



**IT IS HEREBY NOTIFIED** that Council of COMESA Ministers at its Thirty Sixth Meeting held from 14 – 15 October 2016 at Antananarivo, Madagascar issued the following Legal and General Notices:

## **IMPLEMENTATION OF COMESA PRIORITY PROGRAMMES IN 2016**

### **REPORT OF THE NINTH MEETING OF MINISTERS RESPONSIBLE FOR GENDER AND WOMEN'S AFFAIRS**

Gender Mainstreaming in all COMESA Programmes and Projects

#### **Decisions**

##### **1. Council decided as follows:**

- a. Secretariat and Member States to establish a multi-sectoral gender coordination mechanism to strengthen gender management system and accountability mechanisms;
- b. Member States to adopt gender responsive budgeting and planning;
- c. Secretariat to ensure sustainability of gender trainings for COMESA affiliated sectors in the Member States;
- d. Secretariat and Policy Organ Structures to ensure institutional accountability system for gender equality and women empowerment; and
- e. The Secretariat should prepare a road map for implementing the sustainable gender training programmes in consultation with the appropriate Ministries.

#### **Gender Disaggregation of COMESA Statistical Data Decisions**

##### **2. Council decided as follows:**

- a. Member States through Ministries responsible for Gender to engage the National Statistical Offices to review national data collection instruments, analysis mechanisms and processes to ensure availability and use of sex and age disaggregated and analytical data in core economic sectors where gender disaggregated data is literally non-existent;
- b. Management at Secretariat to make an effort to ensure the prioritization of gender statistics in sectors in line with the SDGs and the Agenda 2063, and work towards the improvement of gender analytical capacity of professionals at all levels;
- c. Secretariat to publish an annual report on Gender Statistics in different sectors within the COMESA Region;

- d. The Secretariat should prepare a model for Gender Disaggregated statistics, based on the new UN Framework, to assist Member States in implementing this program; and
- e. The Committee on Statistical Matters put this matter on the agenda of its next meeting.

### **COMESA Women Economic Empowerment Fund (WEEF)**

#### **Decisions**

**3. Council decided as follows:**

- a. The COMESA Convergence Council of Ministers of Finance and Central Bank Governors to determine the amount that Member States will contribute towards the initial \$73 million WEEF Base Fund; and
- b. Member States to share information on existing funding mechanisms at national level for women entrepreneurs; and information on financial intermediaries that could be considered by PTA Bank in the implementation of the WEEF.

### **The COMESA Social Charter**

#### **Decisions**

**4. Council decided as follows:**

- a. Urged Member States that have not yet signed the Social Charter to consider signing and ratifying it by 30 October 2017 to enable its domestication and implementation;
- b. Secretariat to consider including the signing of the Social Charter as an agenda item during the Summit;
- c. Secretariat to expedite sensitization of Member States on the importance to sign the Social Charter; and
- d. That implementation should take the domestic laws into account.

### **The COMESA Youth Programme**

#### **Decisions**

**5. Council decided as follows:**

- a. Secretariat through the International Co-operation and Resource Mobilization (ICRM) Unit to mobilize resources for the implementation of the regional aspects of the Youth Programme, and pilot projects;
- b. Member States to submit annual reports on the implementation of the COMESA Youth Programme; and
- c. Secretariat to develop reporting guidelines on the implementation of the COMESA Youth Programme for Member States.

### **Revised COMESA Gender Policy and Strategic Plan**

#### **Decisions**

##### **6. Council decided as follows:**

- a. Secretariat should disseminate the Gender Policy and orient all Member States and COMESA Institutions to enable its implementation; and
- b. Member States to share statistics on different developmental indicators to strengthen the statistical data base of the Secretariat.

### **Regional Framework for Gender Mainstreaming in the Comprehensive Africa Agriculture Development Programme (CAADP), and the Guidelines**

#### **Decisions**

##### **7. Council decided as follows:**

- a. Secretariat in partnership with other stakeholders to conduct gender assessment of COMESA Agriculture Frameworks and Strategies and the National Agriculture Investment Plans (NAIPs) in the context of Malabo Provisions and develop a Regional Action Plan on Gender and Climate Resilient Agriculture;
- b. Secretariat to commission Regional Studies on Gender and Climate Resilient Agriculture for evidence based planning and programming at regional level; and
- c. National Gender Machineries to proactively support the Ministries of Agriculture in the operationalisation of the Malabo commitments at Member States level to ensure gender mainstreaming.

### **COMESA Health Framework and Regional HIV and AIDS Policy**

#### **Decisions**

##### **8. Council decided as follows:**

- a. Secretariat to disseminate the Health Framework and Regional HIV and AIDS Policy to all Member States for implementation;

- b. Member States to popularize the Health Framework and Regional HIV and AIDS Policy at National Level; and
- c. Urge Member States to outlaw or prohibit child marriage in accordance with their national laws and regulations.

### **Gender, Youth and Social Development Reporting Guidelines**

#### **Decisions**

#### **9. Council decided as follows:**

- a. Secretariat to expedite the dissemination of the reporting guidelines on gender and youth to Member States; and
- b. Member States to use the reporting guidelines to develop annual reports and submit by 15 December 2016 to Secretariat to facilitate consolidation of a COMESA regional report on gender, youth and Social Development

### **COMESA Gender and Social Affairs Communication Strategy**

#### **Decision**

10. Council decided that Member States to support the implementation of the strategy through sharing of success stories and good practices on various Gender, Youth and Social Development initiatives within the Region.

### **Fifty Million African Women Speak Platform Project**

#### **Decisions**

#### **11. Council decided as follows:**

- a. FEMCOM should involve the ministries responsible for Gender and Women's Affairs and other stakeholders in all the Member States in the implementation of the 50 Million African Women Speak Platform Project; and
- b. FEMCOM should submit an annual progress report on the implementation of the 50 Million African Women Speak project to Council responsible for gender and women's affairs during Ministerial meetings.

### **Great Lakes Trade Facilitation (GLTF) Project**

#### **Decisions**

#### **12. Council decided as follows:**

- a. The ministries responsible for Gender and Women's Affairs in the participating Member States to engage the ministries of Trade, if they are not already doing so, in order to participate in the implementation of the project at national level;

- b. Ministries responsible for Gender and Women's Affairs in the participating Member States to take part in the implementation of the project to ensure creation of conducive legal and policy environment for female cross border traders at the border posts;
- c. Ministries responsible for Gender and Women's Affairs and the Ministry of Trade in the participating Member States to document and share information including good practices of the project with other Member States; and
- d. Secretariat to inform the ministries responsible for Gender and Women's Affairs in the participating Member States about the World Bank supported Great Lakes Trade Facilitation Project.

### **United nations Conference Trade and Development (UNCTAD) Partnership on the On-line Course on Trade and Gender**

#### **Decisions**

#### **13. Council decided as follows:**

- a. Professionals at Secretariat and Member States to undertake the course once available, and apply the knowledge in programming;
- b. The Human Resources Unit at Secretariat should make the gender online training mandatory for every professional staff in the Secretariat; and
- c. Secretariat should communicate to Member States once the Trade and Gender module is finalized and the on-line course is ready.

### **COMESA Federation of National Association of Women in Business in Eastern and Southern Africa (FEMCOM)**

#### **Decisions**

#### **14. Council decided as follows:**

- a. FEMCOM Secretariat to establish a multi-sectoral committee comprising of representatives from FEMCOM Secretariat, FEMCOM Board, COMESA Secretariat, Ministries responsible for Gender and Women's Affairs and the Public Works Ministry of Malawi to spearhead the construction of the FEMCOM Complex in the Republic of Malawi;
- b. FEMCOM Secretariat to communicate to its national FEMCOM Chapters to share their progress reports with the ministries responsible for Gender and Women's Affairs and other relevant line ministries;
- c. FEMCOM Secretariat to expedite the construction of its headquarters in line with the Malawi land regulations;
- d. FEMCOM should strengthen its national chapters and should draw up a programme for this exercise; and

- e. FEMCOM should develop a clear strategy with regards to cooperation with the ministries responsible for Gender and Women's Affairs at national level for easy monitoring of the work of the FEMCOM by Member States.

