



PEACE, PROSPERITY AND  
REGIONAL INTEGRATION

## **PROTOCOL ON FREE MOVEMENT OF PERSONS IN THE IGAD REGION**

**ENDORSED BY COMMITTEE OF AMBASSADORS, MINISTERS OF INTERIOR  
AND MINISTERS OF LABOUR OF IGAD MEMBER STATES.**

**26 February 2020  
Khartoum, Sudan**

**Office of the Executive Secretary  
IGAD Secretariat.  
Republic of Djibouti.**

## PROTOCOL ON FREE MOVEMENT OF PERSONS IN THE IGAD REGION

### **PREAMBLE**

We, the Member States of the Intergovernmental Authority on Development (IGAD);

**REAFFIRMING** our continued and strong commitment to the implementation of Article 13 (A) of the Agreement Establishing IGAD that has identified a number of key areas of cooperation that require instruments in pursuit of regional economic integration including facilitation of the free movement and right of residence of their citizens in the region, and its benefits in promoting social and cultural exchanges as an effective means of consolidating regional cooperation and understanding;

**RECALLING** the provisions of Article 7(b) of the Agreement Establishing IGAD requiring the Member States to harmonize their policies with regard to trade, customs, transport, communications, agriculture and natural resources, and promotion of free movement of goods, services, and people and the establishment of residence;

**CONSCIOUS** of the recommendations of the IGAD Regional Migration Policy Framework urging the IGAD Member States to adopt and implement appropriate protocols intended to progressively achieve the free movement of persons, the right of residence and the right of establishment including access to lawful employment in the countries of destination without adversely affecting the employment of citizens;

**CONSIDERING** the outcomes of extensive consultations conducted in IGAD Member States and recommendations to adopt a phased approach in implementing free movement of persons, and **MINDFUL** of the policy variances in education, skills, employment and security related concerns of Member States;

**RECOGNIZING** the positive contribution that free movement of persons can have in mitigating the impact of conflict, poverty, unemployment and underemployment, drought and disasters, as well as the adverse effects of climate change and environmental degradation as important drivers of displacement and migration in the IGAD region;

**DETERMINED** to fulfil our commitments under Article 4 (2)(i) of the Treaty Establishing the African Economic Community (The Abuja Treaty);

**NOTING** Article 17 of the Agreement Establishing IGAD that requires Member States to conclude such protocols as may be necessary to execute the aims and objectives of the Agreement;

**AGREE AS FOLLOWS:**

## PART I

### DEFINITIONS, OBJECTIVE AND PRINCIPLES

#### Article 1 Definitions

For the purpose of this Protocol:

“**Agreement**” means the Agreement Establishing the Intergovernmental Authority on Development (IGAD);

“**Assembly**” means the Assembly of Heads of State and Government of IGAD;

“**AU**” means the African Union (AU);

“**Border Area**” means a geographical area straddling the border of two or more neighbouring Member States;

“**Child**” means every human being below the age of 18 years as defined under Article 2 of the 1990 African Charter on the Rights and Welfare of the Child;

“**Citizen**” means a person holding the nationality of Member State of IGAD as defined by the laws of the Member States;

“**Committee**” means the Committee of Ambassadors as defined in the Agreement Establishing the Intergovernmental Authority on Development (IGAD);

“**Council**” means the Council of Ministers of IGAD as defined in the Agreement Establishing the Intergovernmental Authority on Development (IGAD);

“**Dependant**” means a spouse, child or other person who, a citizen of a Member State is required to support and maintain as defined by the laws of the host Member State;

“**Disaster**” means a calamitous event or series of events not governed by the rules of international humanitarian law and resulting in widespread loss of life, great human suffering or distress, or large-scale material or environmental damage, thereby disrupting the functioning of society;

“**Free movement of persons**” means the right of citizens of a Member State, to enter, stay, move freely, study, work, establish business, and exit the host Member State in accordance with the laws of that Member State;

“**Mass expulsion**” means an act, or failure to act, by a Member State with intended effect of forcing the departure of a group of citizens of another Member State against their will from the territory of a host Member State for reasons of race, nationality, religion and ethnicity;

