border, in some sort of global apartheid. But if you look at the African experience, it should tell you, at least aspirationally, that opening up is the way to close up, is the way to protect yourself. It's a recognition that the faith of the I is forever linked to the faith of the we. So ultimately, there is no hardening of those borders.

(Dig8)

126 Warn and Abi, «Reorganizing Borders in the Age of Free Movement», 78.

127 Warn and Abi, «Reorganizing Borders in the Age of Free Movement».

For the time being, the Second Continental Report on the Implementation of Agenda 2063 notes that for the implementation of free movement on the continent, it will «continue to facilitate debates on security implications and benefits of the free movement of persons» in the AU Peace and Security Council in collaboration with the Committee of Intelligence and Security Services of Africa.^[128]

Norm Statement #8: «African states are sovereign countries and need to protect their own markets and citizens»

«Member States shall reserve the right to refuse admission into their territory any Community citizen who comes within the category of inadmissible immigrants under its laws.»

Article 4, 1979 ECOWAS protocol

«The guarantee of free movement of persons is however not an absolute right as it is subject to limitations imposed by the host Partner State on grounds of public policy, public security or public health.»

Article 7.5, Protocol on the Establishment of the East African Community Common Market, 2010

Two developments in post-independence Africa explain this norm: First, as countries gained independence they created nationalist ideologies, strengthening the idea of sovereignty. Simultaneously, from the DRC to Cameroon to Côte d'Ivoire, leaders used political argumentations of autochthony, claiming the primordial right of some over others («outsiders») to own property, land and access state power.^[129] Secondly, not least since the devastating structural adjustment plans of the 1980s, economic growth has stagnated in many countries, producing high levels of poverty, unemployment and low levels of access to public services, amongst other problems, which many governments believe are exacerbated by migration. Consequently, post-independence African governments have repeatedly used sovereignty arguments as a justification for restricting migration. At times, this has resulted in even more aggressive methods, such as deportations, as in the «Ghana Must Go» campaign in Nigeria in the 1980s, ousting millions of migrants in the face of economic downturns and high unemployment figures. Some sources estimate that between 0.9 million to 1.3 million non-Nigerian ECOWAS citizens, mostly Ghanaians, were deported

128 African Union, «Second Continental Report on the Implementation of Agenda 2063», 58.

129 Geschiere and Nyamnjoh, «Capitalism and Autochthony».

from Nigeria at the time.^[130] Similar campaigns occurred in Ghana (1954 and 1969), Mauritania (1989) and Côte d'Ivoire (1958). Contemporary rhetoric in South Africa, including from political figureheads, echoes some of these sentiments.^[131] The crux of the argument is that in order to protect their own citizens, especially in times of economic hardship, governments need to avoid (future) migration and create punitive conditions for those migrants already there. In South Africa, this issue is currently playing out over the Zimbabwean Exemption Permit. As an exception to the rule of the exclusionary immigration regime, the country introduced special permits for Zimbabweans, who through various iterations of this scheme had been provided temporary residence with no option of permanent residence, regardless of their length of stay in South Africa. The Home Affairs Minister cancelled the scheme in December 2021, though through multiple extensions, it is currently valid until June 2024, with various ongoing battles in the courts.^[132]

In the ECOWAS region, tensions between national sovereignty and regional integration also surface from time to time. The 1979 ECOWAS Protocol and the 1985 Supplementary Protocol give states the right to refuse any ECOWAS migrant as «inadmissible» according to their own national legislations. Most ECOWAS states have some kind of de facto exclusion of migrants from specific job sectors. For example, Nigerian street vendors continue to face police harassment as well as high registration costs in Ghana, which is likely a breach of the ECOWAS Protocols and is straining diplomatic relations between the two countries.^[133] Temporary bans have also occurred in the EAC, with tit-for-tat bans of products, including maize, tyres and margarine for alleged reasons of safety and quality between Kenya and Tanzania in 2017.^[134]

According to an Afrobarometer survey from 2019/2020 in 18 African countries (see also norm #2), a not insignificant number of Africans prefer that their governments protect domestic trade, rather than open up their borders to businesses and products from other countries and regions: 47% support policies that protect domestic industries, though 49% prefer open borders. The desire for domestic protection is particularly strong in Tunisia (70%), Lesotho (63%), Botswana (62%) and Gabon (60%).^[135] Overall, the study found that Southern Africans are more inclined towards the protection of local producers than people in East and West Africa. Arguments for sovereignty and protectionism also explain the lack of implementation from some of the RECs, especially in the SADC region; most policy implementation towards free movement is regulated at a bilateral level rather than

130 Adepouju, «Migration Management in West Africa».

131 Akinola, «Introduction: Understanding Xenophobia in Africa».

132 Broughton, «Zimbabwe Permit Application Dismissed».

133 Lai, «Nigeria Will No Longer Tolerate Harassment of Its Citizens in Ghana».

134 High Commission of the United Republic of Tanzania, «Kenya, Tanzania Remove Trade Restrictions».

135 Appiah-Nyamekye Sanny and Patel, «AD433».

through regional agreements, showcasing the sovereignty of individual countries such as South Africa.^[136]