### **Participation of Ministers of Gender in Council of Ministers and Summit/First Ladies Roundtable Forum**

#### **Decisions**

##### **15. Council decided as follows:**

- a. Secretariat to engage UN Women and other cooperating partners on the need to support Member States' participation in COMESA Gender and Social Affairs meetings;
- b. Secretariat should send invitations to the Bureau and Council responsible for Gender and Women's Affairs to participate in the COMESA Council of Ministers, Summit, and First Ladies Roundtable Meeting; and
- c. Ministries responsible for Gender and Women's Affairs to strengthen collaboration with the offices of the First Ladies in the advancement of gender equality, women empowerment, and social development.

### **INFRASTRUCTURE, ENERGY, TRANSPORT AND COMMUNICATION**

#### **The COMESA Air Space Integration Project Steering Committee 2nd Meeting Report**

#### **Decisions**

##### **16. Council decided that:**

- a. Member States should ensure consistency in the participation of their representatives on the Project Steering Committee Meetings;
- b. Member States should send the relevant experts related to Council agenda;
- c. Promote common best practices in Air Transport Management (ATM) and to ensure international harmonization within International Civil Aviation Organization (ICAO) aviation system block upgrades (ASBUs) and ICAO regional and global air navigation plans; and
- d. The funding model for the project be based on public sector framework for now.

### **COMESA Air Transport Liberalization**

#### **Decision**

- 17. Council decided that Member States should incorporate Legal Notice No. 2 phase 2 in their national legislation.

## **Cooperative Development of Operational Safety and Continuing Air Worthiness Programme (COSCAP)**

### **Decisions**

#### **18. Council decided that:**

- a. COMESA Secretariat should liaise with Ethiopian Civil Aviation Authority to convene a meeting to establish the Regional Safety Oversight Organizations (RSOO) by 4 Dec 2016; and
- b. Twinning among Member States and between Member States and European countries be facilitated.

### **Surface Transport**

#### **Road Transport Facilitation**

### **Decisions**

#### **19. Council decided that:**

- a. Member States be urged to participate in all tripartite workshops; and
- b. Member States be urged to domesticate and implement regionally agreed transit transport facilitation instruments in order to access funds under Regional Integration Support Mechanism (RISM).

### **Railways Operations and Management**

### **Decisions**

#### **20. Council decided that:**

- a. The COMESA Railways Association (COMRA) be established;
- b. Government be represented on the Board of the Association;
- c. Council took note of the progress made by Ethiopia in railways development and requested the Secretariat to work with Ethiopia in developing a capacity building programme for partner states with similar projects to enhance railway capacities; and
- d. Member States be urged to participate in the AUC High Speed Train Project.

### **Corridor Development and Management**

#### **Djibouti Corridor**

### **Decision**

21. Council endorsed the Report of the First Ministerial Meeting on Djibouti Corridor Authority Development and One Stop Border Posts, and decided that the COMESA Secretariat should take the lead and guide the four Member States in order to finalize the Agreement on the Djibouti Corridor Authority as well as the identification of the necessary funding investment.

## **Maritime and Inland Water Transport**

### **Maritime Ports**

#### **Decisions**

**22. Council decided that:**

- a. The Secretariat together with Port Management Association of Eastern and Southern Africa (PMAESA) to fast track the implementation of Phase 2 of the system harmonization project and that the project to include the dry ports and waterways;
- b. PMAESA should provide port performance statistics using the current platform for sea, dry ports and waterways information; and
- c. COMESA jointly with relevant stakeholders to assess port (sea, dry ports and waterways) capacity requirements.

## **DEVELOPMENT OF PHYSICAL TRANSPORT INFRASTRUCTURE**

### **Trans-African Highway (TAH) Project**

#### **Decisions**

**23. Council decided that Member States should –**

- a. speed up the establishment of One Stop Border Posts (OSBPs) along the Trans-African Highway;
- b. sign passengers agreements for movement of buses across the borders from Cape Town to Cairo; and
- c. Implement the Transport Transit facilitation instruments.

### **The Establishment of the Navigation Line between Lake Victoria and the Mediterranean (VICMED) Sea project**

#### **Decisions**

**26. Council decided that:**

- a. Member States be urged to include the project in their current and future projects plans that may impact on the VICMED project and provide information for the project implementation;

- b. All footprint countries are urged to involve all related national institutions and stakeholders during the discussion of the Prefeasibility study at the national level, in order to have consolidated and comprehensive comments;
- c. The final version of the Prefeasibility study should be considered and adopted during the 3rd Steering Committee meeting which will be held in November 2016;
- d. Countries are requested to provide required data/information/statistics/requirements for the Feasibility phase and participate in the implementation process;
- e. All countries must be covered by the visits by the consulting team in order to maintain a regional focus for all the studies of VICMED including the pre-feasibility and feasibility studies;
- f. COMESA is requested to market the project together with delegates from the footprint countries and the VICMED Champion country to the financial institutions and development partners in the year 2016;
- g. Ethiopia be a Member of the Steering Committee;
- h. COMESA Secretariat to mobilize resources to conduct the pre-feasibility study on the Baro river section;
- i. The Maritime Corridor between the island and mainland Member States, and the COMESA shipping line be operationalized;
- j. The Secretariat should expedite conclusion of negotiations with the AfDB to complete the studies and address the gaps noticed including issues raised by Sudan and Rwanda; and
- k. The Secretariat should avail the studies to concerned Member States for review.

## **INFORMATION AND COMMUNICATIONS TECHNOLOGIES (ICT)**

### **POLICY AND REGULATORY HARMONISATION**

#### **The Report of the Tenth Annual General Meeting (AGM) of the Association of Regulators of Information and Communications for Eastern and Southern Africa (ARICEA)**

##### **Standards and Type Approval Programme**

##### **Decisions**

##### **24. Council decided that:**

- a. The Secretariat to contact International Telecommunication Union (ITU) for coordination and involvement of the Member countries in developing the programme on standards; and

- b. The Secretariat to mobilize funds to develop the programme on standards and capacity building activities.

### **The Agreement on Hosting of ARICEA Secretariat**

#### **Decisions**

**25. Council decided that:**

- a. The Regional Cyber Security Centre be part of ARICEA Secretariat; and
- b. The Executive Committee be mandated to consider the evaluation reports and the Decisions.

### **ARICEA Organization Structure**

#### **Decisions**

**26. Council decided that:**

- a. The Executive Secretary be recruited through a competitive process from the ARICEA Members who are not in arrears for more than two years at the date of closure of submission; and
- b. The Executive Committee be mandated to approve the operational budget and undertake the recruitment of the Executive Secretary.

### **Report on Digital Broadcasting Migration**

#### **Decisions**

**27. Council decided that:**

- a. An assessment on the implementation of digital migration be carried out within one year in order to provide guidance for countries that were yet to complete migration; and
- b. The Secretariat should mobilize financial resources to conduct the assessment.

### **Consumer Protection Policy Guidelines**

#### **Decisions**

**28. Council decided that:**

- a. The model regulations be adopted; and
- b. Member States be encouraged to use the model to review and update their existing consumer protection regulations.

## **The Communiqué of the High Level Cyber Security Forum**

### **Decision**

29. Council endorsed the Communiqué of the High Level Cyber Security Forum held in Nairobi, Kenya from 2 to 3 July 2015.

### **Information society measurement**

#### **Decisions**

30. Council decided that Members States be encouraged to participate in the ITU Expert Group on Telecommunications/ICT Indicators in order to benefit from the discussions.

### **ICT Workshop for Africa postal high level Officials**

#### **Decisions**

#### **31. Council decided that:**

- a. The Secretariat carry out an assessment on the usage of ICT in the postal sector and develop a regional ICT strategy for postal administrations/operators implementation;
- b. Postal administrations/operators be involved in the development of e-government, e-commerce, mobile money, insurance, and online payment systems;
- c. Postal administrations/operators be encouraged to use ICT to enhance their services and innovate new services;
- d. Universal Postal Union (UPU) be requested to open its regulatory frameworks to new services and innovation and partners to unlock the potential of postal financial/payment and establish a new body (USB) to manage all postal payment network business and operational matters; and
- e. Postal Administrations and Postal Operators be urged to establish more Postal Offices with power connectivity in rural areas.