“**Member State**” means a Member State of IGAD;

“**State party**” means a Member State of IGAD that has ratified or acceded to this Protocol;

**“Portability of social security and benefits”** means maintenance of social security rights in the course of acquisition, the maintenance of acquired social security rights, and the payment of benefits abroad;

**“Public policy”** means a body of principles that guide the actions taken by the governments of Member States including on issues of public security, land, labour, education and training, public health, tax, culture, social security, insurance in accordance with the national law of the Member State;

**“Public service”** means a service in any capacity as defined in the national laws of the host Member State;

**“Right of entry”** means the right of a citizen of a Member State to enter and move freely in another Member State in accordance with the laws of the host Member State;

**“Right of establishment”** means the right of a citizen of a Member State to take up and pursue economic activities such as business, trade, service, profession, vocation or as a self-employed person in the territory of another Member State and in accordance with the national law of the host Member State;

**“Right of residence”** means the right of a citizen of one Member State to reside in another Member State other than their Member State of origin in accordance with the national law of the host Member State;

**“Spouse”** means a marital partner as defined in the national laws of the host Member State;

**“Territory”** means the land, airspace and waters belonging to or under the jurisdiction of a Member State;

**“Travel document”** means a passport which complies with the International Civil Aviation Organization standards for travel documents including a National Identity Card or any other high integrity travel document identifying a citizen of a Member State of IGAD issued by Member State or by any other regional or international organization, which is recognized by the host Member State;

**“Secretariat”** means the Secretariat of IGAD;

**“Vehicle”** means any motorized transport by which a person travels, is carried in or conveyed into, by land, or water bodies and rivers to the territory of a Member State including cars, motorcycles, buses and boats;

**“Visa”** means a conditional authorisation granted by a Member State to a citizen of another Member State to enter, stay for a specified period or leave the host Member State.

#### Article 2 Objective

The objective of this Protocol is to facilitate the implementation of the Agreement by providing for the progressive realization of free movement of persons, rights of establishment and residence in IGAD Member States.

### Article 3 General Principles

1. Member States shall in accordance with the provisions of this Protocol;
  - a) accord to citizens of Member States the right of free movement of persons and guarantee right of entry, stay move freely and exit the territory of other Member States;
  - b) extend the right of free movement of workers and self-employed persons and their dependants and guarantee them the right to apply for employment, conclude contracts and accept offers of employment and accord the right of the worker to be accompanied or joined by dependants in the territory of other Member States; and
  - c) progressively realize the right of establishment and residence of citizens of other Member States in their territory.
2. The free movement of persons, rights of establishment and residence in Member States shall be guided by the principles in relevant regional, continental and international instruments.
3. A citizen of another Member State entering, employed, established or residing in a Member State in accordance with the provisions of this Protocol, shall enjoy the protection of the law of the host Member State guided by the fundamental principles and rights at work, equal treatment with regard to working conditions. Such protection under the law shall be gender-responsive and child-sensitive in particular with regard to rights to education, health and other services.
4. Member States shall not discriminate against citizens of another Member State with regard to entry, access to employment and occupation including recruitment, hiring and dismissal, terms and conditions of employment and remuneration, and the establishment of businesses or residence in their territory, on the basis of their nationality, race, ethnic group, colour, disability, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.
5. Member States and IGAD shall devise instruments and mechanisms for protection of migrant workers against unfair recruitment practices including by intermediary bodies including private recruitment agencies and public employment services.
6. More favourable treatment of citizens of another Member State and the granting of rights additional to those provided for in this Protocol, as a result of reciprocity or deeper integration, shall not constitute discrimination.
7. In addition to the principles in paragraph 1, the implementation of this Protocol shall be guided by:
  - a) recognition of the responsibility to address the needs of persons with specific vulnerabilities;
  - b) respect for laws and policies of public security, public order, public health, the environment, and any other public policy concerns;
  - c) regional and bilateral cooperation.

