

OFFICIAL GAZETTE



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

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BY Order of the Council

Dr. Bingu Wa Mutharika
Secretary-General
COMESA

IT IS HEREBY NOTIFIED that the COMESA Council, at its First Meeting held on 5th to 8th December, 1994 issued the following Legal and General Notices:

I. CUSTOMS AND TRADE

1. Council directed that since the derogation from publishing COMESA tariffs by Angola and Mozambique had ended in July 1993 and April 1994 respectively, they were, therefore, requested to publish COMESA tariffs by applying the 70% reduction rate.

2. Council directed the Secretariat to:

- (a) publicize the identified trade opportunities community through seminars and disseminate information on import and export potential in the region;
- (b) undertake supply and demand surveys in collaboration with Member States on some of the identified products in order to provide more information to the business community on supply conditions and import requirements, such as, quantity, quality, price, terms of sale, market size, constraints affecting imports, modes of transport, design and packaging;
- (c) provide enterprise specific assistance to some companies on, for example, export marketing management, product development and adaptation (design, quality control packaging), training and marketing missions;
- (d) strengthen TINET by updating the databases, improving accessibility of TINET through extending it to the Chamber of Commerce and Industry, associations of manufacturers and other business organizations as well as through publicizing the availability and advantages of TINET; and
- (e) assist the Member States in mobilizing funds for establishing and/or strengthening national trade promotion organizations.

3. Council directed that the Secretariat should undertake missions to Eritrea, Kenya and Lesotho in 1995 to install ASYCUDA.

4. Council directed that more resources be allocated to data collection and speedy dissemination of information. Council further decided that fast moving information items, such as tenders, be transmitted directly to end-users, and information on non-tariff barriers be included in future modules of TINET. All information available at the Secretariat should be entered into TINET. The Secretariat was directed to collect primary data from Member States and to visit TINET focal points to check on problems pertaining to equipment.

5. Council appealed to Member States to speed up the publication of COMESA tariffs and decided that the COMESA tariffs should contain national tariffs and COMESA tariffs side by side for all products.

6. Council decided that the rotational systems of hosting COMESA trade fairs should continue and accepted the offer by Zimbabwe to host the First COMESA Trade Fair to be held in 1996. Malawi would host the First COMESA Food and Beverages Fair in June 1995.

7. Council decided that a Protocol on services should be prepared and annexed to the COMESA Treaty in view of the importance of trade in services in the world economy.

8. Council adopted the following recommendations and resolutions of the business community taken at the First Meeting of the Eastern and Southern Chairmen of Chambers of Commerce and Industry and Associations of Manufacturers:

- (a) member States which had not ratified the Protocol Relating to the Gradual Relaxation and Eventual Elimination of VISA Requirements within the COMESA adopted by the Authority in 1986 should take the necessary steps to ratify the Protocol and implement its provisions immediately to enable business entrepreneurs and bona fide travellers engaged in trade and investment to move freely and speedily within the region for exploitation of the business opportunities;
- (b) member States which were signatories to the COMESA Treaty should speed up the process of ratification of the Treaty;
- (c) member States should give priority to the preparation and adoption of the Protocol on Free Movement of Persons, Labour, Services, Right of Establishment and Residence provided for under Article 164 of the Treaty;
- (d) member States should create the necessary enabling environment for the business community by implementing the COMESA trade liberalization programme in unison to avoid unfair competitive advantage. In this regard, the reduction and elimination of customs duties on intra COMESA trade, abolition of non-tariff measures, and implementation of all trade facilitation and promotion measures such as the Yellow Card, the RCTD, and the Regional Customs Bond Guarantee Scheme should be implemented by all member States at the same time;
- (e) the meeting noted the disparities in the applicable rates of duty in the region were a result of the fact that the rates of duty were arrived at by reducing from the varying national rates. Accordingly, the 60% duty reduction on COMESA trade achieved by October 1993, and the subsequent biennial reduction of 10% had not and would not resolve the problem until the monized tariff regime, and also establish a common external tariff for COMESA;
- (f) considering the impact of duties imposed on raw materials inputs, and equipment on cost of production and pricing, the meeting recommended that Member States should consider taxing consumer or final goods rather than production inputs and raw materials;
- (g) to strengthen and improve the role of the private sector in the implementation of integration activities, the meeting recommended the involvement of the private sector in the planning and management of COMESA activities;
- (h) supported the COMESA trade facilitation programme, particularly, the simplification and harmonization of trade documents and procedures, the harmonization of road transit charges and axle load limits;

