

# OFFICIAL GAZETTE



of the  
**COMMON MARKET FOR EASTERN  
AND SOUTHERN AFRICA**

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By Order of the Council

Mr. Erastus J.O. Mwencha, MBS  
Secretary-General  
COMESA

**IT IS HEREBY NOTIFIED** that the COMESA Council of Ministers at its Fifteenth Meeting held on 13-15 March, 2003 in Khartoum, Sudan, issued the following Legal and General Notices:

## **LEGAL AND GENERAL NOTICES**

### **(1) TRANSPORT AND COMMUNICATIONS**

#### **(a) Civil Aviation**

##### **(i) Liberalization of Air Transport**

#### **Decisions**

1. Council decided as follows:

- (a) Member States are urged to attend the forthcoming ICAO 5<sup>th</sup> Worldwide Air Transport Conference and participate in the AFCAC meeting prior to the conference in order to agree on a Common African position; and
- (b) COMESA, in consultation with EAC and SADC should coordinate and arrange a meeting in Montreal, Canada between member States attending the Conference prior to the African meeting and agree on a common position.

##### **(ii) CNS/ATM Implementation**

#### **Decision**

2. Council decided as follows:

- (a) The Secretariat should seek additional funds to enable the Working Group continue with its work; and
- (b) The Working Group should participate in the regional ICAO Conference, which will deal with CNS/ATM matters among others.

#### **(b) Road Transport**

##### **(i) Road Transport Facilitation Instruments**

#### **Decisions**

3. Council urged:

- (a) member States to adopt the Axle Load Certificate and to make it operational in the region;
- (b) the Secretariat to facilitate implementation through consultations with EAC and SADC, member States, private sector and other stakeholders in order to establish a harmonised system for

implementation and to arrange for national workshops to build capacity to implement the road transport facilitation instruments; and

- (c) member States to provide information on axle load control through the questionnaire sent out by the Consultant on Overload Control.

**(ii) Road Infrastructure Management**

**Decision**

- 4. Council urged Member States who had not established road boards and road funds to do so where appropriate.

**(c) Railways and Rail Transport**

**Decisions**

- 5. Council urged:

- (a) Member States with connected rail networks (e.g. East Africa) to carry out concessioning of their networks as single units where possible in order to provide seamless services; and
- (b) the Secretariat to source funding to undertake a detailed feasibility study for the Great Lakes Railway Project.

**(d) Maritime and Inland Water Transport**

**(i) Ports**

**Decision**

- 6. Council urged COMESA and the Pharmaceutical Manufacturers Association of Eastern and Southern Africa (PMAESA), in consultation with other Regional Economic Communities, to co-operate in establishing performance indicators and other information for region-wide utilisation by all stakeholders.

**(ii) Shipping**

**Decision**

- 7. Council requested the Secretariat to bring together shipping lines from the sub-region and facilitate their collaboration in order to improve their services provided in the region.

**(iii) Inland Water Transport**

**Decision**

- 8. Council urged the Secretariat to explore ways of extending the activities being undertaken on Lake Victoria to other inland watermasses such as Lake Malawi/Nyasa, Lake Tanganyika, Lake Edward, Lake Mweru, Lake Kivu, Lake Albert and the Congo and Nile rivers.

**(e) Intermodal Transport Facilitation****(i) Regional Transport Tracking System****Decisions**

9. Council urged:

- (a) the COMESA Secretariat to harmonise the Joint ECA, PMAESA, TTCA initiative with the COMESA project to avoid duplication of efforts; and
- (b) the COMESA Secretariat to continue with their efforts to source funding for the proposed regional transport tracking system Project.

**(ii) Study on Transport Costs in Southern Africa****Decisions**

10. Council decided that:

- (a) appropriate instruments to implement the proposals of the Study be set up on the various transport corridors in the subregion;
- (b) there should be continuous monitoring of performance in the various corridors through an active method of reporting preferably through the use of Websites, as recommended by the study on the Southern Africa Transport network; and
- (c) the Secretariat should examine all the previous studies on transport facilitation instruments and develop a consolidated Action Plan.

**(f) Communications****(i) The COMTEL Project****Decisions**

11. Council decided that:

- (a) National Telecommunications Operators should be encouraged to commence remitting the COMTEL initial share subscription as per agreed payment schedule and for those who have not yet signed the Shareholders Agreement to do so;
- (b) Efforts to secure potential investors should continue whilst also exploring possibilities for local COMESA private sector participation; and
- (c) The implementation of the COMTEL Project should be speeded up.

