

**MINISTRY**

**INTERNATIONAL RELATIONS AND COOPERATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

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**Question for Written Reply**

**National Assembly**

**412. Ms T P Msane (EFF) to ask the Minister of International Relations and Cooperation:**

What are the reasons that the Republic has not ratified the protocol for the free movement of persons on the continent?       **NO474E**

**REPLY:**

South Africa supports the principle of free movement of persons on the continent. However there remains a set of enablers or preconditions that are necessary for the successful implementation of the AU Protocol which need to be met by member states ahead of its ratification. These include but are not limited to:

* The fact that not all member states are on the same level of facilitating free movement of persons in Africa;
* Challenges related to free movement of persons, amongst others, national security, public order, public health and socio-economic disparities;
* There is a phased approach which needs to be met related to the implementation of the protocol and the free movement of persons;
* The infrastructure (which in many countries is still not available) that needs to be put in place such as, machine readable passports compliant to international standards, and compatibility of ICT systems at ports of entry to facilitate exchange of information;
* The need to still set up the legal infrastructure such as, bilateral return agreements, the AU legal instruments on extradition and mutual legal assistance, the AU framework on African Passport and its relationship with free movement of persons, and Interface of Movement Control systems with INTERPOL (red notice system) and individual Member States prohibition/undesirable person’s lists and the UN warning lists.

The SADC Member States acknowledged, that movement of persons in Africa is relevant and critical for continental integration and Africa’s economic development, and thus in principle, support the implementation of the Protocol. However, considering the prevailing identified challenges and preconditions, SADC recommended that implementation of free movement of persons in Africa and the African Passport should be implemented through a phased approach in accordance with a principle that safeguards the sovereignty of Member States.

South Africa recently adopted a new White Paper on International Migration which advocates for an Afrocentric migration approach. Such an approach locates the migration policy within the African Development Agenda. For instance, it supports the free movement of African citizens within the continent in a secure manner.

The Security Assessment Report on the Protocol recommends that South Africa should, among other things, underscore the importance of addressing economic disparities in the continent prior to the implementation of the Protocol; prioritise the establishment and implementation of the Border Management Authority; continue to advance the SADC common position and delay implementation of the Protocol considering the threats to national security that are associated with its implementation, including, for instance, internal migration and external migration - South Africa is experiencing both high internal and external migration patterns to urban areas leading to influx and competition for resources in urban areas.

Having satisfied itself of the need to address the above concerns before South Africa could consider ratifying the AU Protocol on the Free Movement of People, a Cabinet decision was taken in May 2021 not to ratify the Protocol until the necessary preconditions and enablers are met by Member States.