- (i) recognized the importance relevant, accurate, and up-to-date trade information in the promotion of regional trade and investment, and recommended that greater emphasis be made in developing such information as a valuable commodity to be marketed like any other product, and that such information system be made available and managed by the private sector institutions;
- (j) recognized that the existence of exchange control systems in the member States were a big deterrent to regional trade and the free movement of capital, and noted that, exchange control had forced people to be involved in illegal activities of currency transfers such as over-invoicing and under-invoicing or currency black markets, the meeting recommended the abolition or maximum liberalization of exchange control system;
- (k) noted that the highest use of the Clearing House was in 1989 and that trade liberalization in the member States was partly responsible for the serious decline in the use of the Clearing House. The meeting recommended that member States, particularly the meeting of Central Bank Governors should review the operations of the Clearing House and initiate measures that could lead to full utilization of the Clearing House;
- (l) noted the huge and unexploited trade potential existing in all the member States as provided by the study of COMESA Secretariat, agreed that among the top priority issues for the proposed ESABO and National Chambers of Commerce and Industry and Associations of Manufacturers was to embark immediately on: trade missions, supply and demand surveys, buyers/sellers meetings and aggressive marketing to exploit the vast existing trade potential in the COMESA market; and
- (m) urged the political leaders of the region to rationalise the good work being undertaken by both COMESA and SADC so that there should be no conflict of interest, unnecessary duplication of effort and that there should be cost effective utilization of tax payers' money and determine whether or not there was the need for two separate organizations.

9. Council recommended that the "Draft Protocol on the Rules of Origin for Products to be traded between the Member States of the Common Market for Eastern and Southern African" be adopted by the Authority and be annexed to the COMESA Treaty.

II. TRANSPORT AND COMMUNICATIONS

10. Council decided that the following activities be undertaken:
- (a) the Flyer on the PTA/COMESA Carriers' Licence be distributed by the Secretariat to Ministries of Transport and Communications and economic operators;
 - (b) member States should provide reports on the joint utilisation of designated aircraft maintenance and training centres, air transport facilitation and liberalization of traffic rights. In this regard, Uganda informed Council that the granting of traffic rights had been liberalized and that a maximum of 60 minutes for B747 and 767, 45 minutes for B737 and 30 minutes for F27 had been established for clearing passengers;

- (c) the Committee on Lake Victoria comprising Kenya, Tanzania, Uganda, Burundi, Rwanda, Zaire and the Permanent Secretariat of the Northern Corridor Transit Transport Co-ordinating Authority be convened as soon as possible. Tanzania was requested to host the meeting;
- (d) the Committee on Lake Tanganyika comprising: Burundi, Rwanda, Zaire, Tanzania and Zambia be convened as soon as possible. Zambia agreed to host the meeting;
- (e) the Secretariat should liaise with SATCC/TU which was responsible for co-ordinating transport services on Lake Malawi, the Shire and Zambezi rivers. On the basis of consultations, a report would be submitted to the Transport and Communications Committee;
- (f) the Secretariat should convene a meeting for countries using the river Nile in order to establish a programme for implementation;
- (g) COMESA Secretariat in collaboration with SATCC should assist undertaking the feasibility study on the affordability of satellite and cellular mobile communications systems for road hauliers;
- (h) since Frequency Management is a regulatory function, it should be divorced from the telecommunications administrations as they were also consumers of the spectrum;
- (i) the Secretariat should liaise with Ethiopia with a view to convening a meeting of frequency co-ordinators for the Eastern Corridor;
- (j) the fourteen (14) PTA/COMESA countries*1 that had not signed the Advanced Level Telecommunications Institute (AFRALTI) Agreement should do so. Council agreed that AFRALTI should be a specialized COMESA agency on human resource development in Telecommunications. The COMESA Secretariat was mandated to conclude a co-operation Agreement which would make AFRALTI a COMESA specialized agency on human resource development in telecommunications;
- (k) the Secretariat should mobilize resources for a study on the inter-connection of the COMESA telecommunications network with the fibre optic submarine cable; and
- (l) the Secretariat should follow up the programmes aimed at improving postal services in the region which were either grossly inadequate or inefficient.

