



Baseline Assessment Summary (July 2015) COMESA



TECHNICAL EXPERTISE REQUEST:

Support the Full Implementation of the COMESA Visa Protocol among Member States

COMESA recognizes the great importance of free trade and is aware that this to be fully achieved, citizens of COMESA Member States must be able to move freely in the region to provide and enhance services, tourism, labour, cultural activities and others. In this regard, at the regional level, two main instruments were established in furtherance of removal of barriers to free movement: 1) the Protocol on the Gradual Relaxation and Eventual Elimination of Visas (Visa Protocol) which is currently in full force since the 22nd



of December 1984 and 2) Protocol on Free Movement of Persons, Services, Labour and Right of Establishment and Residence (Free Movement Protocol) adopted in 2001 but not yet in force.

Reasons of the request

The Visa Protocol that was signed and ratified by all COMESA Member States but has not yet achieved full implementation due to a number of challenges encountered by the Member States. The technical assistance intervention is focused in those eleven countries that are less advanced in the implementation of the Visa Protocol, namely Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Libya, Madagascar, Sudan, Swaziland and Zimbabwe.

The technical assistance will identify the major obstacles to the full implementation and draw up a set of recommendations and action plan for each Member State on what they can do to implement the Visa protocol.

Learning from the Baseline Assessment:

- A Consultative Mission was made in 2013 to Comoros, Djibouti, Kenya, Malawi, Rwanda, Seychelles, Swaziland and Uganda by the COMESA Task Force to interview State, NSAs and Parliamentarians in each of the selected countries with a view to understanding the current status, the challenges, the progress and any other relevant information related to the two protocols. It was composed by



representatives from Democratic Republic of Congo, Kenya, Malawi, Rwanda and the Immigration Expert from the COMESA Secretariat.

- In as far as the obstacles were observed, the main reasons are seen as sixfold:
 - Security concerns;
 - Absence or weak inter-ministerial dialogue on the protocols;
 - Lack of awareness of COMESA protocols by the general public;
 - Absence of reciprocity from other Member States¹;
Fear of influx of a high volume of people;
 - Increase of the competition in the labour market between nationals and foreigners.

- A segmented analysis of the less advanced countries in the implementation of the Visa Protocol corresponding to the selected countries for this BA (Comoros, Djibouti, Swaziland and Zimbabwe) shows that security concerns are at the top of the reasons/challenges (the 4 MS pointed this aspect), followed by the absence or weak inter-ministerial dialogue on the protocols, the fear of influx of a high volume of people as well as the impact in the labour market (3 in 4 mentioned these elements). The main difference from the other countries that are more advanced in the implementation of the Protocol is that both the absence of reciprocity from other MS and the lack of awareness of COMESA protocols by the general public were much less mentioned – in fact these are the main reasons for

¹ Member States expressed a lack of reciprocity as well as rigidity of some countries –i.e. there are not necessarily benefits to certain Member States, which will result in failure to move at the same rate. The overall effect of this is that there will be a delay in implementation of the Protocol.



this group of countries in addition to the absence or weak inter-ministerial dialogue correspond. It is also relevant to note that the reasons presented by the least advanced countries in what refers the implementation of the Visa Protocol are the ones that might be considered more related to the national interests and, as a consequence, at the core of the most resilient obstacles to the relaxation of immigration regimes. In light of this, one can conclude that the reasons behind the slow pace of implementation of the Visa Protocol are different between the group of countries that are implementing it more fully and the group of MS that are not.