## Article 4 Progressive Realization and Implementation

1. The free movement of persons, rights of establishment and residence shall be achieved progressively through the following phases:
  - a) Phase one, during which Member States shall implement the right of entry and abolition of visa requirements;
  - b) Phase Two, during which Member States shall implement the right of movement of workers;
  - c) Phase Three, during which Member States shall implement the right of residence;
  - d) Phase Four, during which Member States shall implement the right of establishment.
2. Nothing in this Protocol shall:
  - a) affect more favourable provisions in the realization of the free movement of persons, rights of establishment or residence contained in national legislation, bilateral, regional or continental instruments; or
  - b) prevent the accelerated implementation of any phase of free movement of persons, rights of establishment or residence by Member States before the time set by the implementation roadmap or the Assembly for the implementation of that phase.
3. The Implementation Roadmap annexed to this Protocol serves as a guideline for the implementation of the above phases.

## **PART II FREE MOVEMENT OF PERSONS**

### Article 5 Right of Entry, Stay and Exit

1. Citizens of a Member State shall have the right to enter, stay, move freely and exit the territory of another Member State in accordance with the policies, laws, regulations and procedures of the host Member State.
2. Member States hereby guarantee the free movement of persons by ensuring:
  - a) entry of citizens of the other Member States into their territory without a visa;
  - b) stay and free movement of persons who are citizens of the other Member States within their territory for a period of ninety (90) days from the date of entry or such longer period determined by host Member State or through bilateral or regional arrangements; and
  - c) citizens of the other Member States are allowed to exit their territory without any restrictions.
3. A citizen of a Member State who wishes to stay in the host Member State beyond the period provided under paragraph 2(b), shall seek an extension of stay in accordance with the procedures established by the host Member State.

### Article 6 Travel Document

1. Member States shall issue their citizens with a recognized, valid travel document as defined in Article 1.
2. Member States shall mutually recognize and exchange specimens of the valid travel documents.

### Article 7 Designated Points of Entry and Exit

1. Entry into the territory of a Member State shall be permitted for a person:
  - a) entering the Member State through a designated point or official port of entry;
  - b) with a recognized and valid travel document; and
  - c) who is not prohibited from entering the Member State by the laws of the host Member State for the protection of public security, public policy, public order or public health.
2. Member States shall inform other Member States on their official entry and exit points or ports.
3. Member States shall, in line with national or regional procedures, keep the designated official entry and exit points open to facilitate the free movement of persons, subject to reciprocity and the protection measures a Member State may take.

## **PART III RIGHT OF ESTABLISHMENT**

### Article 8 Right to Self-Employment and Other Economic Activity

1. Citizens of a Member State shall have the right of establishment within the territory of another Member State in accordance with the laws and policies of the host Member State.
2. For the purposes of paragraph 1, the right of establishment shall include the right of citizens of a Member State to set up in the territory of the host Member State:
  - a) an economic activity as a self-employed person; or
  - b) a business, trade, service, profession and vocation.
3. Citizens of a Member State who are engaged in business or economic activity in the territory of another Member State shall enjoy the right to join a social security scheme of the host Member State in accordance with the national laws of the host Member State.
4. Citizens of a Member State who own business or are engaged in an economic activity in the territory of a host Member State shall have the right to be accompanied or joined by spouse(s), children and dependents; and