11. Council decided that:

- (a) a Committee at national level should be created to oversee the implementation of the proposed overload control regime. The Committee should include representatives from the government and the private sector, particularly transport operators and freight forwarders; and
- (b) the Secretariat should study the profitability of international trucking operations. Terms of Reference should be prepared in collaboration with the Federation of Regional Road Freight Association (FRRFA) and considered at the meeting of FRRFA scheduled for early 1995.

12. Regarding harmonization of road user charges, Council decided that:

- (a) the following shall be the new COMESA harmonized road user charges to be introduced by not later than 1st April, 1995:

Vehicle Category	Road User Charge (US\$ per 100Km)
Buses	5
3-Axle Vehicles	6
>3-Axle Vehicles	10

- (b) consideration be given by countries to introduce the coupon system for the payment of road transit charges
- (c) National Associations of Road Transporters establish letters of Credit with Commercial Banks for purposes of purchasing coupons;
- (d) a joint COMESA/SADC technical working group be established to monitor and facilitate the implementation of the above two recommendations;
- (e) each country should consider establishing a Dedicated Road Fund to be administered by the authorities responsible for road/highway maintenance / construction into which will be paid the proceeds of payments made by transit transport operators. Revenues earmarked from specific road user charges should be channelled into a Road Fund;
- (f) Countries should consider establishing autonomous Road Authorities for the management of the road network; and
- (g) countries should strictly enforce axle load limits by charging overloaded vehicles fees that are based on a sliding scale and reflect the economic cost of the damage done to the road pavement, marginal cost pricing, coupled with overload fees will ensure that appropriate road use costs are recovered from users.

13. Council directed that in order for the implementation of COMESA programmes to take place at national level:

- (a) each member State should establish a multi-disciplinary working group (MWG) including representatives of the public and private sectors. The name of the co-ordinator including the composition of the Group should be notified to the COMESA Secretariat not later than 28th February, 1995;
- (b) on the basis of the programmes approved, the MWG should draw up a time table for implementation which should be submitted for collation to the COMESA Secretariat by 28th February, 1995; and
- (c) Member States should prepare annual reports on Transport and Communications using the format received from the Secretariat.

14. Council directed the Secretariat to expedite the implementation of the project on Advance Cargo Information System (ACIS) and to mobilize resources for ACIS project in Sudan. Council also agreed the preparations of a project document for the next phases which should cover all Member States including the Road-Tracker System be initiated and a project document submitted to the European Union for funding.

15. Council directed the Secretariat:

- (a) to study and assess various shipping policies on the liberalization and privatization of enterprises in the COMESA member countries;
- (b) to assess the impact of gradual liberalization on the development of shipping services and identify the difficulties facing the COMESA countries following the liberalization policy; and
- (c) to undertake an in-depth analysis of structural and technological changes in international shipping.

III. INDUSTRY, ENERGY AND ENVIRONMENT

16. Council directed that an industrial strategy for COMESA be prepared in 1995. The strategy should take into account the challenges and opportunities that would arise from enhanced integration under COMESA which would provide a preferred and wider market leading to maximization of economies of scale; greater mobility of factors of production and generally improved market oriented climate for business.

17. Council directed COMESA Secretariat to continue to assist the LLPI in soliciting Member States contributions and in mobilizing extra budgetary funds. Council urged Member States to ensure that the LLPI was fully supported and its services utilized.

B. Decisions

18. Council decided that the proposed industrial strategy for COMESA should highlight the full implications of COMESA and should include cross sectoral linkages. The Secretariat should undertake consultations with governments, private sector and international organizations, such as, UNIDO, ECA, COMSEC and OAU.

19. Council decided:

- (a) that the sponge iron project supported by World Association of Industrial and Technology Research Organizations (WAITRO) be implemented and Uganda, Tanzania, Kenya, Ethiopia and Zambia should provide representative sample;
- (b) that on the basis of modalities to be worked out a pilot sponge iron plant be established in one of the participating member States. Uganda informed the meeting about activities under taken in analyzing iron-ore samples and requested that consideration be made to locate the pilot project in Uganda; and

