



IMPORTANT FACTS TO KNOW ABOUT THE COMESA  
PROTOCOL ON FREE MOVEMENT OF PERSONS, LABOUR,  
SERVICES, RIGHT OF ESTABLISHMENT AND RIGHT OF  
RESIDENCE

**(COMESA FREE MOVEMENT PROTOCOL)**



Funded by the  
European Union

## **IMPORTANT FACTS TO KNOW ABOUT THE COMESA PROTOCOL ON FREE MOVEMENT OF PERSONS, LABOUR, SERVICES, RIGHT OF ESTABLISHMENT AND RIGHT OF RESIDENCE (COMESA FREE MOVEMENT PROTOCOL)**

- The COMESA Protocol on Free Movement of Persons, Labour, Services and Right of Establishment and Residence was adopted in 2001 by the COMESA Authority of Heads of State and Governments.
- The Protocol is presently open for signature and ratification. However, so far, the Protocol has been signed by four COMESA Member States namely: Burundi, Kenya, Rwanda and Zimbabwe.
- Two Members States, namely Burundi and Rwanda have already deposited their instruments of ratification of the Protocol with the Secretary General of COMESA.
- The Protocol requires seven signatures and ratifications of the membership of COMESA for it to enter into force, hence 3 more signatures and 5 more ratifications are required.
- The Protocol on Free Movement I was developed with the vision towards the operationalization of the Common Market and its main objective is to remove all restrictions to the free movement of persons, labour and services and ultimately down the years provide for the rights of establishment and residence respectively.

The implementation of the Protocol was adopted with the following five stages and timelines:

### **Stage 1: Part Two – Part II – Articles 3 to 8**

Area of Focus: Gradual Removal of Visa Requirements and cooperation in the prevention and fight against transnational crime

### **Stage 2: Part III – Article 9**

Area of Focus: Enhancing movement of skilled labour

### **Stage 3: Part IV – Article 10**

Area of Focus: Movement of Services

### **Stage 4: Part V – Article 11**

Area of Focus: Right of Establishment

### **Stage 5. – Part VI – Article 12**

Area of Focus: Right of Residence

## **Refusal of Entry or Expulsion**

- Each Member State reserves the right of refusal of permission to enter

or remain in its territory to any citizen or citizens of another Member State where it considers the entry or presence of such citizen or citizens detrimental to its national security or public health.

- The entry or presence of a citizen or citizens is detrimental to public health if a person carries a disease that is categorized as contagious in the Member State concerned and for which the laws of such Member State require that such citizen be quarantined.
- A Member State expelling a citizen or citizens of another Member State under Article 6 of the protocol shall take measures to safeguard the property and interests of such a citizen or citizens.
- A citizen or citizens expelled from the territory of another Member State under Article 6 of the protocol shall be entitled to his or her or their property assets or interests and where such property assets or interests are confiscated by the appropriate authorities be entitled to prompt, effective and adequate compensation in accordance with international law.

### **Safeguard Measures**

- A Member State may on the grounds of public security or an influx of persons as refugees arising from disturbances in the territory of another Member State suspend temporarily the implementation of provisions of the protocol on relaxation of visa requirements or elimination and such suspension shall be notified to the Secretary General of COMESA who shall notify other COMESA Member States.
- Such temporary suspension of relaxation of visa requirements or elimination shall remain in force for the temporary period considered necessary by the Member State but shall in the case of suspension on the grounds of national security, not exceed one year unless extended by the COMESA Council of Ministers and provided that the Member State concerned shall provide to Council proof that the grounds on which the suspension was made still exist.

### **Note:**

*Article 164(3) of the COMESA Treaty provides that Member States agree that the Protocol on Gradual Relaxation and Eventual Elimination of Visas (Visa Protocol) shall remain in force until such a time that the COMESA Protocol on Free Movement of Persons, Labour, Services, Right of Establishment and Right of Residence shall enter into force.*



*Published by COMESA with the Financial Support of the  
European Union under the Southern Africa Migration  
Management Programme.*