**(ii) Harmonisation of ICT Policy and Regulatory Framework**

**Decisions**

12. Council decided as follows:

- (a) Member States adopt the Policy together with the accompanying Model Bill as guidelines for harmonising institutions, policy and regulations in the region;
- (b) Member States implement the strategies set out in the ICT Policy document within a period of five (5) years from the date on which Council of Ministers approves it; and
- (c) Member States should provide support to the Association of Regulators of Information and Communications for Eastern and Southern Africa (ARICEA).

**(iii) Postal Services**

**Decision**

13. Council urged the Secretariat to create a forum for postal services providers to facilitate the establishment of a programme of cooperation in the Sector.

**(g) Development of Physical Infrastructure**

- (i) **Priority Projects for Implementation under the New Economic Partnership for African Development (NEPAD)**

**Decision**

14. Council urged member States to submit their current priority projects to Secretariat as soon as possible.

**(h) Meteorology**

**Decision**

15. Council agreed on the need for the COMESA Secretariat to convene the Working Group Meeting as soon as possible to prepare the Draft Strategic COMESA Meteorological Programme.

**(2) LEGAL AND INSTITUTIONAL MATTERS**

**(a) Amendment of the COMESA Treaty**

**Decisions**

16. The Council endorsed the decisions of the Seventh Meeting of the Ministers of Justice and Attorneys-General and decided as follows:

- (a) Option C on the structure be adopted – the Court should remain as one Court of Justice with two divisions. The two divisions would be - a

First Instance Division and an Appellate Division. The functions of the two divisions should be distinct;

- (b) The composition of the Court should be increased from seven to twelve. Seven Judges should constitute the First Instance Division and five should constitute the Appellate Division;
- (c) The proposed draft amendment of the Treaty be revised taking account of the following:
  - (i) clarify the definition of the term “Court” throughout Chapter Five of the Treaty having regard to the functions of each Division;
  - (ii) define a more precise distinction of the functions of the two Divisions (First Instance and Appellate) as well as whether they would be “Divisions” or “levels”;
  - (iii) include a recommendation on the presiding Judges in each Division;
  - (iv) review of the proposed amendment of Article 38 on the Rules of Court regarding the role of the Court as well as the possibility for involvement of the Ministers of Justice and Attorneys-General in the process of making the Rules of Court;
  - (v) Specific criteria should be made in the electoral process to determine the seniority of Judges. The selection of the Judges and their appointment into either Division should be based on the specific criteria for seniority adopted by the Ministers of Justice and Attorneys-General;
  - (vi) Detailed procedural provisions on appeals should be contained in the Rules of the Court and not in the Treaty; and
  - (vii) A transitional provision be included in the amendment to ensure that the right of appeal would only commence after the amendment of the Treaty comes into force;
- (d) the revised amendment to the Treaty be circulated to all the Member States, requesting them to submit comments within ninety days after circulation of the draft; and
- (e) in preparation of the revised draft the Secretariat should consult as widely as possible.

**(b) COMESA Public Procurement Reform Project**

**Decision**

17. Council endorsed the decision of the Seventh Meeting of the Ministers of Justice and Attorneys-General that Public Procurement Reform in COMESA should best be attained through:

- (a) the adoption of modern national legislation on public procurement where it does not exist or the improvement of national legislation where it is outdated;
- (b) the adoption of the principles and essential components of national legal frameworks as contained in Document No. COM/IC/XV/3(a) for supporting the project on public procurement reform in COMESA and enhancing regional integration;
- (c) the establishment of a technical committee on public procurement; and
- (d) the adoption of the institutional and organizational arrangements contained in document COM/IC/XV/3(a).

**(c) Model Information and Communications Bill**

**Decision**

18. Council adopted the Model Information and Communications Bill issued in document COM/IC/XV/3(a) as a guideline for the enactment of legislation in Member States.

**(d) Regional Competition Regulations**

**Decision**

19. Council decided that the Regional Competition Regulations as cleared by the Seventh Meeting of the Ministers of Justice and Attorneys-General be considered by the next meetings of the Trade and Customs Committee, Intergovernmental Committee, and Council of Ministers after review of any comments that may be received from the Member States.