- (c) that to expedite the implementation of a sponge iron project, a committee comprising of representatives of participating countries, Central Metallurgical Research and Development Institute in Cairo, Egypt (CMRDI) and donors be established to evaluate and oversee the technical work with the MTC assuming the overall responsibility for the project which was estimated to cost US \$1 million over a period of three years.
20. Council approved the report of Directors of COMESA/LLPI.
21. Council decided as follows regarding the development of seed dressing application:
- (i) as a first step the prototype machine already developed should be taken up for pre-commercialization stage by producing a certain number of machines and trying them with potential entrepreneurs;
 - (ii) in parallel further optimization of the prototype should be undertaken by the engineering institutions;
 - (iii) the dissemination of the technology and training of potential end users should be given greater importance for the success of the project and budget revision should be carried out to re-allocate funds from international consultancies and equipment budget lines;
 - (iv) the organisation of an international seminar during 1995 on seed dressing at which participants would be drawn from African countries and internationally;
 - (v) the development of suitable liquid formulations and appropriate dosage rates for seed treatment using the developed machines;
 - (vi) the set-up of laboratory and field experiments on the control of stored products, pests using various pesticide formulations applied by the developed machines; and
 - (vii) in order to disseminate the technology, all possible means of publicity should be considered, including display of the prototype in agricultural and commercial shows, radio and TV programmes, publication of pamphlets, trade fairs, TECHMART fairs, daily papers, etc.
22. The Council decided that the next Investors Forum be held in 1996 to allow adequate preparations and that the Investors Forum be held biennially.

IV. AGRICULTURE AND FOOD SECURITY

23. Council adopted the following recommendation regarding food security in the region:
- (a) the Annual Conference of Ministers of Agriculture for Eastern and Southern Africa (CMA-ESA) as constituted in a meeting on 14 – 15 April, 1994 on Harare, Zimbabwe, should be the Policy Organ for food security in the COMESA region;

- (b) a permanent Food Security Technical Committee (FTSC) composed of technical experts from IGADD, COMESA and SADC should be formed to serve as the technical advisory body to the Conference of Ministers;
- (c) a joint Food Security Newsletter or Bulletin for Eastern and Southern African should be introduced;
- (d) meetings of the COMESA Director of Agriculture, IGADD Director of Programmes and SADC Food Security Co-ordinator should be on a schedule periodic basis; and
- (e) there should be regular joint IGADD/COMESA/SADC consultations with donors on matters of food security.

24. Council adopted the project proposal on Regional Livestock Vaccine Development and directed that a detailed project document be prepared, taking into account cost recovery and other options.

25. Council directed that project on Regional Livestock Vaccine Development should be implemented on a network basis with the lead gene bank located in Zimbabwe, and in collaboration with the International Livestock Centre for Africa (ILCA).

V. MONETARY AND FINANCIAL

26. Council directed that in formulating Terms of Reference of the Monetary and Financial Committee, the Secretariat should synchronize the draft terms of reference with the provisions of the COMESA Treaty, the Charter of the Clearing House and the operational rules of the Clearing House clearly indicating the Committee's advisory capacity.

27. Council directed PTA/COMESA Member States, Banks and other PTA/COMESA Institutions to give their full support to the promotion of the Clearing House so that the private sector could have the necessary confidence to use it.

28. Council approved the draft operations rules and regulations of the Reserve Fund by the Clearing House Secretariat, subject to the amendments proposed by the Ministers of Finance.

29. Council approved that the Eastern and Southern Africa Trade and Development Bank should continue with the operations of the PTA Travellers Cheques as well as consider alternative uses of the cheques in order to maintain the concept of common currency for the COMESA region.

30. Council approved:

- (a) Clearing House audited Final Accounts for 1993
- (b) the interim accounts for the first eight months of 1994; and
- (c) the Finance Ministers' recommendation that Deloitte & Touché should continue to audit the books of the Clearing House until the volume of business had

increased significantly to justify the tender system in the appointment of clearing house external auditors.

31. Council approved that the Clearing House budget should have a recurrent expenditure to the budgeted 1994 level of UAPTA 575,500 and maintained the capital expenditure estimate for 1995 of UAPTA 3,500 and income estimate of UAPTA 594,400.

32. Council approved that the Bureau of the Committee of Governors should consider and decide on the matter of the treatment of annual salary reviews for the Clearing House staff.

33. Council approved the renewal of the Clearing House Manager's contract for a further four year term beginning 1st November, 1995 as recommended by the Ministers of Finance and referred the Executive Secretary's contract to the Committee of Central Bank Governors for decision.