Strict visa rules towards other African citizens, especially on the part of upper-middle-income countries, are often justified as a measure to counteract competition for jobs from incoming migrants.^[137] The African Development Bank, through its Africa visa openness index, measures the openness of African countries towards other African citizens, noting the changes introduced to facilitate visa processes for Africans, including the issuance of e-visas, visa-on-arrival services and other related innovations. Overall, there have been some improvements: According to the 2023 Africa Visa Openness Report, travel within the African continent is becoming more streamlined for its citizens, with 36 out of 54 African countries either enhancing their visa openness score or keeping it constant since 2016. Citizens of African nations can travel without visa requirements to 28% of all countries within the continent, an increase from 20% in 2016. The proportion of intra-Africa travel mandating a visa prior to departure fell to 46% in 2022, which is a notable decrease from 55% in 2016.^[138] Despite these improvements, travel is still difficult for many African migrants, and a number of our interlocutors mentioned visa restrictions as a problem, highlighting a culture of protectionism and national sovereignty.

«There's nothing that can be done»: National sovereignty as a competing, primordial norm

Much as with the previous norm, written policy documents do not really support Norm Statement #8, but ad hoc policies and practice paint a different picture. Thus, it is not an issue of implementation, but a practice that has developed in contrast to the ideals of Pan-Africanism and regional integration (see norm #4). Whereas the issue of border securitisation reflects a strong external influence, this sovereignty norm develops out of a domestic context. As a normative idea, national sovereignty still holds supremacy. It is a parallel – but arguably more important – norm. Our interlocutors stressed that the calls for sovereignty and protection of markets, and the rallying of citizens against a supposed «migration threat», was not a uniquely African problem, but indeed poses a problem across the world, one that has been particularly visible in the EU and its member states in recent years.

136 Maunganidze and Formica, «Freedom of Movement in Southern Africa».

137 Abebe and Mugabo, «Migration and Security in Africa».

138 African Development Bank, «Visa Openness in Africa». All metrics have undergone some level of enhancement since the first report was published in 2016, which can be attributed in part to the rising adoption of e-visas, now available in 24 countries.

Only 19% agreed with Norm Statement #8, and 31% were unsure; 50% thought it was a statement that others, especially policy-makers, broadly subscribed to, and an additional 38% would have mixed positions on the role of national sovereignty.

Only 19% of our interviewees agreed with the norm statement, and an additional 31% were unsure, while only 50% thought it would be supported by policy-makers. It was overall the weakest norm statement at both a personal level and for policy-makers. One human rights advocate recounted a meeting with MPs on the plight of refugees in Kenya, during which the room was visibly moved, but «this guy just stands up and says, there's nothing that can be done. We can't give them jobs because we have to protect them for Kenyans. And he was point blank, with no emotions» (Nbi11). The interlocutor explained this behaviour being at least in part due to the fact that elected officials need to be seen as accountable and deliver to their electorate, which by definition are citizens of the country, not migrants. Another interviewee agreed and added that another factor was the high number of Kenyans employed in the informal sector (84%), so «people are like, what are you creating for us?» (Nbi10). In essence, it comes down to the lack of public goods, a «feeling of scarcity of opportunity», which means that the discussion continues to circle back to «You serve Kenyans first before you can serve other people» (Nbi9).

At the same time, a number of interlocutors stressed that market protectionism does not work; the extractivism of resources by private companies is happening anyway, and market protectionism will only harm the economic prosperity of the country in the long run. Some also noted that market protectionism is no longer relevant but a legacy from an older generation that does not want to make space for the younger generation that believes in market liberalisation, since «the rhetoric actually is that Africa is open to business» (Nbi8), due to the need for economic growth. Talk of sovereignty was usually related to maintaining personal power. Nonetheless, others disagreed, feeling that a «sovereignty mindset» was still very much present (Dig1).

Sovereignty as an impediment to the implementation of free movement?

According to the subsidiarity process in the RECs and AU institutional design, once there is a regional or continental approach, this must be followed: «Sovereignty has a limit when collective standards come on board» (Dig 9). Yet, regional integration through free movement is often perceived as a threat not only to security (see norm #7) but also to

sovereignty.^[139] National sovereignty is, in other words, an obstacle to the implementation of migration policies on the continent. So long as the norm of national sovereignty still dominates on the continent, as in the rising nationalism across the globe, this norm – not on paper but very much in practice – will continue to constrain the unfolding of free movement on the continent. This argumentation follows the logic that «countries like South Africa and Kenya who are a bit stable might be thinking, Have I worked too hard to let this free movement kind of undo everything?» (Nbi9). Borders closed for both security reasons and to protect local markets create bottlenecks to free movement. It comes down to an ultimately contradictory position: According to the Afrobarometer survey cited above, most Africans want to see diversified imports from other African countries and more retailers from abroad – yet about half of the respondents still support limiting trade and free movement to protect local producers.^[140] Whilst this remains an open question, it is unlikely that free trade, let alone free movement, will be able to fully unfold on the continent.