**(3) INDUSTRY**

**(a) Programme of Co-operation with the Corporate Council on Africa (CCA)**

**Decisions**

20. Council decided as follows:

- (a) that Member States be urged to participate in the Corporate Council on Africa Summit to be held from 24<sup>th</sup> - 27<sup>th</sup> June 2003 in Washington DC, USA; and
- (b) That Member States initiate dialogue with USA Embassies in their countries as well as USAID Missions for financial support to participate in the CCA Summit.

**(b) COMESA Annual Business Leader of the Year Awards**

**Decisions**

21. Council approved the establishment of a COMESA Annual Business Leader of the Year Award and decided that:

- (a) the manufacturing and export of high value products should be included as a criteria to ensure that manufacturing of high value products is encouraged;
- (b) the criteria should include the growth in Intra-Africa trade to encourage intra-regional trade;
- (c) the proposal should recognize non-indigenous companies, as they contribute to the growth in the region; and
- (d) the Secretariat should study other schemes to enrich the proposal.

**(c) Country Reports**

**Decisions**

22. Council decided as follows:

- (a) that meetings of Ministers of Industry should be held annually and the next meeting be held in 2004 in Khartoum, Sudan with the Bureau following up implementation of agreed programmes in the interim;
- (b) that COMESA should continuously address the issues of competitiveness of industry;
- (c) that COMESA should endeavour to achieve complementarity rather than duplicate industries;
- (d) that COMESA should address the issue of mobilisation of finance along with other constraints to industrial development like the transfer of technology, capacity building, etc.;
- (e) that in the development of standards, quality assurance and metrology, member States should share capacities by specialising in given areas (e.g. food) rather than each member trying to build their own capacity;
- (f) that appropriate mechanisms should be developed to support disadvantaged countries;
- (g) that COMESA should undertake a study on second-hand clothing and come up with appropriate strategies to support the clothing and textile industries; and
- (h) that the Secretariat should constitute a Working Group to visit countries such as the Sudan and Egypt to learn from the experiences of the two countries as offered by their delegations and identify support that can be offered to other member States.

**(d) Co-operation with WIPO/ARIPO – Intellectual Property Rights**

**Decisions**

23. Council decided that the Memorandum of Understanding signed with the African Regional Industrial Property Organisation (ARIPO) should be implemented and the Co-operation Agreement with World Intellectual Property Organisation (WIPO) should be concluded and areas of co-operation synchronized with those of ARIPO and implementing bodies in member States.

**(e) Status of the African Growth and Opportunities Act (AGOA) in COMESA**

**Decisions**

24. Council decided as follows:

- (a) AGOA should enhance regional integration in COMESA, hence the need for eligibility to be extended to all Member States;
- (b) the forthcoming Corporate Council on Africa (CCA) Summit should be inclusive of all Member States;
- (c) the United States (US) to be requested to include cotton, groundnuts and sugar as eligible for duty free treatment without reference to a Tariff Rate Quota (TRQ);
- (d) COMESA should request fast track approval (6-12 months) procedures for sanitary and phytosanitary (SPS) certification of agriculture exports and capacity to comply with the USA SPS regulations; and
- (e) negotiations should be undertaken with the US to make market access provision provided under AGOA, into a contractual arrangement.

**(f) The COMESA Common Investment Area (COMESA Investment Framework Agreement) (CCIA)**

**Decisions**

25. Council decided as follows:

- (a) the CCIA draft Policy Paper be revised;
- (b) Member States should undertake wide consultations at National level to review the various issues raised in this paper;
- (c) the Secretariat should seek financial support for Member States to undertake the consultations;
- (d) Investment Promotion Agencies or relevant organisations should be designated to facilitate the consultations and the designated institution and contact person should be communicated to the Secretariat; and

- (e) a regional workshop should be held mid 2003 after all national consultations had been completed to review the various Decisions and determine the legal instrument for the CCIA.

**(g) Investment and Competitiveness in COMESA**

**Decisions**

26. Council decided as follows:

- (a) The Secretariat should pool resources under regional programmes and consult all member States prior to undertaking firm the competitiveness studies to ensure that needs of member States are taken into account and duplication is avoided;
- (b) The Secretariat should assist in identifying Regional and International Transnational Corporations that could invest in the region in relation to the industries/sectors that member States are targeting; and
- (c) The Secretariat should facilitate the development of a private sector and investment promotion strategy for the region.