34. Council urged member States to make provisions in their budgets to clear the arrears in members' contributions to the COMESA Secretariat budget by March, 1995 and that provisions be made in national budgets for subsequent contributions to COMESA budgets.

VI. LEGAL AND INSTITUTIONAL MATTERS

35. Council adopted the Rules of Procedure of the COMESA Council and the Rules of Procedure of the Intergovernmental Committee annexed hereto as the Annex.

36. Council adopted the following recommendations to the Authority:

- (i) the Draft Protocol on the Rules of Origin be adopted;
- (ii) the Draft Protocol on the Rules of Origin should enter into force upon its adoption by the Authority; and
- (iii) that the Draft Protocol on the Rules of Origin be annexed to the COMESA Treaty.

37. Council recommended that the draft Rules of Procedure of the Authority to the First COMESA Authority Meeting for adoption.

38. Council urged all Member States that had not completed the process of ratification of the COMESA Treaty to do so expeditiously so that the transformation of the PTA into the Common Market would carry most or all the Member States.

39. Council directed that a Task Force composed of Ministers of Justice/Attorneys-General and assisted by a Committee of Senior Legal Experts from Member States be set up to work out:

- (i) the hosting conditions for the Court of Justice
- (ii) the appropriate structure of the Court taking into consideration experience of similar Institutions; and

(iii) the best mode of appointment of the Judges of the Court of Justice.

40. Council further directed that the Ministerial Task Force and Committee of Senior Legal Experts respectively, be composed of the following:

Ministerial Task Force

Kenya (Chairman), Sudan (Vice Chairman), Zimbabwe (Rapporteur), Angola, Burundi and Tanzania.

Committee of Senior Legal Experts to assist the Task Force

Mauritius (Chairman), Malawi, Swaziland, Uganda, Zambia, Kenya, Namibia and Ethiopia.

41. Council directed that the Task Force and the Committee of Senior Legal Experts together with the Secretariat should mobilize extra-budgetary resources for the establishment of the Court of Justice.

42. Council directed that the draft Protocol on the Free Movement of Persons, Labour and Services and the Right of Establishment and Residence be circulated to Member States to give Member States sufficient time to commence internal consultations before consideration.

VII. ADMINISTRATIVE AND BUDGETARY MATTERS

43. Council approved a new formula for contributions to the COMESA Budget comprising GDP; imports from non-COMESA countries; intra-COMESA exports; GNP per capita and population; with weights of 30%; 30%; 30%; 5%; and 5%, respectively; an upper ceiling of 13% and floor of 1%.

44. Council also directed that the new formula be applied for a period of two years that is 1995 and 1996 Budgets. In the meantime, another study should be undertaken which should take into consideration the views expressed by the Member States on the shortcomings of the new formula. Member States were also requested to provide their suggestions to the Secretariat by the end of June 1995.

45. Council directed that the auditing of the Secretariat's Financial Statements should be carried out by Professional firms of Auditors as is the practice in other International Organizations

46. Council directed the Secretariat in future to quantify and report upon the projects and programmes which could not be implemented due to late payments of contributions.

EDITORIAL NOTES

1. Regulations, Directives, Decisions, Recommendations and Opinions of Council are issued in terms of Article 10 of the COMESA Treaty.
2. For ease of reference the all Legal Notices are numbered consecutively.

**RULES OF PROCEDURE OF THE COUNCIL OF
MINISTERS OF THE COMMON MARKET FOR
EASTERN AND SOUTHERN AFRICA**

**IN EXERCISE OF THE POWERS CONFERED ON THE COUNCIL OF MINISTERS BY
PARAGRAPH 5 OF ARTICLE 9 OF THE TREATY, THE RULES OF PROCEDURE OF THE
COUNCIL OF THE COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA ARE
HEREBY MADE:**

Rule 1

Title

These Rules may be cited as the Rules of Procedure of the Council.