- a) spouse(s) who accompany or join an owner of a business or self-employed person shall be eligible to work or to engage in any legal economic activity as a self-employed-person in the territory of the host Member State in accordance with national laws;
  - b) children who accompany or join the owner of a-business or self-employed person shall be eligible to work or to engage in any legal economic activity as a self-employed person in the territory of the host Member State subject to the national laws of the host Member State;
  - c) Member States shall facilitate the admission of a dependent of an owner of a business or self-employed person in accordance with the national laws of the host Member States.
5. Member States shall ensure that restrictions on the right of establishment based on the nationality of companies, firms and self-employed persons of the Member States are removed, and shall not introduce any new restrictions on the right of establishment in their territories, save as otherwise provided in this Protocol.
  6. Companies and firms established in accordance with the national laws of a Member State and having their registered office, headquarters, central administration or principal place of business and which undertake substantial economic activities in the Member State shall, for purposes of establishment, be accorded non-discriminatory treatment in the host Member States.
  7. For the purposes of undertaking any economic activity in accordance with the provisions of this Article, Member States shall mutually recognize the relevant experience obtained, requirements met, licenses and certificates granted to a company or firm from the other Member States.
  8. For the purposes of this Article, the Member States shall progressively remove any administrative procedures and practices resulting from national laws that restrict the right of establishment, in respect of the conditions for:
    - a) setting up agencies, branches or subsidiaries of companies or firms in their territories;
    - b) the entry of personnel of the companies or firms registered in another Member State into managerial or supervisory positions in agencies, branches or subsidiaries in the host Member State;
    - c) ensuring that workers who are citizens of a Member State employed in the territory of another Member State are allowed to remain in that territory for the purpose of taking up economic activities as self-employed persons;
    - d) coordinating safeguard measures, which in the interest of IGAD, are required for the protection of the companies and firms to ensure that the safeguard measures are similar throughout IGAD; and
    - e) ensuring that the conditions related to the right of establishment are not distorted by subsidies or aid granted by a Member State to companies or firms owned by the citizens of the host Member State.

**PART IV**  
**FREE MOVEMENT OF WORKERS**

Article 9 Right to Work

1. Citizens of a Member State shall have the right to work in the territory of another Member State in accordance with the immigration and labour policies, laws, regulations and procedures of the host Member State.
2. Citizens of a Member State shall be entitled to:
  - a) apply for employment and accept offers of employment made;
  - b) conclude contracts and take up employment in accordance with the national laws of host Member States;
  - c) stay in the territory of a Member State for the purpose of employment in accordance with the national laws governing the employment of workers of the host Member State;
  - d) enjoy fundamental rights at work in accordance with the national laws of the host Member State;
  - e) contribute to and enjoy the rights and benefits of social security as accorded to the workers of the host Member State in accordance to the national laws of host Member States.
3. Member States shall, through bilateral, or IGAD arrangements, facilitate the portability of social security benefits to citizens of another Member State residing or established in the host Member State.
4. A worker shall have the right to be accompanied or joined by spouse(s), children or dependants. Member States shall facilitate the admission of spouse(s), children or dependants into their territories as well as their access to education and health in accordance with the national laws of the host Member State.
5. Spouse(s) who accompanies the worker shall be eligible to be employed as a worker or to engage in any economic activity as a self-employed person in the territory of the host Member State.
6. Children who accompany the worker shall be entitled to have access to employment subject to minimum age under the national laws of the host Member State and to be protected against the worst forms of child labour as provided for in the laws of the host member state.
7. The office responsible for employment in a Member State shall facilitate a citizen of another Member State who seeks employment in the territory of that Member State, to receive the same assistance as may be accorded to a citizen of that Member State who seeks employment.
8. The provisions of this Article shall not apply to employment in the public service unless the national policies and laws of a host Member State so permit.

## Article 10 Harmonization, Mutual Recognition and Accreditation of Qualifications and Skills

1. For the purpose of ensuring the free movement of workers, the Member States shall undertake to:
  - a) enhance access to education, training and lifelong learning for citizens of other member states;
  - b) harmonize their curricula, examinations, standards, certification and accreditation of educational and training institutions; and
  - c) mutually recognize and accredit the academic, professional and technical qualifications, licenses or certifications granted and skills and experience acquired in other Member States.

## **PART V RIGHT OF RESIDENCE**

### Article 11 Right to Reside in a Host Country

1. Citizens of a Member State shall have the right of residence in the territory of any Member State in accordance with the national policies and laws of the host Member State.
2. The Member States shall issue residence permits to citizens of other Member States who qualify in accordance with the provisions of this Article and the law of the host Member State.
3. The right of residence shall apply to spouse(s), children and dependants accompanying or joining a citizen of another Member State who has obtained a residence permit in the host Member State as provided in this Protocol.
4. The right of residence shall be subject to limitations imposed by the host Member State on grounds of public policy, public security, public order, or public health.
5. The provisions of this Article shall not affect national laws, administrative procedures and practices of a Member State which may be more favourable to citizens of the other Member States.