## **FACILITATION**

### **Facilitation in Information Technology (IT)**

#### **The IT Strategy 2016-2020**

#### **Decisions**

#### **Council:**

- a. Adopted the draft COMESA Regional IT Strategy 2016-2020 with amendments; and

- b. Decided that Member States and the Secretariat should consider distilling projects from the proposed COMESA 2016 – 2020 IT strategy for implementation.

### **Data Centre and Disaster Recovery (DR) Site**

#### **Decisions**

32. Council decided that the Secretariat should fast-track the building and setting up of the new data centre to house the new equipment in a more secured environment.

### **Regulatory Regime for Renewable Energy Development**

#### **Decisions**

**33. Council decided that:**

- a. The two guidelines on alignment of renewable energy technologies: (a) revised guidelines on regulatory framework on off-grid electrification and (b) revised effective regulatory regimes as a requirement for renewable energy development be adopted as COMESA guidelines on renewable energy;
- b. COMESA countries be urged to adopt and/or customize, their national guidelines with these adopted guidelines, to ensure that private sector investors are more-or-less faced with similar regulatory frameworks in the COMESA region;
- c. detailed renewable energy standards be developed;
- d. detailed competitive bidding guidelines be developed; and
- e. detailed guidelines on biofuels be developed.

### **Report on COMESA/SADC Energy Efficiency Training Seminar Held in Lusaka Zambia on 15 – 19 June, 2015**

#### **Decisions**

**34. Council decided that COMESA/ Regulators for Eastern and Southern Africa (RAERESA) and SADC/RERA should work together to :**

- a. adopt common Minimum Energy Performance Standards, as well as common energy labelling, for widely traded energy using devices, focusing on lighting products in the initial phase;
- b. support their member countries in developing national action plans for renewable energy and energy efficiency, using, as appropriate, methods such as twinning arrangements, sharing of best practices between the most advanced and less advanced countries, creation and strengthening of centres of excellence, and common training programmes;

- c. accelerate cooperation and shared investments between the region's power pools, so as to maximise the benefit to energy users of the regions' vast energy resources;
- d. strengthen support to national electricity companies responsible for generation, transmission and distribution, in fully integrating energy efficiency into power network infrastructure investments, maintenance practices and operating procedures;
- e. lead their member countries in developing, adopting and putting into practice thermal building codes, so that the rapid construction in the region's cities affords comfortable, economic and energy efficient living and working space for the region's population;
- f. facilitate sharing of experience on best practices and successful national initiatives in the area of cooking energy efficiency;
- g. initiate a process for development of common policies and regulatory guidelines, both at the regional and national level, in view of achieving the region's clean energy goals:
- h. identify the optimal modalities for regional and national energy efficiency programmes in the industry and transport sectors; and
- i. establish a regional working group, to accelerate progress on energy efficiency policies and regulations, as well as to launch work on benchmarking, milestones, monitoring and evaluation.

### **Energy Efficiency Standards and Labelling Programme Proposal for COMESA Region Decisions**

#### **35. Council decided that:**

- a. The concept note on energy efficiency standards and labelling programme be adopted;
- b. As separate sphere of regulation for energy efficiency and conservation measures needs political legitimacy, a policy paper (road map) on COMESA wide standards and labelling programme be prepared to be considered by the COMESA Energy Ministers for approval;
- c. A COMESA wide survey on: policy, legal, institutional framework, supply and demand market for appliances and equipment as related to standards and labelling, assessment of appliances and equipment for the supply and demand markets and local manufacturing capability be undertaken;
- d. A strategy document for the implementation of region wide standards and labelling programme be prepared, which should include the following:

- i. identification and prioritization of equipment and appliances to be labelled in the regional programme;
  - ii. identification of appliance and equipment supplies to the region;
  - iii. proposal of a process mechanism and network to develop test standards to be used in the region as an accepted test protocol to be used for the selected equipment and appliances,
  - iv. propose and / or customize a region wide labelling logo;
  - v. identify testing lab capabilities in the COMESA region;
  - vi. facilitate the designation of testing laboratories in the region;
  - vii. develop energy efficiency standards and Labelling (EES&L) program for few selected appliances and equipment;
  - viii. prepare a focused programme to the national standards institutes, to the wider target population and to equipment and appliances suppliers to promote energy standards and labelling programme; and
  - ix. establish a system of Monitoring and Verification and a mechanism to involve national relevant institutes in the program monitoring and verification process; and
- e. Guidelines on the preparation of a separate sphere of legal framework for energy efficiency and conservation be prepared in order to guide COMESA countries.

## **DEVELOPMENT OF PHYSICAL INFRASTRUCTURE**

### **Power Interconnection and Generation Projects**

#### **Decisions**

#### **36. Council decided that:**

- a. Member States should take lead and facilitate the implementation of energy infrastructure projects;
- b. Member States and the COMESA Secretariat should find innovative ways to mobilize resources for implementation of infrastructure projects; and
- c. Member States be encouraged to share information, experience and best practice in order to facilitate development and effective implementation of projects.

## **CONSIDERATION OF THE TRANSPORTERS DIALOGUE- REGIONAL POSITIONS OF INDUSTRY**

#### **Decisions**

37. Council decided that Member States adopt and implement the COMESA Virtual Trade Facilitation System; which provides a regional mechanism to cater with a number of key challenges on data management, strengthens risk management systems and leads to reduction of time and processes through a One Stop Shop system.

## **POST CONFLICT RECONSTRUCTION AND DEVELOPMENT PROJECT**

### **Decisions**

#### **38. Council decided that:**

- a. Commended the Government of Burundi for providing official documents on availability of lands for the rehabilitation and extension of border offices at Gatumba;
- b. Urged Concerned Member States to cooperate in the establishment of the borders markets; and
- c. Extended appreciation to the KfW Development Bank, African Development Bank (AfDB) and the World Bank for their support towards supporting trade infrastructure at border areas of the Great Lakes Region and the Member States to work in close collaboration with COMESA and partners to ensure synergies and avoid wastage of resources.

## **THE 11<sup>TH</sup> EUROPEAN DEVELOPMENT FUND (EDF)-INFRASTRUCTURE ENVELOPE**

### **Decisions**

#### **39. Council decided that:**

- a. The 11<sup>th</sup> EDF Air Transport Programme include support for the countries on the ICAO significant Safety Concern List and European ban list;
- b. The search and rescue, and air accident investigation be included after consultation with AFCAC;
- c. COMESA/RAERESA to collaborate with regional and international institutions such as: Regional Economic Communities (RECs), the European Union (EU), the African Electro-technical Standardization Commission (AFSEC), the Collaborative Labelling and Appliance Standards Programme (CLASP) etc. for maturing a fully-fledged programme in order to develop a region-wide energy efficiency and labelling program;
- d. COMESA Secretariat should follow up on the grants and loans for the projects identified for the year 2016 financial support; and
- e. Member States are urged to submit their identified projects to the Secretariat by end of March 2016 which the Secretariat should, in turn, submit them to European Union.

## **JUSTICE MINISTERS AND ATTORNEYS GENERAL**

### **Consideration of Revised Rules of the COMESA Court of Justice**

#### **Decisions**

##### **40. Council decided that:**

- a. The revised Rules of Court be adopted;
- b. A limitation of actions be provided for in the Treaty; and
- c. The Secretariat and COMESA Court of Justice come up with proposals on limitation of actions, taking into consideration the various nature of references being made to the Court, for consideration by the Committee on Legal Affairs and then Council of Justice and Attorneys General.

### **Consideration of Amendments to the Protocol on Cooperation, Compensation and Development (COMESA Fund)**

#### **Decisions**

##### **41. Council decided that:**

- a. For better coordination and ownership, the amendments be considered by the next meeting of COMESA Fund Ministers scheduled for November 2016 before consideration again by the next meeting of Justice Ministers and Attorneys General; and
- b. The Finance Ministers be requested to address comprehensively issues of the COMESA Infrastructure Fund (CIF), COMESA Adjustment Facility (CAF) and the Women Economic Empowerment Fund (WEEF).