Rule 2

Definitions

In these Rules, unless the context otherwise requires, the expression:

“Authority” means the Authority of the Common Market established and described by Article 7 of the Treaty;

“Bureau” means the Chairman, Vice-Chairman, Vice-Chairman and Rapporteur of the Council;

“Common Market or COMESA” means the Common Market for Eastern and Southern Africa established by Article 1 of the Treaty;

“Council” means the Council of Ministers of the Common Market established by Article 7 of the treaty and comprising such Ministers as may be designated by each Member State;

“geographical representation” means a representation in the Bureau of the Eastern, Southern or Island States parts of the Common Market;

“linguistic representation” means a representation in the Bureau as much as possible of the official languages of the Common Market provided for in Article 185 of the Treaty;

“member” means a Minister designated by a Member State in terms of paragraph 1, of Article 9 of the Treaty;

“member State” means a Member State of the Common Market;

“Secretary-General” means the Secretary-General of the Common Market provided for in Article 17 of the Treaty;

“Secretariat” means the Secretariat of the Common Market established by Article 7 of the Treaty;

“Treaty” means the Treaty Establishing the Common Market for Eastern and Southern Africa.

Rule 3

Composition

1. A meeting of the council shall consist of such Ministers as may be designated by each Member State.

2. A member may be accompanied to meetings of the council by such number of experts and advisers as he deems fit.

3. The Secretary-General may, in consultation with the Chairman of the Council, invite a Head or Representative of an International Organization or other organization which is a co-operating partner of COMESA, to attend a meeting of the Council as observer.
4. The Council shall determine which items of the Agenda shall be closed to observers.
5. Meetings of Sectoral Ministers shall be construed as specialized Council meetings.

Rule 4

Attendance of Meetings

1. In order to implement the programmes of COMESA and to sustain the political commitment, determination and leadership need to support effective discharge of the responsibilities of the Council, members shall endeavour to attend meetings of the Council.
2. A member who fails to attend a meeting of the council may appoint a deputy Minister or Permanent Secretary or a Senior official to represent him and such representative shall, subject to these Rules, have the powers, duties and responsibilities of such member for whom he is acting.

Rule 5

Election of Members of Bureau and Meetings

1. The Council shall elect, from among its members, members of the Bureau consisting of the Chairman, Vice-Chairman and Rapporteur, who shall hold office for a term of one year. The Chairman and Vice Chairman shall be eligible for re-election for a further term of one year.
2. The immediate past Chairman shall, unless re-elected, be the Rapporteur.
3. In electing members to the Bureau, care shall be taken to maintain geographical and linguistic balance.
4. Notwithstanding the provisions of paragraph 2 of Rule 4 of these Rules, a Deputy Minister, Permanent Secretary or other official representing a Minister at a meeting of the Council shall not be eligible to hold the offices of the Chairman, Vice-Chairman or Rapporteur.
5. If the Chairman is absent from a meeting, the Vice-Chairman shall preside over the meeting.
6. If both Chairman and Vice-Chairman are absent from a meeting, the Rapporteur shall preside over the meeting.
7. If the Chairman, Vice-Chairman and Rapporteur are absent from a meeting, the members present shall elect a member from amongst them to preside over the meeting.
8. If the term of office of the members of the Bureau is due to expire at anytime before the next meeting or when a meeting is being held, the members of the Bureau shall continue in office until the next meeting is held or the conclusion of the meeting as the case may be. For the

purposes of this paragraph, a meeting shall be concluded when it is adjourned *sine die* or is adjourned for a period exceeding twelve (12) hours.

Rule 6

Frequency, Venue and Costs of Meetings

1. The Council shall meet once a year immediately before the ordinary meeting of the Authority.
2. Notwithstanding the provisions of paragraph 1 of this Rule, the Council may hold an extra-ordinary meeting at the request of a member provided that it is supported by one-third of the members.
3. All meetings of the Council shall be convened by the Secretary-General by order of the Chairman. The invitations to meetings of the Council shall be issued by the Secretary-General. The host Minister of a Council meeting may issue additional invitations to his colleagues.
4. The meetings of the Council shall be held at the Headquarters of COMESA except where a member has offered to host a meeting and the offer has been accepted.
5. The costs of holding meetings of the Council shall be charged to the regular budget of the Secretariat such that the costs are equitably shared among the Member States.

Rule 7

Bureau and date of Next Meeting

1. Consultations in preparation of the Bureau for the next meeting shall be held by the current Chairman with the members at a meeting of the Council. The Chairman and Vice-Chairman of the next Council shall be from the same Members States as those of the next Chairman and the Vice-Chairman of the Authority.
2. The dates for the next meeting of Council shall be immediately prior to the dates set for the next meeting of the Authority.
3. Where it is necessary that a meeting of the Council should be held prior to the date set down for its next meeting, a meeting may be held after consultation between the Chairman and other members. The change of dates of an ordinary meeting of the Council shall be responsive to any changes of the dates of the dates of a meeting of the Authority.

