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By Order of the Council

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Secretary-General
COMESA

IT IS HEREBY NOTIFIED that the COMESA Council of Ministers at its Sixth Meeting held on 7 and 9 December, 1998, issued the following Legal and General Notices:

(a) Implementation of COMESA Programmes

56. Council decided that:

- (a) Member States should improve communications with the Secretariat by establishing e-mail facilities;
- (b) Member States dedicate full Ministries or departments to follow up regional integration and coordinate COMESA activities at national level;
- (c) Member States should assist in articulating to cooperating partners the role of COMESA and other regional groupings and apprise them of the different responsibilities assigned to each institution;
- (d) The Bureau is empowered to follow up with Member States that have lagged behind in implementation of the Treaty provisions and policy organs decisions; and
- (e) Member States should seek to attain full implementation and adherence to Treaty provisions.

(b) Transport and Communications

57. Council decided as follows:

- (a) A task force be set up immediately to identify the priority areas for road safety programme development for the COMESA region;
- (b) The African Road Safety Initiative and the Road for Africa be co-coordinated to avoid duplication of efforts;
- (c) The COMESA Secretariat should actively participate in the Steering Committee of the two programmes (African Road Safety Initiative and the Road Injury Prevention Initiative for Africa);
- (d) In depth studies be undertaken followed by a dissemination seminar for the COMESA region. Country by country baseline assessments would also be undertaken; and
- (e) Monitoring mechanisms in the form of tripartite reviews would be established and the review panel would consist of COMESA, SATCC, ECA, three Regional Experts selected from member States and representatives of the donors.

58. With regard to liberalization of air transport services, Council decided that full liberalization be attained by October, 2000. This would be achieved through a two phased gradual approach. The first phase to be achieved by October, 1999 entails:

- (a) Introduction of free movement of intra-COMESA scheduled passenger services with frequency limits of up to two daily flights between any city pairs. Bilateral air service agreements would apply in case of frequencies beyond two daily flights;
- (b) Adoption of multiple designation and elimination of capacity restrictions

59. The second phase to be achieved by October, 2000 would entail total free movement of intra-COMESA air transport services.

60. Council also decided that airlines would qualify to participate if they were substantially owned and effectively controlled by COMESA member States and/or their nationals. Council further agreed to the setting up of a working group to consider regulations on implementing the agreed programme.

61. Council decided on the establishment of a coordinating mechanism between COMESA and other sub-regional organizations in Eastern and Southern Africa, for the successful implementation of the ICAO Global Air Navigation Plan for CNS/ATM systems.

62. As far as payment of airport service charges through air tickets was concerned, Council decided as follows:

- (a) Member States that were in a position to implement the proposed system of including the service charge in the ticket should proceed to do so; and
- (b) Those countries that were not ready to implement the system should review the subject matter, in comparison with other methods of collection.

63. With regard to cooperation in meteorological services, Council decided that the working group on meteorology be convened in early 1999 to deliberate on a number of issues and to recommend a course of action.

64. Regarding cooperation in the development of shipping services and inland waterways transport, Council decided as follows:

- (a) An information database on shipping services be set up and maintained;
- (b) All member States should ratify the OAU Maritime Transport Charter;
- (c) Harmonized maritime legislation should be developed for adoption and implementation;
- (d) Commercially oriented policies and practices should be developed for adoption;
- (e) Cabotage and other cargo reservation policies should be liberalized;
- (f) Trans-shipment service should be developed;
- (g) Regional shipping line(s) should be established; and
- (h) Sea-going and land-based personnel should be trained.

65. Council noted the submissions made by Ethiopia (document No. COM/INFRA/M/I/2(a) and by Eritrea (document No. COM/IFRA/M/I/2(b) and endorsed the deliberations and decisions of the First Meeting of Ministers of Transport and Communications (document No. COM/INFR/M/I/2) that a Committee of Technical Experts, comprising a diplomat, a lawyer and a transport expert be set up to carry out investigations. The experts would be drawn from Zambia, Uganda and Malawi. Council also adopted the terms of reference as provided by the Ministers of Transport and Communications.