### **Consideration of Draft Amendments to the COMESA Common Investment Area (CCIA) Agreement**

#### **Decisions**

42. Council decided that the Revised Draft COMESA Common Investment Area Agreement be referred to the Legal Drafting Sub-Committee before consideration by the next meeting of the Committee on Legal Affairs as a result of the numerous legal and drafting issues arising in the document.

### **Consideration of the Progress Report of the COMESA Court of Justice**

#### **Decisions**

##### **43. Council decided that:**

- a. The filling of the posts of IT Officer and Finance Assistant be fast tracked;

- b. The position of Clerk of Court (P2) be re-opened and advertised in accordance with the laid down procedure for recruitment of Professional Category Staff; and
- c. The internship program be promoted and young lawyers from all COMESA Member States be encouraged to apply.

### **The 2016-2020 Medium-Term Strategic Plan (MTSP) of the Court**

#### **Decisions**

44. **Council decided that the Draft 2016-2020 Medium Term Strategic Plan for the COMESA Court of Justice be adopted.**

#### **Training**

##### **Decisions**

45. Council decided that:

- a. The Trade Law Centre (Tralac) be commended for the support they had given to the Court; and
- b. The Court should continue sourcing for extra budgetary resources to supplement its regular budget.

#### **Publicity Seminars**

##### **Decisions**

46. Council decided that the Court intensifies its publicity activities in 2017.

#### **Demise of Honourable Mr. Justice Andrew Mutema (Zimbabwe) – Principal Judge**

##### **Decisions**

47. Council decided that His Excellency President Robert Gabriel Mugabe, the Government and people of the Republic of Zimbabwe be commended for the honour bestowed on the late Honourable Justice Mr. Andrew Mutema and the support accorded to the COMESA delegation that attended the funeral.

#### **Work Plan**

##### **Decisions**

48. **Council decided that:**

- a. The Court continues implementing its Work Programs as contained in the draft Medium Term Strategic Plan; and
- b. The Progress Report of the COMESA Court of Justice be adopted.

## **Consideration of the Report on Signature, Ratification and Domestication of COMESA Legal Instruments**

### **Decisions**

#### **49. Council decided that:**

- a. The Status Report on the Signature and Ratification of COMESA Legal Instruments be noted;
- b. Ministries of Justice and/or offices of Attorneys General be encouraged to appoint focal points/persons for COMESA in order to improve communication and sharing of information between the Secretariat and the Ministries for the purposes of following up signatures, ratification and domestication of legal instruments;
- c. The Secretariat should submit to Member States the finalized index of legal instruments which should be used for reporting in terms of monitoring signature and ratification as well as domestication; and
- d. Member States should take advantage of the technical cooperation facility under European Development Fund (EDF) 10 to organize capacity building workshops on domestication to enhance domestication of COMESA legal instruments.

## **Consideration of Application for Membership of the State of Somalia**

### **Decision**

50. Council decided that the Bureau of Council be mandated to enter into negotiations with Somalia in order to reach agreement on the conditions provided for in Article 4 of the Regulations for Admission to COMESA.

## **Consideration of Application for Membership of the State of Tunisia**

### **Decisions**

51. Council decided that the Bureau of Council be mandated to enter into negotiations with Tunisia in order to reach agreement on the conditions provided for in Article 4 of the Regulations for Admission to COMESA.

## **Election of Judge Elect of the First Instance Division of the COMESA Court of Justice**

### **Decisions**

#### **52. Council decided that:**

- a. An additional three (03) weeks' extension be granted for nominations before the election is held, given the fact that there was insufficient time for consultation on nomination in some Member States that are eligible to submit candidates; and

- b. An extra ordinary meeting be convened on the margins of the COMESA Policy Organs to be held in October 2016 in Madagascar in order to conduct an election, the outcome of which will be considered at the Nineteenth Summit of Heads of State of COMESA.

## **Designation of Principal Judge of the COMESA Court of Justice**

### **Decisions**

#### **53. Council decided that:**

- a. Given the lacuna that is in the Treaty, the COMESA Authority designates the most senior Judge present in the First Instance Division of the COMESA Court of Justice, Honourable Lady Justice Qinisile Mabuza (Swaziland) as Principal Judge on the basis of Rule 6(2) of the Rules of the Court. This is in the interest of continuity and the fact that the said Judge, has now been acting for a period of one year and time being of essence; and
- b. In terms of Article 22(2) of the COMESA Treaty, the Judge to be designated as Principal Judge should serve in that capacity for the remainder of the term of the replaced late Principal Judge.

## **INDUSTRY**

### **COMESA Industrial Strategy**

#### **Decision**

#### **54. Council took note of the progress made and decided that:**

- a. The Secretariat to organize the Technical and Ministerial Meetings to consider and adopt the COMESA Industrial Strategy in the first quarter of 2017; and
- b. The Industrial Strategies of SADC and EAC be taken into account in developing the COMESA Strategy.

## **REPORT OF THE SEVENTH COMESA COMMITTEE ON STATISTICAL MATTERS**

### **Programme Financial Contribution and Impact**

## **COMESA MACROECONOMIC DEVELOPMENTS**

### **Decisions**

#### **55. Council decided that Member States:**

- a. Pursue appropriate macroeconomic policies and at the same time increasing access to key public services, notably education, health and security and further improving institutions and regulations for private sector activity;

- b. Continuous improve political and economic governance, and economic management to enhance productivity in sectors where a Member State has comparative advantage;
- c. Address deficits in infrastructure, technology and human capital by mobilizing domestic resources innovatively. This can be accomplished by, for example, improving public sector management; combating tax evasion and illicit financial flows, deepening financial system, issuing infrastructure bonds; and developing sovereign wealth funds;
- d. Accelerate regional integration and enhance the implementation of the Tripartite Free Trade Area arrangement, to boost intra-regional trade in manufactured goods;
- e. Shift resources from low to high productivity sectors of the economy, which is crucial to moving the region economy towards higher productivity sectors, thereby boosting job creation and reducing the informal sector;
- f. Expand the financial system to reach the majority of citizens through appropriate innovative financial reforms;
- g. Build adequate human capital, that is, skilled people who work with technologically advanced investment goods and entrepreneurs with innovative skills and the ability to find new business opportunities;
- h. Broaden the tax base and improve tax administration;
- i. Member States be urged to address the question of huge public deficits; and
- j. Member States be urged to relax visa requirements in order to improve movement of people in COMESA.

## **MARKET INTEGRATION**

### **Operations of the COMESA Free Trade Area (FTA)**

#### ***Participation in the FTA***

#### **Decision**

#### **56. Council decided that:**

- a. The non-FTA Member States take definitive steps to join the FTA so that there is an integrated internal market;
- b. Democratic Republic of Congo completes the tariff reductions duly as set out in the legislation of 40%, 30% and 30% by 2018; and
- c. The Secretariat should undertake and publish annual assessments of the benefits and challenges of COMESA FTA for consideration by the Member States. The assessment should cover trade in goods and services, logistics and

trade facilitation, as well as industrialization and infrastructure development which contribute to boosting intra-regional trade.

## **COMESA Trade Statistics**

### **Decisions**

#### **57. Council decided that:**

- a. The COMESA Business Council establish a regional forum for national Trade Promotion Organizations, which should work with trade investment promotion agencies in Member States and national private sector associations; and organize regional trade fairs; for information on trade and investment opportunities in the region and experience sharing;
- b. Urged Member States to implement the COMESA Industrial Policy and to prioritize industrialization in their national programmes;
- c. The Secretariat endeavor to integrate trade in services into the trade in goods analysis;
- d. The Secretariat integrate economic analysis into the trade statistics;
- e. Member States devise ways of capturing informal trade into the trade statistics;
- f. Strengthen the COMESA border trade information desks and task them to capture data on informal trade; and
- g. Develop strategies for ensuring that intra-COMESA trade does not decrease.

## ***COMESA Trade Developments***

### **Decisions**

#### **58. Council decided that:**

- a. Member States enhance their capacities to produce goods and services that have a high technology content;
- b. Member States implement their regional integration commitments to improve the ranking in the African Regional Integration Index; and
- c. The annual comprehensive assessment of the FTA should cover the dimensions of the Africa Regional Integration Index.