Rule 8

Provisional Agenda

1. The Secretary-General shall prepare, in consultation with the Chairman, the provisional agenda of the meetings of the Council and shall ensure their receipt by the members of the Council at least four (4) weeks before the meeting to which they relate.

2. Additional items may be placed on the provisional agenda of a meeting of the Council by a member giving notice thereof to the Secretary-General who shall immediately inform the Chairman.

3. The Chairman may, under special circumstances and in consultation with other members of the Bureau, at any time, add items to the provisional agenda of the meeting provided that members shall be forthwith notified.

Rule 9

Quorum

1. The quorum for a meeting of the Council shall be a simple majority of the members.

2. Where the quorum for a meeting of the Council is not reached, the meeting shall be adjourned for twelve hours and in case thereafter, the quorum is again not reached, then the meeting shall be held and its decisions shall be binding on the members provided that such meeting shall not consider any items on amendment of the Treaty or formula for contribution to the budget of the Secretariat.

**RULES OF PROCEDURE OF INTERGOVERNMENTAL
COMMITTEE OF THE COMMON MARKET
FOR EASTERN AND SOUTHERN AFRICA**

**IN EXERCISE OF THE POWERS CONFERRED ON THE INTERGOVERNMENTAL
COMMITTEE BY PARAGRAPH 3 OF ARTICLE 14 OF THE TREATY, THE RULES OF
PROCEDURE OF INTERGOVERNMENTAL COMMITTEE OF THE COMMON MARKET FOR
EASTERN AND SOUTHERN AFRICA ARE HEREBY MADE:**

Rule 1

Title

These Rules may be cited as the Rules of Procedure of the Intergovernmental Committee.

Rule 2

Definitions

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4. The Council shall determine which items of the Agenda shall be closed to observers.
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2. The immediate past Chairman shall, unless re-elected, be the Rapporteur.
3. In electing members to the Bureau, care shall be taken to maintain geographical and linguistic balance.
4. Notwithstanding the provisions of paragraph 2 of Rule 4 of these Rules, a Deputy Minister, Permanent Secretary or other official representing a Minister at a meeting of the Council shall not be eligible to hold the offices of the Chairman, Vice-Chairman or Rapporteur.
5. If the Chairman is absent from a meeting, the Vice-Chairman shall preside over the meeting.
6. If both Chairman and Vice-Chairman are absent from a meeting, the Rapporteur shall preside over the meeting.
7. If the Chairman, Vice-Chairman and Rapporteur are absent from a meeting, the members present shall elect a member from amongst them to preside over the meeting.

8. If the term of office of the members of the Bureau is due to expire at anytime before the next meeting or when a meeting is being held, the members of the Bureau shall continue in office until the next meeting is held or the conclusion of the meeting as the case may be. For the purposes of this paragraph, a meeting shall be concluded when it is adjourned *sine die* or is adjourned for a period exceeding twelve (12) hours.

Rule 6

Frequency, Venue and Costs of Meetings

1. The Council shall meet once a year immediately before the ordinary meeting of the Authority.
2. Notwithstanding the provisions of paragraph 1 of this Rule, the Council may hold an extra-ordinary meeting at the request of a member provided that it is supported by one-third of the members.
3. All meetings of the Council shall be convened by the Secretary-General by order of the Chairman. The invitations to meetings of the Council shall be issued by the Secretary-General. The host Minister of a Council meeting may issue additional invitations to his colleagues.
4. The meeting of the Council shall be held at the Headquarters of COMESA except where a member has offered to host a meeting and the offer has been accepted.
5. The costs for holding meetings of the Council shall be charged to the regular budget of the Secretariat such that the costs are equitably shared among the Member States.

Rule 7

Bureau and date of Next Meeting

1. Consultations in preparation of the Bureau for the next meeting shall be held by the current Chairman with the members at a meeting of the Council. The Chairman and Vice-Chairman of the next Council meeting shall be from the same Member States as those of the next Chairman and the Vice-Chairman of the Authority.
2. The dates for the next meeting of Council shall be immediately prior to the dates set for the next meeting of the Authority.
3. Where it is necessary that a meeting of the Council should be held prior to the date set down for its next meeting, a meeting may be held after consultation between the Chairman and other members. The change of dates of an ordinary meeting of the Council shall be responsive to any changes of the dates of a meeting of the Authority.