66. Council endorsed the decision of the First Meeting of Ministers of Transport and Communications to put in place a high level Committee to objectively and dispassionately investigate the issues. Council agreed that the high level Committee could co-opt an economic/financial expert from the Secretariat.

67. With regard to funding of the high level Committee, Council agreed that the Secretariat would provide air tickets while Eritrea and Ethiopia would meet local costs of accommodation, meals and transport.

68. Council decided as follows with regard to the COMESA Court of Justice:

- (a) the Judges be provided with national diplomatic passports, COMESA Diplomatic cards and Laissez-Passer in order to facilitate their work;
- (b) the Court holds one Court Session in 1999 and that each Court Session would be for a period of 14 days covering both hearings and judgments in order to attain both cost effectiveness and, if appropriate, expeditious conclusion of proceedings; and

(c) Trade, Customs and Monetary Affairs

69. In view of the importance of this programme in the COMESA integration process, Council decided as follows:

- (a) member States should reduce tariffs on COMESA originating products by 90% as soon as possible, without any further delay;
- (b) each member State should inform the Secretariat when it would publish the 90% reduction rate;
- (c) the principle of reciprocity already agreed upon in principle, be applied as from 31st October, 2000 so that zero tariffs will only apply between member States that will have implemented 100% tariff reduction. These will form the core group of member States forming the Free Trade Area. Those that will not have implemented the 100% tariff reduction will constitute member States at the periphery linked to the former as associate members.
- (d) member States should make the 100% tariff reduction automatic with effect from October, 2000 when publishing the 90% reduction, as already done by Madagascar.

70. In view of the delay by member States to complete the study and submit reports to the Secretariat, Council decided that member States should expedite completion of their studies and submit their reports to the Secretariat by 10th February, 1999.

71. Having noted the progress made in the review of the COMESA Rules of Origin, Council decided that member States should complete the study on their industrial structures and submit their reports to the Secretariat by 10th February, 1999.

72. Having noted the lack of progress made by the member States to ratify the COMESA Customs Bond Agreement, Council decided that:

- (a) each member State should report to the Secretariat on the progress it had made towards ratify the agreement;
- (b) member States which have not ratified the agreement should do so as soon as possible and not later than 31st March, 1999; and
- (c) a workshop for all stakeholders, including clearing and forwarding agencies, customs officials, banks and insurance companies should be organized by the Secretariat to resolve the problems relating to the operation of the Bond Guarantee Scheme.

73. In view of the above, Council decided that:

- (a) each member State should report to the Secretariat on the progress it had made in implementing the COMESA-CD and the COMESA Common Statistical Rules and Regulations; and
- (b) the member States should implement the two instruments not later than April, 1999.

74. Council decided that:

- (a) member States should adopt ASYCUDA and Eurotrace in order to achieve harmonization, modernization and reform of the COMESA Member States and statistics operations.
- (b) member States should increase financial and material resources to ASYCUDA and Eurotrace to ensure sustainability of the systems, and to achieve the expected benefits to member States and the region;
- (c) member States should send timely and accurate statistics to the Secretariat; and
- (d) the member States should organize at national level a seminar to address the Year 2000 compliance problem.

(d) Legal and Institutional Affairs

75. Council decided that:

- (a) those States that had not yet ratified the COMESA Treaty and the Customs Bond Guarantee Agreement should do so as soon as possible; and
- (b) all member States should process national legislation giving effect to the COMESA Treaty in accordance with Article 5 of the COMESA Treaty.

(e) Country Reports

76. Council decided that every member State should submit their update on Implementation of Treaty provisions and policy organs' decisions to the Secretariat before March, 1999. The final edition of the update reports shall be considered at the next policy organs meetings to be held in May, 1999.

(f) Report of the First Meeting of Chief Immigration Officers

77. Council decided that:

- (a) there was need for Immigration Authorities to share information on the different criteria used in the determination of genuine travelers, with a view to achieving the most objective criteria;
- (b) a Study be carried out by the Secretariat on the different documents used by the Immigration Authorities with a view to achieving their harmonization;
- (c) where more favourable treatment on Visa Issuance was being offered by any State, whether unilaterally, bilaterally or multilaterally, this should continue in force. In addition, a study be carried out on the different practices existing in the member States with a view to establishing common practices where possible; and
- (d) as to the treatment of permanent residents, the Protocols were intended to facilitate the movement of COMESA citizens only, however at a later date the issue of permanent residents could be discussed with a view to developing a common approach.