## **PART VI GENERAL PROVISIONS**

### Article 12 Protection

The Member States shall, in accordance with their national laws, guarantee the protection of the citizens of the other Member States while in their territories.

### Article 13 Movement of Persons with Specific Vulnerabilities

Member States shall facilitate the free movement of specific vulnerable groups including; victims of human trafficking, women at risk, unaccompanied children, separated from their families, persons with disabilities and elderly persons.

#### Article 14 Free Movement of Students and Researchers

1. Member States shall permit the free movement of citizens of another Member State for the purposes of education, training or research in their territory in accordance with the policies and laws of the host Member State.
2. Member States shall issue permits or passes to citizens of other Member States who are admitted for the purposes of education, training or research in the host Member State in accordance with national policies and laws.
3. Member States shall develop, promote and implement programmes to facilitate exchange of students and researchers among Member States.

#### Article 15 Free Movement of Residents of Border Communities

1. Member States shall through bilateral or an IGAD arrangement establish mechanisms, to facilitate the free movement of residents and communities in border areas.
2. Member States may introduce simple border permit or border pass to movement of residents and communities in border areas.

#### Article 16 Movement of Persons Affected by Disasters

1. Member States shall allow citizens of another Member State who are moving in anticipation of, during or in the aftermath of disaster to enter into their territory provided that upon arrival they shall be registered in accordance with national law.
2. Member States shall take measures to facilitate the extension of stay or the exercise of other rights by citizens of other Member States who are affected by disaster in accordance with the provisions of this Protocol when return to their state of origin is not possible or reasonable.

#### Article 17 Prosecution and Extradition

1. The provisions of this Protocol shall not exempt from prosecution or extradition, any citizen of a Member State who commits a crime in another Member State.
2. The provisions of this Protocol shall not affect obligations of Member States under national laws, bilateral, regional, continental and international agreements including the IGAD Convention on Extradition and IGAD Convention on Mutual Legal Assistance.

#### Article 18 Expulsion, Deportation and Voluntary Repatriation

1. An order for the expulsion, deportation or voluntary repatriation of a citizen of a Member State or any member of the family of such citizen from the territory of another Member State shall only be valid if the reasons thereof are in accordance with the laws of the host State.
2. The diplomatic or consular authorities of the Member State of which the affected person is a citizen shall be informed by the host State of the decision to expel or

deport or request for repatriation of the affected person and such person shall be afforded an opportunity to consult with the said diplomatic or consular authorities.

3. The expenses relating to:
  - a) the expulsion or deportation shall be borne by the Member State expelling or deporting a person;
  - b) repatriation shall be borne by the state of origin.
4. Where entry into a territory of a Member State is refused, the carrier responsible for transportation, shall at the request of competent border authorities, re-route the person who is denied entry back to the point of embarkation, or where this is not possible, to the Member State that issued the citizen's travel documents.

#### Article 19 Protection Against Mass Expulsion

The mass expulsion of non-citizens of another Member State shall be prohibited in accordance with sub-article 5 of article 12 of the African Charter on Human and People's Rights.

#### Article 20 Grounds for Expulsion

No person who is a Citizen of a Member State, spouse(s), children or dependents, may be expelled from the host State except for the following reasons:

- a) specific reasons of public policy, public security, public order or public health of the host State in accordance with the laws, policies and procedures of the host Member State;
- b) an essential condition of the issuance or validity of such person's residence or establishment permit has ceased to exist or cannot be fulfilled or complied with any longer;
- c) a citizen of another Member State acts in conflict with the purposes for which such permit was issued or contravenes or fails to comply with any such conditions subject to which it was issued; or
- d) the person refuses to comply with a lawful order of a public health authority issued for the protection of public health in circumstances where the consequences of such refusal have been explained.