139 Dinbabo and Badewa, «Monitoring Migration Policy Frameworks».

140 Appiah-Nyamekye Sanny and Patel, «AD433».

3. Conclusion

In this study, we have argued that mobility norms are often a mismatch between social and policy norms. In other words, some policies are not a reflection of societal norms. The contestations between social and policy norms create ambiguity that can negatively affect mobility (especially when interpreted in a restrictive context by state agencies). All these contestations, discrepancies and tensions between social and policy norms contribute to the development and evolution of mobility norms on the continent. As we found in our interviews, there was a broad understanding of norms, covering social, political and legal angles. Mostly, the understanding was orientated around the practice of mobility (or social norms), rather than the adaptation of legal frameworks to local contexts. In the words of one interlocutor:

Movement has always been there, and no amount of policies can ever whip it in shape, can ever hem it in [...] perhaps [one day] we would have progressive leaders who embrace what has always been there [...] and actually have the courage [...] and the foreign policy strategy to facilitate a movement that allows for interactions and relationality, recognising that the continent itself has always thrived on that, by being in conversation with the elsewhere.

(Dig8)

In the following, we summarise our findings on the resonance of the eight mobility norms, and where there is a divergence between (social) norms and policies, before discussing the broader contestations and implementation issues. We conclude with some potential ways forward.

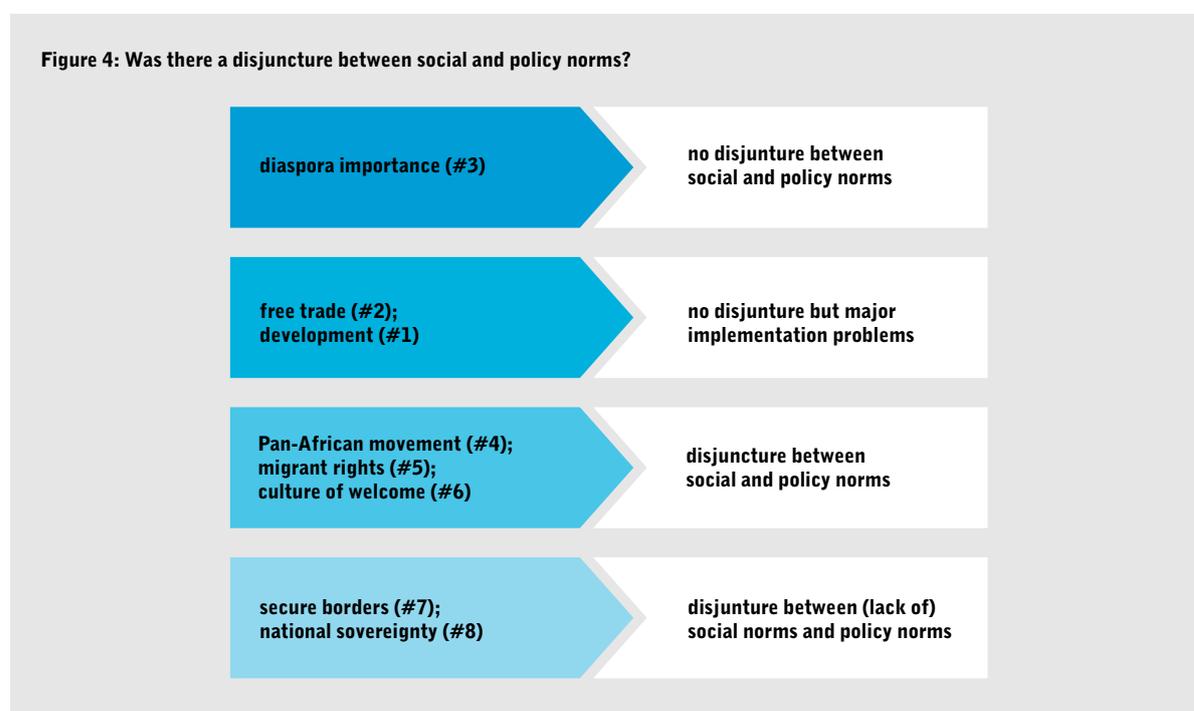
Resonance of the norms and divergence from policies

There were some norm statements that found wide resonance (free movement of trade, rights of migrants and migration for development), whereas others were more disputed (importance of diaspora, relevance for Pan-Africanism, culture of welcome) or even significantly disagreed with (sovereignty and border controls), as shown in Table 3.

Table 3: Percentage of agreement personally and for other people for each norm statement

	Is this a mobility norm for you personally?	Is this a mobility norm for other people or institutions?
Development (#1)	82%	50%
Free trade (#2)	100%	53%
Diaspora (#3)	70%	59%
Pan-African movement (#4)	55%	24%
Migrant rights (#5)	100%	15%
Culture of welcome (#6)	63%	20%
Secure borders (#7)	18%	82%
Sovereignty (#8)	19%	50%

Interestingly, when it came to differentiating what our interlocutors thought others believed to be the norm, security and border controls came out on top (82%), in contrast to migrant rights (which dropped down to only 15%) (see Table 3). Thus, secure borders and migrant rights were most disputed between personal opinions and those that policy-makers are thought to hold. This points to a strong dissonance between the policy norms of border control coupled with silence on migrant rights, at best, and social norms that advocate for strong rights of migrants through borders that enable their movement. The unresolved contradiction between free movement, Pan-Africanism, migrant rights, culture of welcome, trade and development on one hand, and border closures, securitisation and sovereignty arguments on the other, amount to what Nauja Kleist calls the «mobility paradox», whereby globalisation and free movement are in tension with border securitisation and externalisation.^[141]



¹⁴¹ Kleist, «Introduction».