## ***Africa Economic Outlook 2016 and High 5s (AfDB)***

### **Decision**

59. Council welcomed the AfDB initiative on the High 5s and decided that Member States coordinate and work with the AfDB to channel funds into these priority areas in order to have a single COMESA platform for addressing economic transformation in the region.

## ***Economic Report on Africa (ECA) 2016***

### **Decision**

#### **60. Council decided that**

- a. The Secretariat organise a technical meeting to develop a work programme on Industrialisation, Trade and Climate Change in collaboration with development partners such as the Economic Commission for Africa; and
- b. The annual assessment report as well as the outcome of the workshop should be presented to a committee to make recommendations for consideration by Council.

## ***Private Sector Issues***

### **Decisions**

#### **61. Council decided that:**

##### **a. Transporters and Logistics Services**

- i. On establishment on a Pan African Logistics Information hub/facility: Member states are urged to support the request for a Pan African Logistics information hub which will be a depository of documentation required for movement of goods between countries.
- ii. On Port Efficiency and Cargo handling: Member states are urged to adopt 24/7 working systems at the ports, ensuring collaboration across ports, and adopt a regional standardized approach to port management.
- iii. On Access to Information on Trade Facilitation Instruments: Member States are urged to develop awareness mechanisms for the private sector on COMESA Trade Facilitation instruments; and for stakeholders to take advantage of the instruments likes the COMESA Yellow Card, and the Regional Customs Bond Guarantee Scheme.

##### **b. Information and communications technology (ICT) Business Services Industry Dialogue**

- i. **On Access:** Member States are urged to create the Regulatory frameworks that allow utilization of dynamic spectrum allocation

technologies (television white spaces) to promote access to the internet including in the rural areas;

- ii. **On Innovation:** Member States are urged to put in place a financing mechanism or Innovation Fund to facilitate innovators and youth entrepreneurs, including dedicating a certain percentage of their budget to supporting innovation; and
- iii. **On Financial Services Innovations:** Member states are urged to harmonize the regulations that are adopted by both the banking and telecommunication authorities in the region, to allow inter- operability of companies in more than one country and regional mobile payment systems.

**c. Agro Industry Positions**

- i. **On Cost of certification:** Member States are urged to consider the development of low-priced certification mechanisms for SME's to bridge the high costs of certification and to strengthen extension services to ensure access to information.
- ii. **On technical capacity strengthening of Small and medium-sized enterprises (SMEs):** The Bureaus of Standards in partnership with the apex national private sector associations are urged to increase training to reach several SMEs involved in food industry in order to improve on their knowledge and skills required to implement food safety systems.

**Non-Tariff Barriers (NTBs) in the COMESA Region**

**Decisions**

**62. Council decided that:**

- a. The Secretariat carries out awareness activities in Member States to popularise understanding of the provisions of the Regulations on NTBs;
- b. Member States involve all the relevant stakeholders in awareness programmes including the small scale cross border traders who may face the NTBs;
- c. The private sector be urged to co-operate in addressing NTBs; and
- d. The Secretariat source for funding for the NTB Focal Points to facilitate regular meetings.

**NTB SMS Reporting Tool  
Decisions**

**63. Council decided that:**

- a. Member States (National Monitoring Committees or NMCs) appoint 5 members responsible for receiving and processing NTB complaints through the SMS reporting tool by 31 October 2016;
- b. Member States (NMCs) designate an Agent/Ministry to host the SMS reporting server;
- c. Member States (NMCs) develop programs for awareness creation and implementation of the SMS NTB reporting tool; and
- d. The secretariat work with Member States to raise resources required for the installation and support for awareness of the SMS NTB reporting tool.

### **Tripartite Non-Tariff Measures (NTMs) database development**

#### **Decisions**

##### **64. Council decided that:**

- a. Participating countries establish database validation committees to validate the uploaded NTMs data before posting to the public window;
- b. The Secretariat need to endeavour to mobilise resources for the extension of the NTMs database development to remaining COMESA countries;
- c. The national NTMs databases will be hosted in the national Trade portals or its equivalents; and
- d. Component manager to establish and ensure compatibility of the Tripartite NTMs software with the existing national Trade Portals or its equivalents.

### **Bilateral Meetings between Member States with NTBs**

#### **Decisions**

##### **65. Council decided that:**

- a. **The concerned Member States**, Kenya and Zambia as well as Egypt and Sudan, **respect the time frames agreed for** addressing the issues raised to resolve the NTBs;
- b. The Secretariat should provide technical assistance to SMEs on NTBs to assist their resolution;
- c. The Secretariat should draw up a programme for continuous awareness creation among Member States to facilitate elimination of NTBs in light of the fact that players may keep changing;
- d. The National Focal Points on NTBs should meet at least twice a year and in this regard Member States should ensure continuity by not changing their focal points frequently and focal points should have alternates;

- e. The Trade Division should put NTBs on its priority programme; and
- f. The Secretariat should undertake a comprehensive audit of NTBs in the COMESA region, covering all categories of NTBs and their causes, and in collaboration with relevant partners, and produce recommendations for consideration by the Trade and Customs Committee. The audit should include the cost of NTBs.

### **Infant industry criteria**

66. Council decided that the issue of Infant Industry Criteria be referred to a technical meeting of experts to address the diverging views of Member States on the Criteria. The technical meeting of experts should provide a report to the next meeting of the Trade and Customs Committee.

### **Sugar Safeguard - Progress report on implementation of Directive No. 1 of 2007**

#### **Decisions**

#### **67. Council decided that:**

- a. The effective date for commencement of the quota allocation formula be 1 August 2016;
- b. Kenya continuously updates Member States on utilization of the quota;
- c. Member States be urged to utilize their quota allocations;
- d. Kenya to re-allocate unfulfilled quotas;
- e. Kenya finalises within the next six months the process of disaggregating the HS Codes for sugar with a view to allowing imports under HS Codes where there is no production by Kenya;
- f. The sugar safeguard be extended for two more years on the understanding that Kenya will provide during that period an increase, based on the deficit, of quotas already set by Council. Kenya will provide a comprehensive report on the status of its sugar industry in 2018.

### **Constraints to intra-COMESA trade**

#### **Decisions**

#### **68. Council decided that:**

- a. The COMESA Business Council should facilitate the penetration of the local distribution networks through organizing trade fairs, business forums in clusters but also trade information systems, which could be accessible online;

- b. The COMESA Business Council undertake market intelligence surveys on the mechanisms of enhancing the dissemination of market information to both prospective importers and producers;
- c. The COMESA Business Council should develop a regional supply chain strategy to regional manufacturers, as well as set up trading houses to facilitate the distribution of goods;
- d. The COMESA Competition Commission should undertake studies to ascertain dumping and initiate mechanisms of protecting the regional market against unfair trade practices;
- e. Member States to address loopholes in their customs management to ensure that undervalued products from other markets are appropriately valued before they enter the customs territory of the COMESA Member States; and
- f. Member States should adopt comprehensive trade liberalization measures ranging from removing tariff barriers to improving customs port procedures at the borders. This can be easily achieved by creation of OSBPs across the major border points and simplifying the customs documentation.

## **Customs and Trade Facilitation**

### **Industrial Rebates and Exemptions Scheme**

#### **Decisions**

##### **69. Council decided that:**

- a. Member States should set up national institutional frameworks where they do not exist to facilitate administration and harmonization of the industrial rebates and exemptions;
- b. Member States to submit annual reports on the application of the industrial rebates and exemptions;
- c. Member States should review the criteria for granting of industrial rebates and exemptions in the region taking into account availability of raw materials, intermediate products and capital goods in the region;
- d. Secretariat should include all the Member States in the industrial rebates and exemptions study;
- e. Member States are urged to expedite the submission to the Secretariat of information on industrial rebates and exemptions;
- f. Secretariat should include a comparative analysis section in the study to show the similarities and differences among Member States industrial rebate and exemption regimes; and

- g. Secretariat should update the industrial rebates and exemptions list to reflect the current status in the Member States.

### ***Workings and Processing for Chapter 63***

#### **Decisions**

##### **70. Council decided that:**

- a. The workings and processing Rules for Chapter 63 be adopted; and
- b. The matter of goods of particular economic importance to Member States be placed on the agenda of the next meeting of the Working Group on Rules of Origin.

