

**PROTOCOL RELATING TO THE
GRADUAL RELAXATION AND EVENTUAL ELIMINATION OF
VISA REQUIREMENTS WITHIN THE
COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA**

LEGAL NOTICE NO. 6 OF 1984*

The following is the text of the Protocol relating to the Gradual Relaxation and Eventual Elimination of Visa Requirements within the Preferential Trade Area for Eastern and Southern African State.

BUJUMBURA
22nd December, 1984

BAX D. NOMVETE
Secretary-General a.i.
Preferential Trade Area

PROTOCOL RELATING TO THE GRADUAL RELAXATION AND EVENTUAL ELIMINATION OF VISA REQUIREMENTS WITHIN THE COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA

PREAMBLE

THE HIGH CONTRACTING PARTIES

REAFFIRMING the objectives of the establishment, among themselves, of the Preferential Trade Area for Eastern and Southern African States as a first step towards the establishment of a Common Market and eventually of an Economic Community for Eastern and Southern African States;

BEARING IN MIND that the promotion of harmonious economic cooperation and social development of their States and the acceleration of the integration process in the subregion call for a determined and concerted policy of self-reliance and dynamic mobilisation of the human and natural resources;

MINDFUL of the need and importance of creating conditions favourable for the achievement of the objectives set out hereinbefore and the promotion of the physical cohesion of their territories through the facilitation of greater movement of their nationals within the Common Market;

CONVINCED that the fostering of closer relations among their States would constitute one of the means of achieving the above-mentioned goals and would contribute to the better coordination of their efforts and to the more effective and efficient implementation of the aims of the Common Market;

HAVING REGARD to item (iv) of sub-paragraph (b) of paragraph 4 of the Article 3 of the Treaty for the establishment of the Preferential Trade Area for Eastern and Southern African States to the effect that the Member States should take in common such steps as are calculated to further the aims of the Common Market;

DESIRING for the purpose of the foregoing to conclude, among themselves, a Protocol relating to the Gradual Relaxation and Eventual Elimination of Visa Requirements within the Common Market;

HEREBY AGREE AS FOLLOWS:

* The Protocol continues in force under Article 164 (3) of the COMESA Treaty as a valid Legal Instrument. Article 174(6) of the COMESA Treaty also provides that any reference in the agreement to the Preferential Trade Area or any officer or authority thereof shall have the effect as if references therein were substituted by the Common Market and the corresponding officer of authority thereof.

ARTICLE 1

Interpretation

In this Protocol:

"COMESA or Common Market" means the Common Market for Eastern and Southern Africa established under the Treaty;

"Council" means the Council of Ministers established by Article 7 of the Treaty;

"Member State" means a Member State of the Common Market

"national of a Member State" means any person regarded as a citizen of a Member State in accordance with the laws of the Member State;

"Secretary-General" means the Secretary-General of the Common Market provided for under Article 17 of the Treaty;

"travel document" means a passport or any other valid travel document establishing the identity of the holder and containing his photograph, issued to him by or on behalf of the government of the Member State of which he is a national and on which endorsement by immigration authorities may be made, and shall also include a laissez-passer issued by the Common Market to its officials establishing the identity of the holder;

"Treaty" means the Treaty Establishing the Common Market for Eastern and Southern Africa.

ARTICLE 2

Relaxation of Visa Requirements

1. The Member States agree that as a first step towards the gradual relaxation and eventual elimination of visa requirements within the Common Market, nationals of a Member State holding travel documents shall not be required to obtain visas before travelling to the territory of another Member State and may be granted visas to enter such territory upon the presentation of such travel documents at an official entry point of that Member State.

2. Upon a date to be determined by the Council but not exceeding eight years from the definitive entry into force of this Protocol, nationals of a Member State holding travel documents shall be free to enter into the territory of another Member State through an official entry point without the requirement of a visa provided that their stay does not exceed ninety days at a time. Such nationals of a Member State shall, however, be required to obtain permission for an extension of stay from the appropriate authorities if after such entry they have cause to stay for more than ninety days.

3. For the purpose of enabling the Council to make its determination under the provisions of paragraph 2 of this Article, the Council shall commission such studies and convene such meetings of the Member States as may be necessary.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, the freedom of entry of nationals of a Member State who wish to enter the territory of another Member State for whatever reason shall in addition to meeting the requirements of paragraphs 1 and 2 of this Article be subject to the holding of requisite permits obtained from the appropriate authorities of the Member State whose territory they wish to enter.

5. The grant of a visa or the waiver of visa requirements under the provisions of this Article shall not exempt nationals of a Member State proceeding to another Member State from compliance with the laws and regulations of such Member State concerning the entry, residence (whether temporary or permanent), exist and employment of aliens.

ARTICLE 3**Refusal of Entry and Expulsion**

1. Each Member State reserves the right to refuse permission to enter or remain in its territory to any national of another Member State where it considers the entry or presence of such national to be not conducive to the public interest or national security.
2. A Member State expelling a national of another Member State in pursuance of the provisions of paragraph 1 of this Article shall take all appropriate measures to safeguard the property and interests of such person.

ARTICLE 4**Temporary Suspension**

A Member State may in the public interest or in the grounds of national security suspend temporarily any of the provisions of this Protocol in whole or in part and such suspension shall be notified immediately to the Secretary-General, who shall inform the other Member States. The same procedure shall be adopted when the suspension is lifted.

ARTICLE 5**Cooperation among Member States**

Member States undertake to cooperate among themselves by exchanging information on such matters that are likely to affect the effective implementation of this Protocol. Such information shall also be sent to the Secretary-General.

ARTICLE 6**Saving**

Nothing in this Protocol shall prevent two or more of the Member States from maintaining existing or entering into bilateral or multilateral arrangements, among themselves, in respect of free movement of persons which provide for more favourable treatment for their nationals than are provided for in this Protocol.

ARTICLE 7**Implementation by Member States**

Each Member State shall take all the steps necessary to give effect to the provisions of this Protocol.

ARTICLE 8**Regulations**

The Council may make regulations for the better carrying out of the provisions of this Protocol.

ARTICLE 9**Final Provisions**

1. This Protocol shall enter into force provisionally upon signature by or on behalf of the High Contracting Parties and definitively with respect to all of them, upon ratification by at least seven signatory States in accordance with the constitutional procedures applicable for each signatory State.

2. This Protocol and all instruments of ratification shall be deposited with the Secretary-General of the Common Market for Eastern and Southern Africa, who shall transmit certified true copies of this Protocol to all Member States and notify them of the dates of deposit of Instruments of Ratification and shall register this Protocol with the United Nations, the Organisation of African Unity, and such other organisations as the Council may determine.

3. This Protocol shall form an integral part of the Treaty and shall be annexed thereto as Annex XIII.

DONE AT Bujumbura on the twenty-second day of December, 1984, in the English, French and Portuguese languages, the three texts being equally authentic.