If we consider the norms themselves in more detail, there was less of a disjuncture between policy and practice (or social norms and policy norms) for the norms on the diaspora, development and free trade (though the latter two had issues of implementation). However, there was a much stronger disjuncture between norms and policies for the remaining norm statements, albeit inversely in the case of secure borders (#7) and sovereignty (#8); see Figure 4.

According to one of our interlocutors, policies «are a performance, rather than a real carefully thought out thing», in contrast to the «system [that] remains unchanged underground and people know what to expect and they are often not written» (Dig8). Ultimately, free movement is possible, despite a lack of implementation, because of the accepted practices that, in effect, govern everyday mobility. Mobility norms are pluralistic and practice-based. As the research on «practical norms» shows, norms are numerous, sometimes overlapping, sometimes contradictory. There needs to be an acknowledgement of the diversity of different systems of norms.^[142] Taking pluralistic and practice-based norms into consideration is also one answer for how to better contend with the mobility paradox. Moreover, those mobility norms with policies that diverge too much from other social norms merit particular attention when it comes to a consideration of how this can affect migration cooperation. In other words, for migration cooperation and policy development to be considered in the migration field more broadly, the impact of social norms in addition to policy norms, and where they diverge, should not be underestimated.

Finally, the interviewees frequently discussed how norms change over time or can be aspirational. For example, though we did not include the discussion of these norms within the report due to space issues, perceptions of morality and gender have changed over time. For example, women who stayed closer to home in some pre-colonial African places were seen to be more «moral» and better «marriage material» at that time – in strong contrast to the growing and steady number of women migrants these days. This illustrates that the changing nature of norms, statements about Africa, pre-colonial mobility and traditional values should be questioned for essentialisation and romanticisation.^[143] Migrant rights, free trade and the importance of the diaspora were all named as aspirational norms.

Contestations and implementation issues

There were different types of contestation of the different mobility norms. According to our interlocutors, most norms were contested on very similar arguments related to socio-political rhetoric, namely the claims that migrants are a security threat (norms #2, #4, #5, #6, #7, #8) or an economic burden (norms #1, #2, #5, #6, #7, #8) (see Table 4).

142 See de Herdt and Olivier de Sardan, *Real Governance and Practical Norms in Sub-Saharan Africa*.

143 Tamale, *Decolonization and Afro-Feminism*.

Another common contestation was at the conceptual level, whereby the meaning of the central idea was contested, including development, diaspora, Pan-Africanism, cultures of welcome and secure borders. Other common types of contestation were on the implications for policy, namely on the colonial legacy of neoliberal framing (norms #1, #2, #4) and undue external influence on African mobility norms (norms #1, #4, #5, #7). A final common thread was the lack of a political consensus within and between African states on migrant rights, the culture of welcome and Pan-Africanism. These contestations, particularly the ones that have implications for policy-making, such as the colonial legacy of neoliberal framing, undue external influence and the lack of political consensus on certain issues, should all be fundamental concerns for European policy-makers seeking to improve migration cooperation with African partner countries.

Table 4: Different types of contestation

	Types of contestation					
	Societal-political rhetoric		Conceptual	Implications for Policy		
	Migrants as security threat	Migrants as economic burden	Different meanings of terms	Colonial legacy of neoliberal framing	Undue external influence	No political consensus
Development (#1)		x	x	x	x	
Free trade (#2)	x	x		x		
Diaspora (#3)			x			
Pan-African movement (#4)	x		x	x	x	x
Migrant rights (#5)	x	x			x	x
Culture of welcome (#6)	x	x	x			x
Secure borders (#7)	x	x	x		x	
Sovereignty (#8)	x	x				

Generally, the mobility norms, even when widely accepted, faced problems of implementation, more or less across the board. Reasons for this include insufficient budgets and problems related to capacity. Another issue is the lack of identity documents, which is linked to the insufficient registering of the population, including the provisioning of birth certificates. In practical terms, the problems faced by multiple ministries include competing interests and responsibilities for migration issues and the loss of institutional memory, which are exacerbated when there are staff changes. When it comes to implement free movement, «member states feel overwhelmed» (Dig5). Country contexts matter: The different levels of development between countries means there tends to be a preference for bilateral (trade) agreements, often resulting in a lack of implementation at the REC level. The sovereignty argument will frequently stand in the way of the implementation of a free movement agenda on the continent (see also norm #8). According to one of our interlocutors, citizens «reproduce the system that they denounce on a daily basis» (Dig7), for example by bribing border guards to cross borders, amounting to a «collective blame» for the lack of progress on free movement.

However, it is ultimately a political question of the «instrumentalisation of movement or non-movement by people in power for a range of reasons that then politicise spaces of flows and closure» (Dig8). There is often a lack of political will – including strong political leadership – and too many different interests between states that have a range of varying standpoints explaining their stances on migration, not least linked to their economic prosperity. An incoherence in goals – saying one thing and doing something else – is also common throughout migration policy-making.^[144]

Most importantly, many of the interlocutors mentioned the influence and effect of donors and Western governments on the making of migration policies, which in turn are then not implemented: «People who have money to put into these processes, they define the agenda» (Nbi11). However, this has the consequence that «whatever change that will come from coercion, it will not last» (Nbi4). Alternatively, «Africa is sometimes in a confused space when it comes to policy; it leans towards the Western model, but yet its own norm is one that is sometimes an antithesis to this norm» (Dig8). This is also worsened by the fact that donor interests focus on migration outside the continent, not intra-regional migration. It can also lead to tensions between government institutions and implementing agencies such as the UNHCR and IOM.^[145] One of the most interesting results was the much-disputed relevance of Pan-Africanism on free movement and mobility norms more generally. A survey from Afrobarometer shows that with the exception of Ethiopia, residents of many African countries rate their regional organisation as having a more positive economic and political influence than the AU.^[146] There is little to no space, really, for an African understanding of mobility norms to develop without a well-known and meaningful AU. Civil society actors can face reprisals if they are too proactive about refugee or migrant rights.