### ***Transposition of the COMESA Common Tariff Nomenclature /Common External Tariff CTN/CET to Harmonised System 2017 (HS2017)***

#### **Decisions**

##### **71. Council decided that:**

- a. The Draft COMESA HS 2017 CTN/CET be adopted and that it enters into force on 1 January 2017;
- b. Member States should transpose their Tariff Books to the HS 2017, taking into account their migration to the COMESA CTN/CET;
- c. Member States not yet on the 2012 version, should directly transpose their Tariff Books to HS 2017 after adoption by Council, taking into account their migration process to the COMESA CTN/CET; and
- d. Secretariat should work closely with Member States that require technical assistance for transposition to the HS 2017.

### ***Training Manual/Modules on the HS and Valuation***

#### **Decisions**

##### **72. Council decided that:**

- a. The Training Manual on Customs Valuation be adopted for use as training material in the region;
- b. The Training Manual on HS be adopted for use as training material in the region;
- c. The Training Manuals be continuously updated to take account of regional and international developments as well as proposals from Member States as necessary;

- d. Secretariat should work with Member States on capacity building activities in the areas of HS, Customs Valuation and Rules of Origin; and
- e. Secretariat should continue working closely with World Customs Organization (WCO) accredited trainers in undertaking capacity building activities in the region.

### ***Gap Analysis between the COMESA CTN/CET and National Tariff Books***

#### **Decisions**

##### **73. Council decided that:**

- a. Considering the challenges faced by Member States in aligning their tariff books by 100% to the COMESA CTN/CET, Member States align by at least 75%;
- b. Member States implement their respective action plans established during the gap analysis exercises and national workshops;
- c. Secretariat should provide technical assistance to Member States as appropriate; and
- d. Customs authorities continue proactively providing advice and relevant policy makers continue to make policy for improving implementation of the Customs Union in particular the CET and CTN.

### ***Outstanding Issues on the COMESA Exemption Regimes***

#### **Decision**

74. Council decided that the issue of exemptions be put on the agenda for the next Customs Experts' meeting.

### ***Capacity Building Activities: National Training Workshops***

#### **Decisions**

##### **75. Council decided that:**

- a. Customs administrations should work on creating a pool of tariff experts and trainers who should be running programs for refresher courses;
- b. Customs administrations should work on creating an enabling environment for using the online Tariff database; and
- c. Customs administrations should work on an creating enabling environment for using the COMESA as well as the WCO e-learning platforms as essential platforms for enrichment of skills for tariff classification.

### ***Draft Regional Program for Implementation of the WTO Trade Facilitation Agreement***

## **Decisions**

### **76. Council decided that:**

- a. Member States that have not done so, be urged to ratify, and notify the World Trade Organization (WTO) Secretariat on their categories under, the WTO Trade Facilitation Agreement;
- b. Member States that have not done so, are urged to establish National Trade Facilitation Committees; and
- c. Member States are requested to share their category C notifications with the Secretariat to facilitate the finalization of a Regional Trade Facilitation Program.

## ***COMESA Time Release Studies***

### **Decisions**

#### **77. Council decided that:**

- a. The pilot Member States cooperate to ensure the due completion of the time release studies; and
- b. Secretariat endeavour to look for funding to cover other Member States not included in the pilot phase.

## ***COMESA Anti-Money Laundering(AML) Programme***

### **Decisions**

#### **78. Council decided that:**

- a. Member States be encouraged to strengthen their AML/ Combating the Financing of Terrorism (CFT) committees to coordinate the fight against money-laundering at the national level;
- b. Customs administrations continue to cooperate in effective implementation of the MASE Program jointly with AML/CFT committees;
- c. The Maritime Security (MASE) Program endeavour to cover other Member States in order to capacitate them in comprehensive National Risk Assessments to understand the Key Risks and also channel capacity building resources appropriately; and
- d. Secretariat considers undertaking a study on Trade Based Money Laundering in order to inform its capacity and skills building program.

## **Trade in Services**

## **Trade in Services and Manufacturing productivity in COMESA (2005-2014)**

### ***Decision***

79. The Second round on negotiations on trade in services should commence as soon as possible following the workshop of trade in services experts.

### ***Sequencing and Interface of services negotiations – Continental Free Trade Area (CFTA), Tripartite Free Trade Area (TFTA) and COMESA***

### **Decisions**

#### **80. Council decided that:**

- a. A meeting of experts on Trade In Services be convened to map-out a strategy for negotiating the TFTA and CFTA;
- b. The Secretariat undertakes a study assessing the impact of Trade in Services liberalisation undertaken thus far and map-out a way forward for the second phase of services negotiations;
- c. The Secretariat undertakes additional studies covering regulatory and institutional frameworks, and the impact of autonomous liberalisation of the services sectors in Member States; and
- d. The Secretariat should collect and compile services statistics for individual Member States to be used to improve the analysis in further studies.

#### **a. Trade Relations with Third Countries**

### ***Progress Report on WTO Negotiations***

### **Decisions**

#### **81. Council decided that:**

- a. Member States be urged to notify their Category A, B, and C obligations under the WTO Trade Facilitation Agreement;
- b. Member States expedite the ratification of the Trade Facilitation Agreement to enable its entry into force; and
- c. Member States ratify the Protocol Amending the TRIPS Agreement before December 2017;
- d. The Secretariat should provide technical support to Member States who are in the process of acceding to the WTO.

### ***The African Growth and Opportunity Act (AGOA)***

## Decisions

### 82. Council decided that:

- a. Comoros, Djibouti, Madagascar and Malawi develop national AGOA utilization strategies and in the process make use of the Guidelines developed by UNECA;
- b. The Secretariat and the US Government assist Member States in developing their national AGOA utilization strategies;
- c. Member States deepen regional integration as a way of mitigating potential negative effects that the mega-regional trade agreements would have on AGOA trade preferences and competitiveness;
- d. Member States and the Secretariat work closely with the existing regional US Trade and Investment Hubs to facilitate effective utilization of AGOA and to create sustainable partnerships between the local producers and buyers in the US and to seek capacity building in meeting US market requirements for agricultural and manufactured products;
- e. Member States use the transition period under the latest AGOA renewal up to 2025 to judiciously consider the various alternative trading arrangements in order to minimize trade disruption and ensure long term stability conducive for investment;
- f. Member States request the US to –
  - i. streamline its Aid-for-Trade to Africa by developing Millennium Challenge Account-like compacts for those AGOA eligible countries that have developed their own National AGOA Utilization Strategies;
  - ii. provide a zero tax rate and other incentives on repatriated earnings for US companies that invest in non-extractive sectors in AGOA eligible countries; and
  - iii. Establish an AGOA Implementation Fund where agencies such as UNECA may access funds to provide assistance to AGOA eligible countries. The Fund could be resourced from US resources and other continental resources.

### ***Implications of Brexit for COMESA***

## Decisions

### 83. Council decided that:

- a. The subject of Brexit be kept on the agenda of the Trade and Customs Committee and the Policy Organs to allow Member States to track developments;

- b. The COMESA integration agenda should address public policy objectives of Member States such as job creation, structural transformation, and socio-economic stability. ; and
- c.
- d. The Secretary General engage the United Kingdom on the concerns that Member States have regarding Brexit, in particular, financial implications and the likelihood of trade disruption, including possible adverse impact on Member States if the UK does not honour its financial and trade commitments in the EU.

### ***Implications of the Mega Regional Trade Agreements on Africa***

#### **Decision**

84. Council decided that the Secretariat collaborates with the Economic Commission for Africa in its work on relations between COMESA and developing and emerging economies inter-alia in Asia and the Middle East.