78. Council decided on the following for easing the practical implementation of the Free Movement of Protocol:

- (a) there is need to retain the requirement for photographs in the determination of valid travel documents so as to ease identification;
- (b) the grounds for denial of entry of a person on grounds of public health should not be a basis for discrimination and that the provisions should be implemented liberally to allow certain persons requiring specialist medical services to travel;
- (c) that persons expelled on grounds of national security and public health should enjoy the protection of their property and interest; and
- (d) there is need for the establishment of a regional immigration information unit to centrally co-ordinate and disseminate information or data on criminals and related issues among Member States.

79. Council also decided that:

- (a) in accordance with Article 2 (1) of the Visa Protocol and Article 3 (1) of the Free Movement Protocol, nationals of member States shall not be required to obtain Visas before travelling to the territory of another member State and may be granted Visas to enter such territory upon the presentation of such travel documents at an official entry point of that member State;

- (b) the period of stay for a person entering under the provisions referred to under paragraph (a) above shall be up to a maximum of ninety days (however, the appropriate authorities may extend the stay if there is cause to stay for more than ninety days). Council agreed that study be conducted on the different practices of member States regarding the period of visa entry and on the possibility of developing a Common Visa pass for the whole of COMESA;
- (c) the freedom of entry of nationals of a member State who wish to enter the territory of another member State shall be subject to the holding of requisite travel document;
- (d) a travel document means a valid passport or any other valid travel document establishing the identity and nationality of the holder and containing his or her photograph;
- (e) two or more immigration authorities may make special arrangements to recognize the entry of nationals of a member State who wish to enter the territory of another member State on a short-term basis not exceeding seven days, particularly in border areas, without the requisite travel document;
- (f) each member State reserves the right of refusal of permission to enter or remain in its territory to any citizen or citizens of another member State where it considers the entry or presence of such citizen or citizens to be detrimental to its national security or public health as provided under Article 4 of the Visa Protocol and Article 6 of the Free Movement Protocol;
- (g) in accordance with Article 4 of the Visa Protocol; and Article 7 of the Free Movement Protocol, a member State may on the grounds of public security or influx of persons as refugees arising from disturbances in the territory of another member State suspend, temporarily, the above provisions on entry. Any such suspension should be immediately notified to the Secretary-General, who shall forthwith inform the other member State;

Exchange of information and prevention of crime

- (h) in accordance with Article 5 of the Visa Protocol and Article 8 of the Free Movement Protocol, the member States shall cooperate in the exchange of information in the prevention and the fight against crime: For the purpose the member States agree to:
 - (i) exchange information on the movement of suspected or convicted criminals;
 - (ii) exchange information on the authenticity of national travel documents;
 - (ii) maintain constant link ages between the Immigration Authorities on all matters relating to movement of persons between the member States.

80. Council decided that another meeting of Chief Immigration Officers be held 1999 and that the meeting be followed by one for the Ministers responsible for Immigration. The Secretariat shall suggest appropriate dates and communicate them to the Immigration Authorities.

(g) The New World Trade Arrangements: Implications for COMESA Member States

81. Council decided that:

- (a) the COMESA Secretariat should become more pro-active to enable the member States articulate their positions on the issues more effectively;
- (b) the COMESA Secretariat should assist the Member States to enhance their capacities and co-ordinate their positions in preparations for negotiations under the next Round negotiations dubbed "the Millennium Round"; and
- (c) COMESA member States who are already members of the WTO are requested to give full support to other COMESA members who are in the process of accession to WTO

(h) PTA Re-Insurance Company (ZEP-RE)

82. Council decided that in future COMESA co-coordinating Ministers should follow-up the implementation of decisions and issues concerning ZEP-RE alongside other COMESA programmes. In that respect, the main issues concerning ZEP-RE included:

- (a) accession to the Agreement establishing ZEP-RE by member States who have not yet done so;
- (b) the subscription to the share capital by member States who have not yet done so; and
- (c) facilitation of re-insurance business cessions by member States who have not yet done so.