**(h) Report on the Study of the Pharmaceutical Industry in COMESA**

**Decisions**

27. Council decided as follows regarding general issues in the development of the pharmaceutical industry in COMESA:

- (a) COMESA should facilitate joint ventures;
- (b) the region should initiate Research and Development (R&D) activities for extraction of active ingredients from medicinal plants for use in the local pharmaceutical industry; and
- (c) the Secretariat should initiate a programme on mutual recognition in drug registration.

28. Council decided as follows regarding policy issues in the development of the pharmaceutical industry in COMESA:

- (a) Member states that have ZERO rated import duty and charge no Value Added Tax (VAT) on imported finished pharmaceutical products should reduce import duties to ZERO and remove VAT on inputs used in the manufacture of pharmaceutical products (raw materials excipients and packing materials); while those that charge duty and VAT on imported finished pharmaceutical products reduce duties and VAT to Zero or review the duties and taxes so as not to disadvantage the local pharmaceutical manufacturers;
- (b) Member States should harmonise their legislation, regulations and enforcement procedures relating to the pharmaceutical industry;

- (c) Member States should improve the standard of facilities within national regulatory Authorities, to WHO recommended standards as a minimum;
- (d) COMESA should develop and adopt COMESA GMP guidelines for industries in COMESA and promote mutual recognition of products meeting these guidelines;
- (e) a COMESA pharmaceutical desk be established within the COMESA Secretariat; and
- (f) COMESA Secretariat should constitute a COMESA Regulatory Affairs Conference (CMRAC), a multi-disciplinary technical group, to provide advice on implementation of the pharmaceutical programme in the region.

29. Council decided as follows regarding the involvement of the private sector in the development of the pharmaceutical industry in COMESA:

- (a) Member States should establish/strengthen national pharmaceutical associations;
- (b) Member States should strengthen the regional pharmaceutical association taking into consideration current developments;
- (c) the Secretariat should set-up an electronic marketplace, initially as part of the COMESA web-site, to allow individual companies to establish a presence in the regional; and
- (d) the Secretariat should establish databases and a mechanism for regulatory authorities/manufacturers and other stakeholders to share the information.

**(i) Regional Projects Identified for Funding**

**Decisions**

30. Council decided as follows:

- (a) the promoters of the US-Africa Trade and Aid Link Cooperation (UATALCO) project should be requested to work closely with LLPI and ESALIA on the footwear training component;
- (b) the promoters of the UATALCO project should be encouraged to create synergies with other textile as well as leather and leather products training centers in the region;
- (c) training under the UATALCO project should comply with regional standards and certification; and
- (d) UATALCO project should be adopted subject to the incorporation of the above decisions.

**(4) TRADE LIBERALISATION****(a) Operations of the Free Trade Area****Decisions**

31. In order to support and consolidate the Free Trade Area (FTA), the Council made the following decisions:

- (a) the Secretariat should re-enforce capacity of member States in the implementation of the Rules of Origin and expedite implementation of the on line directory within the next six months to promote intra-COMESA trade;
- (b) Member States entering into bilateral agreement between themselves should deposit copies of the agreements to the Secretary General in accordance with Article 56 of the Treaty;
- (c) Kenya's request for an extension of the safeguard measures for sugar and wheat flour for another 12 months be granted; and
- (d) Kenya should resolve impediments associated with inspections and packaging requirements by the Standards body on sugar.

**(b) Time Frames by non-FTA member States for joining the Free Trade Area****Decisions**

32. Council decided as follows:

- (a) that the FTA be consolidated and its membership increased to realise the full benefits of the market integration arrangement and to pave the way for the establishment of the Customs Union;
- (b) all countries should honour their commitments regarding the FTA;
- (c) member States that are not yet in the Free Trade Area be urged to comply with the Council decision related to the FTA membership;
- (d) Namibia be urged to pursue negotiations with SACU to secure her participation in the FTA; and
- (e) the derogation for Namibia and Swaziland be further extended to April 2004.