### ***COMESA Virtual University for Regional Integration***

#### **Decisions**

#### **85. Council decided that:**

- a. The Secretariat apply for a new phase of the COMESA- African Capacity Building Foundation (ACBF) project to succeed the current phase which expires on 31 March 2017;
- b. The policy research project be integrated into the regular institutional structure of COMESA Secretariat and a budget line be identified and presented to the next meeting of the Committee on Administrative and Budgetary Affairs to cater for the project staff remuneration and programme activities;
- c. The policy implications from the papers should be widely disseminated and implemented to inform the regional integration process;
- d. Resource mobilization should be enhanced to support the following priority areas:
  - i. implementation of the Virtual University program;
    - Scholarships;
    - Support the coordinating committee; and
    - E-learning resources;
  - ii. Annual Research Forum;
  - iii. Trainings in research methodologies, writing and presentation skills;
  - iv. Research mentorship programs;
  - v. Studies in economic and trade policy; and
  - vi. Strengthening the research capacity within the Secretariat by hiring more research persons;
- e. Council consider launching the COMESA Virtual University;

- f. The Host and Collaborating Universities commence the Masters in Regional Integration Program; and
- g. Council commend the Host and Collaborating Universities.

### **Tokyo International Conference on African Development (TICAD) VI Summit**

#### **Decision**

86. Council decided that the Secretariat prepares a COMESA strategic framework for engaging Japan under TICAD to be considered by the Policy Organs.

#### **Sub-Committee on Trade**

#### **Decision**

#### **87. Council decided that:**

- a. The Trade Facilitation Sub-Committee be re-named Trade and Trade Facilitation Sub-Committee, under the Trade and Customs Committee to deal with to deal with issues such as participation in the FTA, trade promotion, rules of origin, non-tariff barriers, trade remedies, trade negotiations, and contemporary trade policy issues;
- b. Membership of the Committee should cover all relevant stakeholders;
- c. The Sub-Committee should report to the Trade and Customs Committee where both customs and trade issues are considered in a holistic manner to produce recommendations to the Inter-Governmental Committee; and
- d. The Terms of Reference for the Sub-Committee attached as Annex 16 to this report be adopted.

### **REGIONAL CUSTOMS TRANSIT GUARANTEE AND YELLOW CARD SCHEME**

#### **Regional Customs Transit Guarantee (RCTG Carnet)**

#### **RCTG CARNET Reinsurance Pool**

#### **Decisions**

#### **88. Council decided that:**

- a. Burundi be urged to commence the RCTG CARNET operations without further delay;
- b. Zambia be urged to address the issues raised by the Clearing and Forwarding Agents and implement the RCTG CARNET; and

- c. Ethiopia and Djibouti be called upon to resolve the issue of premium sharing between their National Sureties and commence the operation of the RCTG in the Djibouti Corridor.

## **STATUS OF IMPLEMENTATION OF THE COMESA-EAC-SADC TRIPARTITE**

### **Decisions**

89.

#### **90. Council decided that:**

- a. Member States that have not signed the TFTA Agreement do so; and
- b. Member States that have signed start the process of ratification so that the TFTA Agreement enters into force by 1 January 2017.

### ***Tariff Negotiations***

#### **Decisions**

#### **91. Council decided that:**

- a. Based on the principle of variable geometry, Member States submit their national tariff books with the tariff schedules to the Tripartite Task Force (TTF) to populate Annex I on Elimination of Customs Duties; and
- b. The tariff schedules be adopted by the Tripartite Council of Ministers.

### ***Negotiations on Rules of Origin***

#### **Decisions**

#### **92. Council decided that:**

- a. The Member States agree that the Draft Annex IV on Tripartite Rules of Origin contains all the key elements of the rules of origin that have been agreed;
- b. The application of Articles 6(1) (h) and (i) be suspended until the outstanding definitions of Article 6(2) on “their vessels” and “their factory ships” are concluded;
- c. A Manual on the application of interim TFTA Rules of Origin be developed by the TTF to facilitate implementation of the rules by Tripartite Member/Partner States.

## ***Continuing Negotiations on Tripartite Rules of Origin***

### **Decisions**

#### **93. Council decided that:**

- a. Annex IV on the Tripartite Rules of Origin be adopted and subjected to legal scrubbing;
- b. Support the commencement of negotiations of the important chapters, namely chapters 84-84 on machinery and electrical appliances, and chapters 86-89 on transport and chapters 50-63 on textiles; and
- c. Support a dynamic approach to the negotiation of rules of origin based on the key identified sectors.

## ***Private sector positions on rules of origin***

### **Decisions**

#### **94. Council decided that:**

- a. A consultative meeting for COMESA be organized in the margins of the Tripartite meetings scheduled for 25 to 31 October 2016 in Nairobi, Kenya;
- b. The Secretariat prepares a briefing paper to facilitate the consultations among COMESA countries covering all relevant issues that will be negotiated; and
- c. The priority of COMESA on Rules of Origin should be to have flexible Rules of Origin while promoting industrialization. However, industrialization should not be a basis for avoiding flexible Rules of Origin.

## ***Negotiations on Trade Remedies and Dispute Settlement***

### **Decisions**

#### **95. Council decided that:**

- a. Trade Remedies should be covered by the Tripartite Dispute Settlement Mechanism and the provision should read as follows:

*“This Annex shall apply to Tripartite Member/Partner States in the application, interpretation and implementation of the provisions of the Agreement”*; and

- b. As a negotiating position, Member States support the need for flexibility and negotiate to achieve a position which allows flexibility of access to either the Tripartite or the WTO dispute settlement system on trade remedies;
- c. In this regard, Article 3(2) of Annex 10 on the Tripartite Dispute Settlement Mechanism could read as follows:

*Tripartite Member/Partner States who are WTO Member States may resolve trade remedy disputes, with the exception of preferential safeguards, in accordance with relevant WTO provisions.*

### ***Tripartite Member/Partner States Participation in the Continental Free Trade Area***

#### **Decisions**

**96. Council directed the Secretariat to prepare a briefing paper on issues and options relating COMESA's engagement in the CFTA negotiations for consideration by the Policy Organs and decided that:**

- a. Tripartite Member/Partner States negotiate at the CFTA as a group on the basis of the TFTA Agreement;
- b. Tripartite Member/Partner States hold consultative meetings prior to CFTA negotiation sessions, facilitated by the TTF to agree on common positions where possible to advance in the CFTA negotiations;
- c. On trade in goods, Tripartite Member/Partner States use the TFTA Agreement as the benchmark for negotiating the CFTA;
- d. Tripartite Member/Member Partner States adopt a sector policy reform approach in negotiating trade in services, which is in line with the CFTA approach. This would require that services negotiations take place under the CFTA structures and reforms agreed are simultaneously applicable to the Tripartite services regime;  
Member States participate fully and provide leadership in the CFTA negotiations building on the COMESA experience; and
- e. Member States request the African Union to allocate substantial funds to the CFTA project to increase African ownership.

### ***Industrial Development***

#### **Decisions**

**97. Council decided that:**

- a. Member States support the adoption of the Framework for Cooperation and the Work Program/ Roadmap on Industrial Development in the Tripartite Region to facilitate implementation; and
- b. Member States facilitate the consultants as they undertake the surveys on industrial statistics and agro-processing value chains.

## ***Movement of Business Persons***

### **Decisions**

#### **98. Council decided that:**

- a. Member States call for a review of the Draft Agreement on Movement of Business Persons to make it more facilitative of movement of business persons; and
- b. Member states be urged to safeguard the principle of *acquis* and ensure that the Agreement is not more restrictive than the existing agreements and arrangements at Regional Economic Community (REC) and bilateral levels and be guided by the need to achieve a simpler, transparent, easier entry and stay immigration regime.

## ***MEDIUM TERM STRATEGIC PLAN***

### **Decision**

99. Council considered and adopted the 2016-2020 Medium Term Strategic Plan, and requested the Authority to endorse it.

## **REPORTS OF COMESA INSTITUTIONS**

### **Regional Investment Agency (RIA)**

#### **Decision**

#### **100. Council decided that:**

- a. Member States be urged to continue in the pursuit of doing business initiatives to remove bottlenecks and promote greater peer to peer learning and leverage fully on IT infrastructure; and
- b. The Current Board of RIA be re-appointed for a further term of two years in accordance with the Article 6.6 of its Charter.