#### Article 21 Principles Governing Expulsion

1. Each case of expulsion from the territory of a member state shall be considered and determined on its own merits.
2. In relation to citizens of another Member State, each Member State shall ensure that its laws, regulations or administrative mechanisms for the expulsion, deportation or voluntary repatriation of non-citizens shall:
  - a) give adequate written notice of any decision of expulsion;

- b) afford the affected persons the opportunity to have recourse to the appropriate domestic courts or tribunals of the host Member State;
  - c) afford the affected persons the right to have recourse to the protection and assistance of the consular or diplomatic authorities of their state of origin
  - d) suspend any order of expulsion upon receipt of an injunction to stay the execution of the order of expulsion, or set aside any order of expulsion upon a successful appeal;
  - e) claim rights arising out of past employment as regards remuneration, social security and other benefits;
  - f) where applicable, give reasonable time to affected persons to enable them to settle their personal affairs including management and disposal of their business, work-related affairs, property or professional practices as well as receivables;
  - g) ensure that expulsion of any person may not affect the establishment or residence permit of any independent member of that person's family.
3. Expulsion from a host Member State shall not in itself prejudice any rights of citizens of another Member State, or members of his or her family, acquired in accordance with laws of the host Member State including the right to claim and receive wages, social security benefits and other entitlements due to him or her.
  4. Member States shall respect fundamental principles in international law governing expulsion.
  5. No Member State shall expel or return ("refouler") a citizen of another Member State where there are substantial grounds for believing that he or she may be in danger of death, torture, inhuman or degrading treatment or punishment, or other irreparable harm.
  6. Member States shall provide the opportunity for appropriate administrative and judicial review in their national laws for citizens of other Member States affected by decisions of expulsion from a host Member State.

#### Article 22 Deportation

Deportation of citizens shall be governed in accordance with the laws of the host Member States.

#### Article 23 Use of Motorized Vehicles

1. Subject to the provisions of Article 7, Member States shall permit citizens of another Member State using a registered private vehicle to enter into their territory and move freely for a maximum period of (90) days from the date of entry, upon presentation of the following valid documents where applicable to the competent authorities in the host Member State:
  - a) a valid driver's license;
  - b) Matriculation Certificate or Log Book as evidence of ownership or registration of the vehicle;

- c) certificate of road worthiness where applicable;
  - d) certificate of axle load limit where applicable;
  - e) an insurance policy in respect of the vehicle.
2. A commercial vehicle registered in the territory of a Member State and carrying passengers may enter the territory of another Member State and remain there for a maximum period of sixty (60) days upon presentation of the documents listed hereunder and where applicable to the competent authority of the host Member State:
    - a) a valid driver's license;
    - b) Matriculation Certificate or Log Book as evidence of ownership or registration of the vehicle;
    - c) certificate of road worthiness where applicable;
    - d) an insurance policy in respect of the vehicle as required by host Member State.
  3. The commercial vehicle shall not engage in any additional commercial activities within the territory of the host Member State.
  4. The use of vehicles by persons in the territory of a host Member State shall be subject to the laws of the host Member State.
  5. Member states may upon application, allow the extension of stay for private and commercial vehicles beyond the maximum periods stipulated in this Protocol.

#### Article 24 Protection of Property Acquired in Host Member State

1. A citizen of a Member State entering, establishing business, or residing in the territory of another Member State, may acquire property in the host Member State in accordance with the laws, policies and procedures of the host Member State.
2. Property acquired lawfully by a citizen of a Member State in the host Member State, shall not be nationalized, expropriated, confiscated or otherwise acquired by the host Member State except in accordance with the law of the host Member State.
3. Property acquired lawfully by a citizen of a Member State shall be protected by the host Member State in accordance with its national laws in the event of a dispute between the Member State where the person originates and the host Member State.
4. A host Member State shall not deprive a citizen of another Member State who is expelled, deported or voluntarily repatriated by the host Member State, of his/her property lawfully acquired by that person in the host Member State except in accordance with the laws of the host Member State.

#### Article 25 Remittances

Member States shall, through bilateral, regional and international agreements, facilitate the transfer of earnings and savings of citizens of other Member States working, established or residing in their territory.