Thus far, there is a limited common agenda for the EU and Africa when it comes to governing migration.^[147] In order to come closer to finding one, there needs to be a clearer picture of what African mobility norms actually are. This is a very first step to try to understand them, underscoring their complexity and nuances. A crisis-led understanding of migration goes against the general ethos on the continent, since «migration is woven into the DNA of African communities, economies and societies».^[148]

Migration cannot be stopped and will continue. In fact, in contrast to the lack of implementation described above, migration and trade through a broader understanding of mobility will simply happen anyway. There are social, political and economic reasons for this. Migration will likely continue primarily within the continent but also beyond, not just to

144 Vigneswaran and Quirk, «Mobility Makes States».

145 Sebba and Zanker, «Political Stakes of Refugee Protection in Uganda».

146 Appiah-Nyamekye Sanny and Patel, «AD433».

147 See Zanker, «Managing or Restricting Movement?»

148 Achieng and Fadil, «What Is Wrong with the Narrative on African Migration?»

Europe but also to the Middle East and other places. Africa may even become a future hub to source sorely needed labour migrants. This report serves as a starting point to further ground a more balanced discussion and find common threads of agreement and contestation, within Africa but also between different norms.

Ways forward

In terms of future directions for policy-making in and between European and African countries while taking into consideration the findings of this report, there are three major points of contention to consider going forward:

1. What is the meaning of an African border, given the particular postcolonial context? Do borders need to be removed – as some intellectuals will argue – for a «borderless» future, whatever this may mean in practice? Or, more pragmatically, will borders stay but need to change in context? In what ways will borders be able to ensure free movement going forward, and what will they need to look like in order to do so? This consideration needs to recognise the coexisting rationales of mobility governance that include the practices of informal everyday border crossings.
2. How can the AU and RECs merge their normative agendas to work towards free movement from different levels? What is the appropriate role for the AU and the RECs, that is, should the RECs facilitate free movement and the AU free trade? In particular, how can the AU be strengthened in order to improve its ability to guide a normative agenda that recognises social norms alongside policy norms? To what degree can public participation improve the normative power of the AU? This would be tied to prioritising and reinvigorating Pan-Africanism as a concept that can provide normative principles on African migration. After all, «you cannot dream of a place you have never seen» (Nbi2).
3. Lastly, what spaces need to be provided in order for a decolonial migration agenda to develop on the continent? Sites of knowledge production are often so dispersed and disparate that they are hard to follow. The international community should see themselves as facilitators rather than funders of a normative direction on migration. The alternative would be to continue down the same path of trying to pursue migration partnerships that ultimately fail because they ignore power differentials and different starting points of interest in migration governance while following European myths. A concrete next step would therefore be to establish a facilitated exchange between African and European policy-makers on the meaning of borders as well as the meaning of a mobility norm, and an African one at that. Underscoring such a conversation would be an approach that considers the legacies of colonialism, including the «systems of knowing» that are embedded into the ways that migration governance continues to be conceptualised.

This report has shown that the concepts of migration and mobility need to be broadened to include African perspectives, especially as they relate to global discussions on migration and mobility. The «sedentary bias» adopted in most international documents (produced by states in the context of international discussions and by international organisations) needs to be changed. As it stands, the policies and capacity-building efforts in Africa are mostly based on external understandings of migration. More space is needed for a plurality of expressions and the acknowledgement of social norms in an evolving socio-political context. This report has presented a nuanced understanding of migration and mobility on the continent with a view to developing tailor-made policies to address migration-related cooperation between European and African countries. In closing, it should be noted that such contestation of norms – including a potential divergence between norms and policies – is also likely in Europe, though migration policy is increasingly being placed on a restrictive pathway. A more productive way forward would be joint discussions on areas of agreement and progress – and on the areas in which things are «stuck» or in tension – in order to discover joint avenues to address these challenges. Moving forward, we need to consider how we can use these insights to promote balanced cooperation that caters to the interests of all parties, namely African and European states as well as non-state actors and citizens alike.