## **COMESA Clearing House**

### **Decisions**

#### **101. Council noted the above Progress Report on the Implementation of Regional Payment and Settlement System (REPSS) and decided that:**

- a. The Central Bank of Egypt be commended for its efforts in preparing for live transactions;
- b. The Central Bank of Sudan be commended for sending its first transaction on the system which was successfully processed;

- c. The Central Banks of Kenya, Mauritius and Uganda be commended for their efforts in getting additional transactions channelled through REPSS;
- d. Afrexim Bank be commended for working closely with COMESA Clearing House with a view to using the REPSS Platform for their Intra-COMESA transactions as well as their proposed Pan-African Payment System;
- e. The inclusion of the Chinese Yuan (RMB) and the Indian Rupee (INR) as additional payment and settlement currencies of REPSS be commended;
- f. The Central Banks live on REPSS be requested to continue channelling their cross border trade payments through REPSS; and
- g. The Central Banks that are not yet live on REPSS be urged to expedite their preparations as the success of the system depends on the volume of trade across borders.

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

102. Council made the following Decisions:

**Quality Assurance, Certification and Recognition**

103. Council commended LLPI on achieving quality management system (QMS) 9001-2008 and environmental management systems (EMS) 14001-2004 to LLPI and achieving both regional and global recognition.

**Staff Matters (Executive Director)**

104. In reference to the LLPI Charter Article 9 (1), Council noted that the LLPI, in cognizance of Prof. Mwinyikione Mwinyihija's excellent performance during his 1<sup>st</sup> Term, strongly approved the extension of his 2nd Term of Contract of 4 years, commencing on 1<sup>st</sup> January 2017, on the basis of LLPI Board of Directors' recommendation .

**Staff Replacement (for noting)**

105. Council noted the job advertisement for the posts of

- i. Programmes Coordinator (P3)
- ii. Training, Consultancy and Extension Service Expert (P2)

and the initiation of the process of recruitment by engaging LLPI Member States through Focal Ministries which is on process, and Council notifies Council that the Interviews will be conducted during the forthcoming Board of Directors' Meeting.

**Replacement of Board Members**

106. Council, based on the 33rd Policy Organs Meeting and Council decisions which approved Rwanda replacing Kenya, now recommends that Mr. Clement Phangaphanga of Malawi and his Alternate Ms. Heather Kachingwe, and Mr. Francis Gimoro Odong of Uganda and his Alternate Mr. Abdul Hakim Sekandi be appointed as Directors and Alternate Directors, respectively, to COMESA/LLPI Board of Directors for a period of three years.

107. Unfortunately, the Malawi delegation informed Council that the appointed Alternate Director has passed away and that they will inform the Institute the replacement of the deceased.

### **Establishment of Regional Design Studio (RDS)**

108. Council, in cognizance of LLPI Member States' Validation, submits its recommendation to Council for the approval of the Establishment of the RDS in LLPI premises and the Satellite Design Studios in each of its 10 Member States.

### **Commendation of Cooperative Partners**

109. Council supports the LLPI request, and recommends the Commendation of Cooperating Partners that have assisted and collaborated with LLPI in its activities during the year, as follows:

- i. The Commonwealth Secretariat (ComSec) for facilitating the Setting up, Launch and Initiating Resource Mobilization for the RDS at US\$ 100,000.00.
- i. The Arab Bank for Economic Development in Africa (BADEA), for supporting the SMEs Incubators with tools and equipment for 6 LLPI Member States (Eritrea, Burundi, Rwanda, Uganda, Zambia and Kenya) worth US\$ 400,000 with a pledge of supporting 5 more in 2017 (Ethiopia, Malawi, Zimbabwe, Swaziland and DR Congo).
- ii. The Eastern and Southern African Trade & Development Bank (PTA) for their support of the SMEs Leather Clusters in Ethiopia, Uganda and Sudan, worth US\$ 75,000.
- iii. EUCLID University for partnering with LLPI in setting up and supporting the development of MBA Programme, the first of its kind at global level, covering Leather Development and Entrepreneurship through an e-learning platform. In addition, winning together with LLPI, a United Nations Global Interfaith Harmony Award under the UN worldwide competition sponsored by King Abdallah II of Jordan.

### **Commendation of COMESA/LLPI Member States and Non - member States**

110. Based on the 32nd Policy Organs Meetings Council Decision and 17th Summit Communiqué of February 2014 in Kinshasa, DR Congo, Council recommends that COMESA/LLPI and the Member States be commended for the Formulation, Validation, Launching and Unpacking of their respective National Leather Value Chain Strategies, and which have now started to translate into tangible results for SMEs/Clusters at National and Regional markets, whilst enhancing the countries' economic development.

## **Federation of Women in Business (FEMCOM)**

### **Decisions of Ministers of Gender and Women's Affairs**

- i. That FEMCOM Secretariat communicate to its national FEMCOM Chapters to share their progress reports with the ministries responsible for Gender and Women Affairs and other relevant line ministries;
- ii. That the FEMCOM Secretariat establish a multi-sectoral Committee comprising of representatives from FEMCOM Secretariat, FEMCOM Board, COMESA Secretariat, Ministries responsible for Gender and Women's Affairs and the Public Works Ministry of Malawi to spearhead the construction of the FEMCOM Complex in the republic of Malawi;
- iii. FEMCOM Secretariat to expedite the construction of its headquarters in line with the Malawi land laws.
- iv. National chapters to register with all the relevant line ministries to ensure speedy data collection, information sharing for policy advocacy;
- v. FEMCOM to strengthen its national chapters;
- vi. FEMCOM to develop a clear strategy with regards to cooperation with the Ministries responsible for Gender and Women Affairs at national level for easy monitoring of the work of the FEMCOM by Member States;
- vii. FEMCOM should involve the ministries responsible for Gender and Women's Affairs and other stakeholders in all the member States in the implementation of the 50 Million African Women Speak Platform Project; and
- viii. FEMCOM should submit an annual progress report on the implementation of the 50 Million African Women Speak Project to Council responsible for gender and women's affairs during Ministerial meetings.

### **General Decisions**

#### **111. Council decided that:**

- a. FEMCOM annual operational budget to include a budget line for FEMCOM programmes;
- b. Expansion of FEMCOM's human resource base;
- c. Appreciate African Development bank for proving funding for 50 million women speak platform project;
- d. Appreciate NEPAD and Spanish Government for supporting Business Incubator Project (BIAWE) for women Entrepreneurs.

## COMESA MEDIA AWARDS

Winner	Country	Media	Category	Language	Topic
Leonidas Ninteretse	Burundi	Radio Television Nationale du Burundi (RTNB)	Radio	French	Impact de la zone de libre change tripartite COMESA-EAC-SADC. <i>(How Tripartite agreement can foster free trade in the COMESA-EAC-SADC)</i>
Pawlos Belete	Ethiopia	Ethiopian Business Review magazine	Print	English	How Ethiopia is making structural changes to its agrarian-based economy to reap maximum profits from intra-COMESA trade
Francis Lungu	Zambia	The Post Newspaper	Print	English	The need for uniformity of regulations affecting Cross Border Traders in the COMESA region

### Decision

112. Council recognized and gave the respective awards to the winners.

## CANDIDATURES FOR POSITIONS AT THE AFRICAN UNION COMMISSION

### Decision

113. Council urged Member States to support the following candidates proposed for the positions at the African Union Commission:

- a. Ambassador (Dr) Amina Mohamed of Kenya for the position of Chairperson;
- b. Mr. Yacin Elmi Bouh for the position of Deputy Chairperson;
- c. Ambassador Epiphane Kabushemeye of Burundi for the position of Commissioner for Peace and Security;
- d. Dr Amani Abou-Zeid of Egypt for the position of Commissioner for Infrastructure and Energy;
- e. Dr Fr Saidi Kibeya of Burundi for the position of Commissioner for Human Resources, Science and Technology;
- f. Dr Hespina Rukato of Zimbabwe and Ambassador Rahamtalla Mohamed Osman of Sudan for Commissioner for Political Affairs;
- g. Mona Toema El-Garf of Egypt and Ambassador Albert Muchanga of Zambia for the position of Commissioner for Trade and Industry; and

- h. Dr Jabine Ntakirutimana of Burundi and Mrs Amira El Fadil of Sudan for the position of Commissioner for Social Affairs;
- i. Mr Antoine-Marie Moustache of Seychelles and Dr. Austin Sichinga of Zambia for the position of Commissioner for Agriculture and Rural Economy.