(i) Transport and Communications

83. Council agreed on the need for assistance to all landlocked countries in improving transit traffic facilitation. In this regard, COMESA Secretariat was requested to prepare a programme aimed at helping landlocked countries to have more wagons available to move their cargo to the nearest rail/road interchange terminals.

(j) Trade and Customs

84. Council expressed gratitude to the European Union for funding the ASYCUDA/EUROTRACE project and recommended that the European Union be requested to provide funding to enable COMESA to implement Phase II of the project.

85. In the view of the above, Council urges member States to expedite their study on the proposed categorization of imports into the CET structure and submit their comments to the Secretariat as soon as possible, but not later than 10th February, 1999.

86. Council recommended that in view of the critical importance of the COMESA Trade Development and Promotion Programme, further technical assistance be sought in order to create capacities in the private sector organizations to profitably utilize and sustain the trade promotion tools and methodologies applied by the programme.

(c) COMESA Yellow Card

87. Council adopted the following recommendations intended to improve the underwriting of the Yellow Card and make it more competitive:

**(1) On the standardization of the Yellow Card Scheme Cover
Council agreed that:**

- (a) the Yellow Card Scheme should include liability cover for third party property damage, when the vehicles insured are transiting/visiting the territories of other member countries, where liability for third party property damage is not compulsory, subject to the following maximum limit of damage payable.
 - (i) Private car/motorcycle = COM \$ 5000, any one person, any one event;
 - (ii) Commercial vehicle = COM \$30,000 any one person/any one even; and
 - (iii) In member countries where liability insurance for third party property damage is compulsory by law, the limit of liability shall be in line with the requirement of the law, as stipulated in the Yellow Card Protocol;
- (b) the recommendations be implemented after all National Bureaux have discussed them with their member insurance companies and confirmed their agreement for implementation;
- (c) the National Bureaux serve as information Bureau in their countries to assist nationals who suffer injury/death and/or damage to their property in motor accidents caused by visiting or transiting vehicles not covered under the Yellow Card Scheme; and
- (d) the National Bureau charge a reasonable information fee to be fixed by the National Bureaux in consultation with its members.

(2) On the removal of the requirement of Prime Policy to be a Yellow Card cover, Council agreed that:

The proposal be further developed, in consultation with National Bureaux, to stipulate terms and conditions in the Yellow Card format, so as to make it an independent insurance policy cover.

(3) As regards reviewing the Yellow Card Scheme:

The Council agreed with the decision of the Council of bureaux to adopt the re-designed Yellow Card format.

(l) Investment Programming and Private Sector Development

88. Council agreed that a COMESA programme be designed to develop the herbal sector in collaboration with the Herbal Research Foundation of the USA.

89. In order for COMESA to be an effective member of the Technical Advisory Committee, Council recommended that COMESA Secretariat should implement the decision to recruit an energy expert as soon as possible.

(m) Legal and Institutional Affairs

90. Council recommended that the Secretariat should mobilize extra-budgetary funds to cover all the member States in the next edition of the Study on Trade and Investment Laws.

91. Council recommended that the co-operating partners be requested to finance the Legal programme for Market Integration.

(n) ACP/EU Future Relations beyond the Year 2000

92. Council recommended that the ACP member State should maintain coordination between the different regional groupings to ensure consistency. The Committee, further, noted that the joint Secretariat of OAU/ECA/ADB was in the process of setting up a group of African experts to support African delegations at WTO negotiations and in the framework of the ACP-EU relations, in accordance with point 11 (a, iii) of the decision of the Assembly of Heads of State and Government of the Second Ordinary Session of the African Economic Community and recommended that COMESA be actively involved in the process.

(o) COMESA Institutions

93. Council urged that member States that had not yet joined the PTA Bank to do so.

94. Council urged that member States should recommit themselves to ensuring that the Leather and Leather Products Institute (LLPI) is adequately funded and utilized.

95. Council endorsed the recommendation of the LLPI Board of Directors that COMESA signs a Memorandum of Understanding with the new Ethiopian National Leather and Leather Products Development and Training Institute (NLLPDTI) for use of its facilities be endorsed.

96. Council took note of the LLPI Financial Statements for 1996 and Financial and Staff Rules approved by the Board.