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Appendix 1

Code	Type of Interview	Date of Interview	Location
HBS_Dig1	researcher	18.09.2023	Johannesburg (online)
HBS_Dig2	researcher	21.09.2023	Bonn (online)
HBS_Dig3	policy advisor	21.09.2023	Nairobi (online)
HBS_Dig4	researcher	28.09.2023	Johannesburg (online)
HBS_Dig5	donor agent	04.10.2023	Addis Abeba (online)
HBS_Dig6	researcher	19.10.2023	Johannesburg (online)
HBS_Dig7	researcher /rights advocate	27.10.2023	Bonn (online)
HBS_Dig8	researcher	27.10.2023	Cambridge USA (online)
HBS_Dig9	rights advocate	14.11.2023	Bamako (online)
HBS_Dig10	researcher/ rights advocate	16.11.2023	The Hague (online)
HBS_Dig11	policy maker	23.11.2023	Addis Abeba (online)
HBS_Nbi1	researcher	23.09.2023	Nairobi
HBS_Nbi2	diplomat	24.09.2023	Nairobi
HBS_Nbi3	policy advisor	25.09.2023	Nairobi
HBS_Nbi4	civil servant	26.09.2023	Nairobi
HBS_Nbi5	rights advocate	27.09.2023	Nairobi
HBS_Nbi6	policy advisor	27.09.2023	Nairobi
HBS_Nbi7	legislator	28.09.2023	Nairobi
HBS_Nbi8	policy advisor	28.09.2023	Nairobi
HBS_Nbi9	researcher	29.09.2023	Nairobi
HBS_Nbi10	policy advisor	29.09.2023	Nairobi
HBS_Nbi11	rights advocate	04.10.2023	Nairobi

We spoke to 22 people between September and November 2023, including 11 women. We spoke to people working in the following organisations, though we did not ask them to speak on behalf of their organisation (in alphabetical order): African Continental Free Trade Area Secretariat; Africa Diaspora Policy Centre; African Migration Development Policy Centre; Amnesty International; Federation of Kenya Employers; Former AU Diplomat to the EU; Former Kenyan Member of Parliament; German Agency for International Cooperation African Union Office; German Institute of Development and Sustainability; Global Research Forum on Diaspora and Transnationalism; Harvard University; Institute for Security Studies Africa; International Labour Organization; International Organization for Migration; Kenya National Commission on Human Rights; Mixed Migration Centre; New South Institute; Pan African Network in the Defense of Migrants' Rights; Refugee Affairs Secretariat Kenya; Refugee-led Research Hub.

Appendix 2

Overview of Diaspora Policies

		Diaspora Policies	Responsible Institutions for Diaspora
1	Algeria	The Action Plan of the Government on the Implementation of the Programme of the President of the Republic for the years 2015-2020 The Action Plan of the Government on the Implementation of the Programme of the President of the Republic for the years 2020	Ministry of Foreign Affairs (MFA) Secretary of State for the National Community and National Skills Abroad
2	Angola	Long-term development strategy for Angola 2025 (Estratégia de Desenvolvimento a Longo Prazo para Angola 2025) National Development Plan (Plano de Desenvolvimento Nacional, PND)	Ministry of Foreign Relations (MIREX) The Institute for the Support of Emigration and Angolan Communities Abroad (IAECAE - Instituto de Apoio à Emigração e das Comunidades Angolanas no Exterior)
3	Benin	National Policy for Beninese Abroad Development Pact of Benin with the Diaspora	Directorate for Consular Affairs and Beninese Abroad High Council of Beninese Abroad (HCBE)
4	Botswana	National Migration Policy	Ministry of International Affairs and Cooperation Botswana Investment and Trade Centre (BITC)
5	Burkina Faso	Stratégie nationale de migration Strategy of Accelerated Growth and Durable Development	Ministry of Economy and Finances
6	Burundi	Draft Diaspora Policy	Directorate of Diaspora Ministry of National Solidarity, Repatriation of Refugees and Social Reintegration Ministry of Public Security
7	Cabo Verde	National Strategy on Emigration and Development Decree-Law nº 35/2007	Casa do Cidadão Ministry of Foreign Affairs and Communities
8	Cameroon	Vision 2035 National Growth and Employment Strategy National Development Strategy 2020-2030	Ministry of External Relations
9	Central African Republic	No official diaspora engagement or strategy	Directorate-General for Legal Affairs and Central African Affairs Abroad

10	Chad	National Development Plan 2017-2021 Vision 2030, The Chad We Want	Ministry of Foreign Affairs, African Integration and Chadians Abroad Directorate for Chadians Abroad of the Ministry of Foreign Affairs
11	Comoros	Decentralisation to strengthen participatory democracy and contribute to local development Accelerated Growth and Sustainable Development Strategy 2018-2021 (SCA2D)	Ministry of Foreign Affairs and Co-operation
12	Côte d'Ivoire	National Development Plan (PND) 2016-2020	Ministry of African Integration and Ivorians Abroad (MIAIE) Investment Promotion Centre of Côte d'Ivoire (CEPICI)
13	Democratic Republic of Congo	Draft Diaspora Mobilisation Policy	Directorate of Congolese Abroad (DCE) Ministry of Foreign Affairs and International Cooperation Fédération des entreprises du Congo – FEC
14	Djibouti	Vision 2035 Diaspora Engagement Policy	Ministry of Foreign Affairs and International Cooperation (MAECI) Legal Department in charge of the Diaspora Global Djibouti Diaspora
15	Egypt	Law 111: Emigration and Sponsoring Egyptians Abroad Law Sustainable Development Strategy (SDS): Egypt Vision 2030	Ministry of Emigration and Egyptian Expatriate Affairs (MoSEEA) Egyptian Ministry of Foreign Affairs
16	Equatorial Guinea	CEMAC - Regulation n°01/08-UEAC-042-CM-17 of 20 June 2008 on the institution and conditions for the management and issuance of the Economic Community of Central African States (CEMAC) passport	Ministry of Foreign Affairs, International Cooperation and Francophone Affairs
17	Eritrea	Eritrean Constitution Proclamation No. 17/1991: Proclamation to Provide for the Collection of Rehabilitation Tax (10 December 1991) and Proclamation No. 67/1995: Tax Payment Proclamation for Eritreans in Diaspora Who Have Income (10 February 1995)	Ministry of Foreign Affairs Department of Eritreans Abroad
18	Eswatini	National Development Plan (NDP) 2019/20 – 2021/22 - Towards Economic Recovery	Ministry of Foreign Affairs and International Cooperation Ministry of Home Affairs