## **PART VII GENERAL PROVISIONS**

### Article 26 Saving Clause

1. No policy, law, formalities or measure shall be incompatible with the object and purpose of the Protocol.
2. No provision in this Protocol shall be interpreted as affecting or undermining, or impeding more favourable existing arrangements of free movement of persons, and workers, rights of establishment and residence.
3. The provisions of this Protocol shall not operate to prejudice the enjoyment by any citizen of a Member State of the right of residence or establishment acquired in another Member State before the entry into force of this Protocol.
4. This Article shall not affect any provisions of national laws, administrative procedures and practices of a Member State which are more favourable to citizens of the other Member States.

### Article 27 Harmonization of Policies and Laws

1. The Member States undertake to harmonize their national policies, national laws and programmes to facilitate the implementation of this Protocol.
2. The Member States undertake to review and harmonize their national social security policies, laws and systems to provide social security for workers and self-employed persons who are citizens of other Member States.

### Article 28 Implementation Mechanisms

1. The implementation of the Protocol shall be overseen by the Secretariat reporting to Council through organs established under Article 8 of the Agreement.
2. The Council may develop Policies, and issue Regulations and Directives for the effective implementation of the provisions of this Protocol.

### Article 29 Role of the IGAD Secretariat

1. IGAD shall support the efforts of Member States to implement this Protocol in particular, it shall:
  - a) build the institutional capabilities of Member States;
  - b) collaborate with regional, continental and international organizations and development partners to coordinate the mobilization of resources for implementation of the Protocol.
2. The IGAD Secretariat, monitor and evaluate the implementation of this Protocol by the Member States and shall submit regular reports to the organs of IGAD on the state of free movement of persons and the implementation of this Protocol.
3. The IGAD Secretariat shall develop and apply a mechanism for assessing the status of implementation of this Protocol.

### Article 30 Cooperation between Member States

1. Member States shall cooperate on the governance of their borders in a manner that facilitates the free, safe and orderly movement of persons.
2. Member States shall facilitate the implementation of this Protocol in a coordinated manner promoting bilateral, and regional cooperation, taking capability building measures, and joint governance of borders.
3. Member States shall through bilateral or regional arrangements, cooperate with each other by exchanging information related to the implementation of this Protocol.

### Article 31 Role of Member States

1. Member States shall designate and officially communicate an authority or body that will serve as focal point responsible for coordinating activities aimed at promoting, following up and evaluating implementation of this Protocol and reporting the progress towards free movement of persons.
2. Member States shall incorporate their obligations under this Protocol into national law by enacting or amending relevant policies, legislations and procedures.
3. Member States shall adopt necessary legislative and administrative measures to implement and give effect to this Protocol.
4. Member States shall submit regular reports to the IGAD Secretariat on the progress of implementation of this Protocol.

## **PART VIII FINAL PROVISIONS**

### Article 32 Reservations

1. A Member State may, when signing, ratifying or acceding to this Protocol, submit, in writing, a reservation on any provision of this protocol unless the reservation is incompatible with the object and purpose of this Protocol.
2. A reservation may be withdrawn at any time.
3. The withdrawal of a reservation or an objection to a reservation shall be submitted in writing to the Executive Secretary of IGAD who shall notify other Member States of the withdrawal of the reservation accordingly.

### Article 33 Suspension and Withdrawal

1. Any Member State may suspend, temporarily, the implementation of the provisions of the present Protocol in case of grave threats to public security, public order or public health.
2. A Member State which suspends or restricts the application of provisions of the Protocol shall notify the other Member States of its decisions. The notification shall be in writing and indicate the measure proposed to be taken with respect to the Protocol and the reasons thereof.

