



**2<sup>nd</sup> TRIPARTITE PRIVATE SECTOR REGIONAL DIALOGUE**  
*Harmonizing and developing a private sector position on the Movement of Business  
Persons - Stimulating Trade and Integration*

**DIALOGUE RECOMMENDATIONS**

**Held at  
LUSAKA, ZAMBIA  
September 29th -30th, 2016**

The COMESA Business Council, East Africa Business Council and Association of SADC Chambers Of Commerce and Industry as the Tripartite Private Sector Platform convened the second (2nd) Private Sector Regional Dialogue -Movement of Business Persons Meeting in Lusaka Zambia from the 29th -30th September 2016, in Lusaka Zambia. The meeting was composed of representatives' private sector associations, Chambers of commerce's and business community from the Tripartite region.

The objective was to come up with proposals on frameworks to facilitate movement of business persons in the region and to assess the Draft Annex- Agreement on the Movement of Business Persons as part of the Tripartite Free Trade Agreement (TFTA) framework. The meeting recalled the various Protocols and frameworks to advance the free movement of persons under all the three Tripartite Regional Economic Communities, with the EAC even fully implementing a Common market; and the Abuja Treaty on African economic integration. As such, the movement of business persons and labour is an essential facet to the fulfillment of the TFTA trade liberalization objectives under the TFTA Agreement.

The meeting decided as follows;

The free movement of business persons is the ultimate goal; as movement of economic actors is important for regional economic integration. The Draft Annex -Agreement on the Movement of Business Persons should reflect the above.

**1. Vision.**

The frameworks on the Movement of Business persons should be guided by a vision that focusses on the development of a visa free regime for the movement of business persons as the ultimate goal.

**2. Framework for the Movement of Business Persons.** The framework or the Draft Annex, Agreement on the Movement of Business persons should provide for a regime that effectively promotes the movement of business persons in a manner that provides for expediting of processing, longer period of stay and duration of visa. It should encompass the following:

**a) Validity of Visa.**

The validity of the visa should be 5 years.

**b) Duration of Stay.**

The duration of stay should for a period of up to 90 days, with an option to extend for a further 90 days as captured in Article 7 of the Draft Annex on the Movement of Business Persons.

**c) Multiple- entry.**

The visa should allow for multiple entries.

**d) E- Visa and Visa on Arrival.**

Member states are encouraged to ensure expedited processing through the introduction of e-visa and processing of visas on arrival.

**e) Processing Period.**

The meeting proposes that the processing time should be 7 days as outlined in Article 14(1) of the Draft Agreement.

This should be complemented by a revision of Article 14(2) which should read, ***'However, this process may be extended for an additional 7 days to allow further investigation, after having notified the Applicant.'*** This is to ensure the applicant is promptly informed in instances where the processing time is unduly increased.

**f) Harmonization of Visa Application Forms and documents required**

Member states are encouraged to adopt harmonized visa application forms and uniform number of documents required in the visa application processes, to ensure certainty and efficiency in the administration processes.

**g) Identification of Business Persons.**

The following criteria should guide in formulation of the criteria for the identification of a Business person, and should inform Article 8 of the Draft Agreement:

***A Business person shall be recognized by;***

- ***Passport***
- ***Company Registration Certificate / Professional Permit***
- ***Tax Number/Compliance certificate***
- ***Letter from a designated BMOs or Invitation Letter from Host country***

**h) Definition of a Business Person.**

The definition of Business persons as specified in Article 1a. of the Draft Agreement should be reviewed to read as follows;

***In this Agreement, unless the context otherwise requires:***

- a. "Business person" means a natural person who is a citizen or a resident, in accordance with the law of a Tripartite Member State, and is engaged in trade in goods, services or the conduct of investment activities and shall include business visitors, traders and investors.***

**i) Guiding Principles**

The brackets on the Guiding principles in Article 5, should be removed on the principle of Variable Geometry and also on Reciprocity.

With respect to the principle of, '*Building on acquis*', this should be cemented and clarified by statement that says, '***Building on acquis- being the achievements that have already been made on facilitating the free movements of persons in the region***'.

### **3. Private Sector Inclusiveness in the TFTA negotiations forum.**

- a) The meeting noted the limited participation of the private sector in the TFTA negotiation processes at national and REC level. Member states are called upon to consider the incorporation of the Tripartite Private Sector Platform (CBC, EABC, and ASCCI) into the formal negotiation processes for the TFTA negotiations.
- b) Furthermore, that the private sector Associations at national level increase their advocacy on the Movement of Business persons and ensure that they are involved as part of their national delegations for the TFTA negotiations.
- c) The REC Business Council should also find ways of increasing their advocacy on the TFTA processes through their respective REC's and also proving expert opinions on the issues under negotiations, including on the movement of Business Persons.

### **4. Increased Awareness on the regulatory frameworks for the Movement of Business persons.**

There is limited information on business visa regimes amongst most stakeholders, both public and private sector with most being aware of the tourist visa frameworks instead. The public and private sector stakeholders are called upon to increase awareness on the visa regimes for business persons and the existing practices on the movement of business persons in the Tripartite region.