		Diaspora Policy	Diaspora Engagement Affairs Directorate
19	Ethiopia	2nd Growth and Transformation Plan	Ethiopian Diaspora Agency
20	Gabon	Plan Stratégique Gabon Emergent (PSGE): Vision 2025: orientations stratégiques 2011-2016	Ministry of Foreign Affairs, Cooperation, Francophonie, Regional Integration, and Gabonese Abroad Directorate of Gabonese Abroad
21	Ghana	Ghana Diaspora Policy Draft National Migration Policy	Diaspora Affairs Unit Diaspora Affairs, Office of the President (DAOOP)
22	Guinea	Five-Year Socioeconomic Development Plan National Economic and Social Development Plan (PNDES) 2016-2020 Process for establishing a High Council of Guineans Abroad (HCGE)	Ministry of Foreign Affairs and Guineans Abroad (MAEGE)
23	Guinea-Bissau	National Poverty Reduction Strategy Paper (DENARP) National Investment Code	Ministry of Foreign Affairs, International Cooperation and Communities Inter-Ministerial Committee (IMC) on «Policies and Programs for the Promotion of Community Welfare and Development, including Migration»
24	Kenya	Diaspora Policy 2014 Kenya Foreign Policy 2014 Kenya Third Medium-Term Plan 2018-2022 (MTP3)	Diaspora and Consular Affairs Directorate
25	Lesotho	National Diaspora Policy and Basotho Diaspora Association 2021	Ministry of Foreign Affairs and International Relations
26	Liberia	Draft Diaspora Engagement Policy 2016 National Migration Policy	Diaspora Affairs Unit (under Ministry of State for Presidential Affairs) Ministry of Foreign Affairs
27	Libya	Constitutional Referendum Law Law No 20/1991 on Promoting Freedoms	Ministry of Foreign Affairs Department of Expatriate Affairs (under MFA)
28	Madagascar	National Policy for Malagasy diaspora engagement 2021 National Strategy for Domestic Resource Mobilisation 2016-2030 (SNMRI) General State Policy (PGE): Initiative Emergence Madagascar (IEM)	Ministry of Foreign Affairs Diaspora Directorate Volunteer Promotion Unit
29	Malawi	Malawi Diaspora Engagement Policy 2017	Ministry of Foreign Affairs

30	Mali	National Migration Policy (PONAM) National Consultation Framework for Malians Abroad	General Delegation of Malians Abroad (DGME) The High Council of Malians Abroad
31	Mauretania	NO official diaspora policy but a portal launched by IOM to map Mauritania Diaspora.	
32	Mauritius	The Mauritian Diaspora Scheme 2015 National Migration and Development Policy Investment Promotion Act	Ministry of Finance and Economic Development Economic Development Board (EDB)
33	Morocco	National Strategy for Moroccans Living Abroad	Ministry for Moroccans residing abroad (Ministère des Marocains résidents à l'étranger) Council for the Moroccan Community Abroad (Conseil de la Communauté Marocaine à l'Etranger, CCME) Hassan II Foundation
34	Mozambique	Strategy for Diaspora Engagement in National Development	Ministry of Foreign Affairs (MFA) Technical Council, acts as an advisory board to the Institute for Mozambican Communities Living Abroad (INACE) – a department in the Ministry of Foreign Affairs
35	Namibia	National Policy on the Namibian Diaspora	Ministry of International Relations and Cooperation
36	Niger	Rural Development Strategy and Action Plan Economic and Social Development Plan (PDES) 2017-2021	Directorate for Nigeriens Abroad (DNE) under Ministry of Foreign Affairs, Cooperation, African Integration and Nigeriens Abroad High Council of Nigeriens Abroad (HCNE) under Ministry of Foreign Affairs, Cooperation, African Integration and Nigeriens Abroad
37	Nigeria	National Diaspora Policy 2021	Nigerians in Diaspora Commission (NiDCOM) under the Federal Ministry of Foreign Affairs Office of Senior Special Assistant to the President on Foreign Affairs and Diaspora (OSSAPFAD)
38	Republic of the Congo	Poverty Reduction Strategy Paper 2012 (DISCERP 2012-2016)	Department of Congolese Abroad Ministry of Foreign Affairs, International Cooperation, and Congolese Abroad