**(c) Framework for Trade in services****Decisions**

33. Council decided as follows:

- (a) that a Working Group comprising Egypt, Democratic Republic of Congo, Kenya, Malawi, Mauritius, Rwanda, Uganda, Zambia and

Zimbabwe be established to spearhead the development of a regional Framework for Trade in Services, with participation open to other member States;

- (b) the Secretariat should develop the Terms of Reference for the Working Group, which should be circulated to all member States for comments before their first meeting which would take place before October 2003. The Working Group will meet three times in a year; and
- (c) that special meetings of the Trade and Customs Committee dedicated to trade in services among COMESA member States be convened.

**(d) Guidelines on Trade Remedies**

**Decisions**

34. Council decided as follows:

- (a) Member States should be given more time to undertake national consultations on the Guidelines on Trade Remedies; and
- (b) Member States should submit their comments to the Secretariat for consolidation before the next meeting of the Trade and Customs Committee.

**(e) Rules of Origin**

**Decisions**

35. Council agreed on the need for Customs Administrations to cooperate on the basis of mutual trust in order to avoid any fraud.

36. Council decided that the following procedures be adopted for the re-exportation of COMESA originating goods:

- (a) Re-exportation of COMESA originating goods shall be allowed only when goods remain under customs control and do not undergo any operations except those meant to preserve the goods and unloading and reloading;
- (b) Where a whole or a partial consignment of the originating goods is meant for re-exportation from one importing COMESA member State to another COMESA member State, the re-exporter in the second COMESA exporting member State shall, make an application on the form shown in Annex I. After approval the exporter shall submit an export customs declaration together with the COMESA Certificate of Re-Exportation of Originating Goods as shown in Annex II. A photocopy of the original certificate of origin shall be attached to the Certificate of re-Exportation of Originating Goods;
- (c) If the Customs or Designated Authorities in the second COMESA exporting country are satisfied that the consignment being re-exported is originating from the exporting COMESA member State, the Certificate of Re-exportation of Originating Goods shall be accordingly

approved and provided to the re-exporter. The Customs Authorities in the second importing country shall accept this Certificate of Re-exportation of Originating Goods with the appropriate entries from the second exporting country to grant COMESA preferential treatment;

- (d) The Customs Authority in the second importing country may in exceptional circumstances require, in case of doubt, further verification of the authenticity and accuracy of the statement contained in the certificate of re-exportation. Such request of verification should be made within three months from the date of issuance of the certificate of re-exportation. The re-exporting country should forward the result of the verification to the second importing country as soon as possible but not later than twelve weeks from the date of the request being made; and
- (e) The original Certificate of Origin issued by the first exporting country and other relevant documentary evidence shall be preserved, by the appropriate authorities of the second exporting Member State for at least five years.
- (i) **Study on the 25% value added origin for goods of particular importance**

#### **Decision**

37. Council decided that there was need to undertake more work on the list of goods of economic importance requiring 25% local value added, taking into consideration the present duty levels in member States and trade volumes.

- (ii) **Procedures for Retrospective Issue of the Certificate of Origin and Replacement Certificate of Origin**

#### **Decisions**

38. Regarding procedures for the retrospective issue of the Certificate of Origin Council decided that:

- (i) A Certificate of Origin may be issued retrospectively if a registered exporter makes an application in writing to the designated authority stating the reasons for such an issue. In his application, the exporter will also attach a copy of the export declaration of the products to which the Certificate relates. A Certificate of Origin will be issued retrospectively if an application is made within three months from the date of exportation of the products. The designated authority may exceptionally issue a Certificate of Origin in the following cases:
  - (a) no Certificate of origin was issued at time of exportation;
  - (b) the Certificate contained involuntary clerical or typing errors or involuntary omissions; and
  - (c) any other unforeseen circumstances relating to the issuance of the Certificate of Origin as accepted by the designated authority.

- (ii) In issuing a retrospective Certificate of Origin, the designated issuing authority will make the necessary origin verifications before supplying the Certificate.
- (iii) The Certificate of Origin issued retrospectively must be endorsed with the following insert in Box 5 of the Form:

**“ISSUED RETROSPECTIVELY”**

39. Regarding procedures for the issuance of a replacement Certificate of Origin, Council decided that:

- (i) A replacement Certificate of Origin can be issued if a registered exporter makes an application in writing to the designated authority stating the reasons for such an issue.
- (ii) The designated authority may issue a replacement certificate of origin on the basis of export documents in their possession in the event of theft, loss and destruction of the original Certificate of Origin.
- (iii) The replacement Certificate of Origin must be endorsed with the following insert in Box 5 of the Form:

**“REPLACEMENT CERTIFICATE NO.....  
OF CERTIFICATE OF ORIGIN NO.....ISSUED ON.....”**

- (iv) The designated issuing authority will keep a photocopy of these Certificates for five years for verification purposes.
- (iii) **Processes and Workings leading to a Change in Tariff Heading**

**Decisions**

40. Council decided that:

- (a) the Working Group should review the proposed workings and processes taking into consideration the implications of the proposed rules and capacity of economies of member States to produce the affected goods; and
- (b) the workings and processes should be equivalent to the 35% value added criterion.
- (iv) **Simplified Certificate of Origin**

**Decision**

41. Council decided that Member States should be urged to comply with Council decision on the use of the simplified Certificate of Origin for small-scale traders.

**(v) Printing of the Certificate of Origin and other Forms**

**Decision**

42. Council decided that COMESA should maintain the printing of the forms in all the languages of the Treaty.

**(f) Regional Integration Facilitation Forum (RIFF)**

**Decisions**

43. Council decided that:

- (a) All COMESA countries should be encouraged to establish RIFF Technical Working Groups (TWGs), develop and implement a Letter of RIFF Policy and formulate a TWG annual work plan, thereby becoming eligible to receive funding for a Secretariat to service the TWG and to have the annual work plan funded; and
- (b) Participating RIFF countries should consult nationally on the future of RIFF and be prepared to make their views known at a regional meeting of TWGs on 5-6 May 2003 and Ministerial meeting which will follow on 7 May 2003.

**(5) COMESA CUSTOMS UNION**

**(a) Roadmap to the COMESA Customs Union**

**Decisions**

44. Council decided that a Sub-committee of the Trade and Customs Committee should be formed, comprising relevant experts to undertake the following tasks:

- (a) Elaborate terms of reference for impact assessment studies of the transition into the CET, including measures to mitigate eventual impacts and modalities for administering the Customs Union.
- (b) Facilitate and co-ordinate country studies by National Working Groups on CET Structure and rates for the Customs Union by developing common terms of reference and study methodologies;
- (c) Suggest appropriate CET bands and rates based on the findings of the studies in (b) above;
- (d) Develop a programme for the alignment of member States tariff rates with the CET target rates;
- (e) The Sub-committee should present its report to the Committee by October 2003; and
- (f) A Joint Ministerial meeting involving Ministers of Trade, Finance, Agriculture and other economic ministries be organised to consider issues related to the Customs Union.

**(b) WTO Tariff Bindings and the Common External Tariff (CET)**

**Decisions**

45. Council decided as follows:

- (a) COMESA Ministers should issue a Declaration before the 5<sup>th</sup> WTO Ministerial Meeting (September 2003) to influence the review and clarification on the WTO-RTA rules;
- (b) Geneva-based missions of COMESA member States should be more involved in the COMESA processes in order to take on board the concerns of the COMESA region in the on-going WTO negotiations; and
- (c) COMESA CET should be worked out taking into account developmental aspects of the region.

**(c) The Common Tariff Nomenclature: Report of the Second Meeting of Trade and Finance Experts**

**Decision**

46. Council agreed that on the study on goods of economic importance, each Member State should submit a list of goods prepared by National Working Groups for inclusion in the regional listing of goods of economic importance.

**(d) The Customs Management Act**

**Decision**

47. Council decided that Member States be urged to finalise their internal consultation on the Customs Management Act and submit comments to the Secretariat before end of March 2003 for consideration by the next meeting of Heads of Customs Administrations.

**(e) Formulation of Regional Competition Policy**

**Decision**

48. Council decided that member States continue with consultations and submit their comments to the Secretariat by the end of August 2003.

**(f) Regulations on Customs Procedures for COMESA Trade Fairs and Exhibitions**

**Decision**

49. Council decided that the Heads of Customs Administrations should examine the draft Regulations on customs procedures for COMESA Trade Fairs and Exhibitions.