3. At any time after five years from the date of entry into force of this Protocol, a Member State may withdraw from the Protocol by giving written notification to the Executive Secretary of IGAD.
4. A Member State shall give not less than one-year prior notice of its intention to withdraw from this Protocol. In absence of prior notice, withdrawal shall be effective one year after receipt of notification by the Executive Secretary of IGAD, or on such later date as may be specified in the notification.
5. Withdrawal of a Member State shall not affect any obligation of the withdrawing Member State and shall not affect the rights acquired by citizens of any of the other Member States prior to the withdrawal.
6. Any act of suspending the operation of the provisions of the Protocol or withdrawal shall be carried out through an instrument communicated to the other Member States and the Executive Secretary of IGAD.

#### Article 34 Amendment and Revision

1. The Protocol may be amended by agreement between the Member States and after submission of written proposal(s) and consideration of the amendment or revision of this Protocol.
2. Proposal(s) for amendment or revision shall be submitted, in writing, to the Executive Secretary of IGAD.
3. The Executive Secretary of IGAD shall transmit any such proposal(s) to the Chairperson of the Council and to each Member State within thirty (30) days of receiving the proposal.
4. After a period of ninety (90) days has elapsed, following the notification to Member States of a proposed amendment or revision, the Executive Secretary of IGAD shall submit the amendment to the Council for consideration.
5. The Council shall make appropriate recommendations on any proposed amendment or revision to the Assembly.
6. Amendments or revisions shall be adopted by the Assembly in accordance with the Rules of Procedure of the Assembly.
7. The amendment or revision shall enter into force in accordance with the procedures outlined in this Protocol.

#### Article 35 Settlement of Disputes

Any dispute or difference arising with regard to the interpretation, application and implementation of this Protocol shall be settled through the mechanism established under Article 18A of the Agreement.

#### Article 36 Signature, Ratification and Accession

1. This Protocol shall be open for signature, ratification or accession by Member States immediately after adoption of the Protocol by the Assembly.

2. The instrument of ratification or accession shall be deposited with the Executive Secretary of IGAD who shall notify all Member States of the dates of the deposit of the instruments of ratification or accession.

#### Article 37 Depositary

The Executive Secretary of IGAD will serve as the depositary of this Protocol where the custody of the original text of the Protocol and any instruments of ratification, notifications and communications are kept.

#### Article 38 Entry into Force

1. The Protocol shall enter into force sixty (60) days after a deposit of the fourth instrument of official instruments of ratification or accession with the Executive Secretary of IGAD.
2. The Executive Secretary of IGAD shall notify Member States of the coming into force of this Protocol.
3. Any Member State may, at the time of adoption of the Protocol by the Assembly, declare and implement the provisions of the Protocol pending its entry into force.

#### Article 39 Authentic Texts

This Protocol is drawn up in two (2) original texts, in English and French languages, all two (2) texts being equally authentic.

#### Article 40 Translation to Other Languages

IGAD may translate this Protocol into other languages of Member States in order to popularize and promote free movement of persons.

**IN WITNESS WHEREOF** the undersigned, being duly authorized to that effect, has signed this Protocol.

**ADOPTED BY THE ..... ORDINARY SESSION OF THE ASSEMBLY OF IGAD  
HELD IN..... ON.....**

Signed.....

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF DJIBOUTI,

HON. **ISMAÏL OMAR GUELLEH**

Signed.....

HIS EXCELLENCY THE PRIME MINISTER OF THE FEDERAL DEMOCRATIC  
REPUBLIC OF ETHIOPIA,

Dr. **ABIY AHMED**

Signed.....

HIS EXCELLENCY THE PRESIDENT OF THE STATE OF ERITREA,  
HON. **ISAIAS AFWEKI**

Signed.....

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF KENYA,  
HON. **UHURU MUIGAI KENYATTA**

Signed.....

HIS EXCELLENCY THE PRESIDENT OF THE FEDERAL REPUBLIC OF SOMALIA,  
HON. **MOHAMED ABDULLAHI MOHAMED**

Signed.....

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF SOUTH SUDAN,  
HON. **SALVA KIIR MAYARDIT**

Signed.....

HIS EXCELLENCT THE PRIME MINISTER OF THE REPUBLIC OF THE SUDAN,  
Dr. **ABDALLA HAMDOK**

Signed.....

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF UGANDA  
HON. **YOWERI KAGUTA MUSEVENI**