39	Rwanda	Rwandan Diaspora Policy 2009 National Migration Policy and Strategies	Ministry of Foreign Affairs and International Cooperation (MINAFFET) Rwanda Community Abroad (RCA) Unit
40	São Tomé and Príncipe	No specific policy but diaspora can vote	
41	Senegal	Sector Policy for Overseas Senegalese Plan Sénégal Emergent 2014-2035 (PSE) Draft National Migration Policy of Senegal (Politique nationale de migration du Sénégal, PNMS)	Directorate-General for Senegalese Abroad (Directorat Générale des Sénégalais de l'Extérieur, DGSE) High Council of Senegalese Abroad
42	Seychelles	Vision 2033 Seychelles National Development Strategy 2019-2023 (SNDS)	Ministry of Finance, Trade and Economic Planning
43	Sierra Leone	National Migration Policy (NMP) 2022 Mid Term National Development Plan (MTNDP) 2019-2023	Ministry of Foreign Affairs and International Cooperation (MOFAIC) Office of Diaspora Affairs (ODA)
44	Somalia	Somali National Diaspora Policy National Development Plan (NDP9)	Office of Diaspora Affairs (ODA)
45	South Africa	No specific diaspora policy	
46	South Sudan	As of August 2021, no diaspora policy has been adopted	
47	Sudan	Organisation of the Affairs of Sudanese Working Abroad Act	Ministry of Cabinet Affairs Secretariat of Sudanese Working Abroad (SSWA)
48	Tanzania	Draft Diaspora Policy 2014 Tanzania Development Vision 2025	Diaspora Engagement and Opportunities Division (DEOD) Department of International Cooperation, President's Office and Chairman of Revolutionary Council, Zanzibar
49	The Gambia	Gambian Diaspora Engagement and Policy delivered on 23rd September 2017	The Gambia Diaspora and Migration Directorate
50	Togo	2019 Government Roadmap for the Togolese Abroad Action program for strengthening the contributions of the Togolese diaspora in the Togo 2025 plan	Directorate of Togolese Abroad (under Ministry of Foreign Affairs, African Integration and Togolese Abroad MAEIAT)
51	Tunisia	The National Development Plan 2016-2020 The National Migration Strategy	The Office for Tunisians abroad (Office des Tunisiens à l'Etranger, OTE) The Higher Council for Tunisians Abroad (Conseil Supérieur des Tunisiens à l'Etranger)

52	Uganda	National Diaspora Policy (draft) National Development Plan III 2020-2025	Ministry of Foreign Affairs Diaspora Service Department (under MFA)
53	Zambia	National Diaspora Policy Seventh National Development Plan 2017-2021	Ministry of Foreign Affairs
54	Zimbabwe	National Diaspora Policy 2016 National Diaspora Policy Implementation Action Plan	Office of the President and Cabinet Ministry of Foreign Affairs and International Trade Diaspora Directorate

Appendix 3

We asked interviewees to assess each norm according to their personal-professional capacity, as well as if they thought other actors or institutions agreed or disagreed with the norms. We indicate the levels of agreement as percentages since the overall total number of (dis)agreement changes – as semi-structured interviews, not all the conversations included all norm statements. Below we include the exact number of interviewees that (dis)agreed with the statements.

Norm statement	Levels of (dis)agreement with exact number of interviewees
1	82% (18/22) of interviewees personally agreed with this statement, but only 50% (9/18) thought it was a statement others, especially policy-makers, would agree with as well, with 44% (8/18) suggesting stances towards migration and development were mixed, often differing between theory and practice.
2	All (21/21) interviewees personally agreed with this statement, but only 53% (10/19) thought it was a statement others, especially policy-makers, agreed with as well, with 42% (8/19) suggesting mixed stances towards free movement and trade, often due to a prioritisation of trade over movement.
3	70% (14/20) of interviewees broadly agreed with this statement, and 59% (10/17) thought it was a statement others, especially policy-makers, somewhat agreed with as well, with 29% (5/17) suggesting responses towards the role of the diaspora were mixed.
4	55% (12/22) of interviewees broadly agreed with this statement, while 32% (7/22) disagreed, but 53% (9/17) thought it was a statement others somewhat disagreed with, while only 24% (4/17) thought that others would broadly agree as well.
5	All interviewees (17/17) fully agreed with this statement, but only 15% (3/20) thought it was a statement others, especially policy-makers, practiced or agreed with as well, with 45% (9/20) suggesting practices concerning the rights of migrants were mixed.
6	63% (12/19) of interviewees broadly agreed with this statement, but only 20% (2/10) thought it was a statement others agreed with as well, with 50% (5/10) suggesting the response towards a welcome culture was mixed.
7	Only 18% (3/17) agreed with this statement; 28% (14/17) thought it was a statement others, especially policy-makers, would agree with.
8	Only 19% (3/16) agreed with this statement, and 31% (5/16) were unsure; 50% (8/16) thought it was a statement others, especially policy-makers, broadly subscribed to, and an additional 38% (6/16) would have mixed positions on the role of national sovereignty.

Authors

Amanda Bisong is a policy officer at the ECPDM and works on issues of migration, trade and regional integration in Africa.

Dr Franzisca Zanker is a senior researcher at the Arnold Bergstraesser Institute where she heads the cluster «Patterns of (Forced) Migration».

Dr Faisal Garba is in the Department of Sociology at the University of Cape Town (UCT) where he convenes the Global Studies Programme (GSP). He leads the South-South Migration Hub in South Africa and the Migration and Mobility Research Group at UCT.

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Ed.: Heinrich-Böll-Stiftung e.V., Schumannstraße 8, 10117 Berlin;
Expert contact: Kirsten Krampe, Africa Division, **E** krampe@boell.de

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