**(g) Co-operation for Development Programme of World Intellectual Property Organisation (WIPO)**

**Decision**

50. Council decided that COMESA should collaborate with WIPO to build capacity on intellectual property rights issues.

**(6) MULTILATERAL TRADE ISSUES**

**(a) African Caribbean Pacific/European Union (ACP/EU) Economic Partnership Agreement (EPA)**

**Decisions**

51. Council decided as follows:

- (a) Eastern and Southern African (ESA) countries which are also ACP countries should negotiate an EPA as a group; and
- (b) that an ESA meeting (officials and Ministerial) be held in May/June 2003 out of which a regional negotiating strategy and mechanisms would be developed for the ESA region.

**(b) World Trade Organisation (WTO) Doha Development Agenda**

**Decisions**

52. Council decided as follows:

- (a) that the WTO Working Group should comprise Burundi, Egypt, D.R. Congo, Kenya, Malawi, Mauritius, Rwanda, Sudan, Uganda, Zambia and Zimbabwe. The Working Group Terms of Reference should include accession of COMESA Member States to the WTO;
- (b) workshops on WTO issues be organised before the Cancun Ministerial Meeting;
- (c) a joint COMESA/SADC ministerial meeting should be convened in preparation for the 5<sup>th</sup> Ministerial Session; and
- (d) the Secretariat should build capacity and sharpen trade policy negotiation skills on WTO issues; expedite the acquisition of COMESA observer status at the WTO; and exploit synergies between the WTO Doha Development Agenda and the recent Monterrey Consensus on Financing for Development (FfD) process.

**(7) AGRICULTURE**

**(a) General**

**Decisions**

53. Council decided as follows:

- (a) that an Agricultural Expert be recruited during 2003 against the vacant position of Private Sector Development Officer (P3); and
- (b) that the post of Private Sector Development Officer (P3) be reclassified to an Agricultural Economist (P3) and that the Job description and qualifications be aligned accordingly.

**(b) Project on Sustainable Rice Production**

**Decision**

54. Council decided that Member States should each assign a contact person for the project to facilitate the work of the consultants when they visit the selected countries.

**(c) Regional Agricultural Commodity Exchange**

**Decision**

55. Council decided that Member States should provide the Secretariat with information on the addresses of the existing commodities exchanges, legal and regulatory framework, payment procedures, administrative, warehouse systems and other information necessary on the operationalisation of the country commodity exchanges.

**(8) ECONOMIC AND SOCIAL DEVELOPMENT**

**(a) The COMESA Fund**

**Decision**

56. Council decided that:

- (a) the Secretariat should circulate the proposal on the COMESA Fund made to the Inter Regional Coordination Committee (IRCC).
- (b) the COMESA Secretariat should concentrate on developing and refining mechanisms to be used in the implementation of the COMESA Fund.

**(b) Free Movement of Persons, Labour, Services, Right of Establishment and Residence**

**Decision**

57. Council decided that:

- (a) the Secretariat convenes a meeting of Chief Immigration Officers and Ministers of Home/Internal Affairs to review progress in implementing the free movement programme; and
- (b) Member States that have not completed national consultations on signature of the Protocol on Free Movement should do so in order that the matter be considered at the 2004 Summit.

**(c) Gender Perspectives**

**Decision**

58. Council adopted the rules and procedures and decided that the Technical Committee on Gender should consist of the office(s) responsible for Gender Policy in the public service (Ministries of Gender), sector specific Gender Experts from relevant private sector institutions, civil society and development partners.

**(d) COMESA Gender Policy**

**Decisions**

59. Council decided that:

- (a) gender mainstreaming activities should be harmonised within government ministries to avoid duplication of efforts and observe cost effectiveness measures;
- (b) National Gender machineries be enhanced by Member States through capacity building activities, resource mobilisation and allocation of adequate budgets; and
- (c) Member States should have specific programmes targeting women, which should be reflected in the annual reports of Member States.

**(e) COMESA Gender Strategic Action Plan**

**Decisions**

60. Council decided that:

- (a) The Gender Strategic Plan developed by the Secretariat be extended from 2 years to 5 years and that short term consultants be recruited to assist with implementation;
- (b) The meeting of the Technical Committee on Gender should be held at least once a year;

- (c) A COMESA meeting of Ministers of Gender be convened before the 2004 Summit; and
- (d) Member States should provide annual reports on the status of implementation of the COMESA gender policy.

**(f) UNAIDS/COMESA Workshop**

**Decisions**

61. Council decided that:

- (a) HIV/AIDS strategies be mainstreamed into the COMESA strategic action plan and COMESA programmes; and
- (b) COMESA should collaborate with the private sector, cross border traders and other relevant partners in the fight against HIV/AIDS.

**(g) Cooperation with States**

**Decisions**

62. Council decided as follows:

- (a) the Memorandum of Understanding (MOU) between COMESA and India be circulated to all Member States;
- (b) that an implementation mechanism for the MOU be developed;
- (c) that a committee of officials and private sector representatives from both COMESA and India should meet every two years to review the implementation of the programmes provided for in the MOU;
- (d) that a joint meeting of Ministers from COMESA and India be held every two years preferably back to back with the annual COMESA meetings;
- (e) that the venues for the consultative meetings of Ministers, officials and private sector should alternate between COMESA and India; and
- (f) that Council is invited to express appreciation to the Government of India for pledging to provide cereals to member States that are experiencing food deficit, and for the offer to provide technical assistance in developing irrigation projects.

**(h) Fourth COMESA-SADC Task Force Meeting**

**Decision**

63. Council decided that the Task Force should consider collaboration in other areas including trade in services, regional competition policy and Common External Tariff (CET).

**(i) Eastern and Southern Trade and Development Bank (PTA Bank)****Decision**

64. Council urges the policy organs of the PTA Bank to finalise quickly the on-going work on the practical modalities and establish, jointly with the Government of Burundi, the definite time frame for the return of the Bank to Bujumbura in conformity with the decision of the Heads of State and Government in Addis Ababa, Ethiopia.

**(j) PTA Reinsurance Company (ZEP-Re)****Decision**

65. Council decided that Member States should give timeframes to comply with the decision of the Seventh Summit of the COMESA Authority that Member States not participating in the activities of ZEP-Re should do so as soon as possible.

**(k) COMESA Leather and Leather Products Institute (LLPI)****Decisions**

66. Council decided that:

- (a) the Member States which have paid their contributions to the LLPI budget (Kenya, Ethiopia and Rwanda) should be commended for doing so;
- (b) Member States which have not paid their contributions to the LLPI budget be urged to pay their contributions and settle their arrears;
- (c) Member States be requested to recommit themselves to support LLPI programmes;
- (d) the Center for the Development of Enterprises be requested to expedite the consideration of the request from LLPI for studies on the rehabilitation of tanneries in Burundi, Rwanda and Uganda;
- (e) Member States should channel their private sector leather and leather products projects to COMESA LLPI for onward transmission to PTA Bank and other financial institutions;
- (b) LLPI and ESALIA should work with the AGOA desks in Lusaka, Zambia and Washington to promote trade and investment in leather and leather products; and
- (c) LLPI should work with USAID/RATES project in undertaking studies and value chain analysis on the leather and leather industry.

**(l) COMESA Business Council (CBC)****Decision**

67. Council decided that the Secretariat should assist CBC to mobilise the necessary resources and identify a full-time professional manager to work for CBC. CBC should serve as a focal point to facilitate and co-ordinate business intermediaries and private sector companies within the COMESA region in order to work closely with CDE/PROINVEST.

**(m) COMESAMIA****Decisions**

68. Council decided that:

- (a) COMESAMIA should address issues of investment by identifying promoters of mini-steel plants and then work on inter-partnership agreements with investors in India and other countries; and
- (b) the Secretariat should, where possible, assist COMESAMIA to implement the e-maintenance programme.

**(n) African Trade Insurance Agency (ATI)****Decision**

69. Council decided that:

- (a) member States that have not joined ATI be urged to do so to take advantage of the benefits offered by ATI; and
- (b) the member States that participate in ATI should encourage the business community and investors to take full advantage of the ATI facility.

**(o) Report of the First Strategic Leadership Workshop****Decisions**

70. Council decided on the following aspects for implementation of the findings of the Strategic Leadership Programme:

- (a) the identified core strategic issues of Infrastructure Development, Capacity Building, Investment, Peace and Security, Political Commitment, Policy Harmonisation, Supply Constraints, Forthcoming Negotiations and Technology be factored in the COMESA Work Programmes;
- (b) Member States should strengthen their national institutional set ups, taking into account the country's particularities, paying attention to the six critical drivers identified during the Strategic Leadership Workshop. These drivers are Policy Formulation, Implementation, Coordination, Research and Development, Communication and Monitoring and Evaluation; and
- (c) the Secretariat should assist the Member States to revamp their national institutional set ups.