Rule 8

Provisional Agenda

1. The Secretary-General shall prepare, in consultation with the Chairman, the provisional agenda of the meetings of the Council and shall ensure their receipt by the members of the Council at least four (4) weeks before the meeting to which they relate.
2. Additional items may be placed on the provisional agenda of a meeting of the Council by a member giving notice thereof to the Secretary-General who shall immediately inform the Chairman.
3. The Chairman may, under special circumstances and in consultation with other members of the Bureau, at any time, add items to the provisional agenda of the meeting provided that members shall be forthwith notified.

Rule 9

Quorum

1. The quorum for a meeting of the Council shall be a simple majority of the members.
2. Where the quorum for a meeting of the Council is not reached, the meeting shall be adjourned for twelve hours and in case thereafter, the quorum is again not reached, then the meeting shall be held and its decisions shall be binding on the members provided that such meeting shall not consider any items on amendment of the Treaty or formula for contribution to the budget of the Secretariat.

**RULES OF PRECEDURE OF INTERGOVERNMENTAL
COMMITTEE OF THE COMMON MARKET
FOR EASTERN AND SOUTHERN AFRICA**

**IN EXERCISE OF THE POWERS CONFERRED ON THE INTERGOVERNMENTAL
COMMITTEE BY PARAGRAPH 3 OF ARTICLE 14 OF THE TREATY, THE RULES OF
PROCEDURE OF INTERGOVERNMENTAL COMMITTEE OF THE COMMON MARKET FOR
EASTERN AND SOUTHERN AFRICA ARE HEREBY MADE:**

Rule 1

Title

These Rules may be cited as the Rules of Procedure of the Intergovernmental Committee.

Rule 2

Definitions

In these Rules, unless the context otherwise requires, the expression:

“Authority” means the Authority of the Common Market established by Article 7 of the Treaty;

“Bureau” means the Chairman, Vice-Chairman and Rapporteur of the Intergovernmental Committee;

“Common Market or COMESA” means the Common Market for Eastern and Southern Africa established by Article 1 of the Treaty;

“Council” means the Council of Ministers of the Common Market established by Article 7 of the Treaty;

“geographical representation” means a representation in the Bureau of the Eastern, Southern or Island States parts of the Common Market;

“Intergovernmental Committee” means the Intergovernmental Committee established by Article 7 of the Treaty and comprising such permanent Secretaries as may be designated by each Member State;

“linguistic representation” means a representation in the Bureau as much as possible of the official languages of the Common Market provide for in Article 185 of the Treaty;

“member” means a Minister designated by a Member State in terms of paragraph 1 of Article 9 of the Treaty;

“Member State” means a Member State of the Common Market;

“Secretary-General” means the Secretary-General of the Common Market provided for in Article 17 of the Treaty;

“Secretariat” means the Secretariat of the Common Market established by Article 7 of the Treaty;

“Treaty” means the Treaty Establishing the Common Market for Eastern and Southern Africa.

Rule 3

Composition

1. A meeting of the Intergovernmental Committee shall consist of Permanent Secretaries or Principal Secretaries as may be designated by each Member State.
2. A member may be accompanied to meetings of the Intergovernmental Committee by such number of experts and Advisers as he deems fit.
3. Observers invited by the Secretary-General, in consultation with the Chairman, may attend a meeting of the Intergovernmental Committee.
4. The Intergovernmental Committee shall determine which items on the Agenda of the meeting shall be closed to observers.

Rule 4

Attendance of Meetings

1. In order to implement the programmes of COMESA and to sustain the political commitment, determination and leadership needed to support effective discharge of the terms of reference of the Intergovernmental Committee, members shall endeavour to attend meetings of the Intergovernmental Committee.
2. A member who fails to attend a meeting of the Intergovernmental Committee may appoint a deputy Permanent Secretary or a Director to represent him and such representative shall, subject to the Rules, have the powers, duties and responsibilities of such member for whom he is acting.

Rule 5

Election of Members of Bureau and Meetings

1. The Intergovernmental Committee shall elect, from among its members, members of the Bureau consisting of the Chairman, Vice-Chairman and Rapporteur, who shall hold office for a term of one year. The Chairman and Vice Chairman shall be eligible for re-election for a further term of one year.
2. The immediate past Chairman, unless re-elected, shall be the Rapporteur.
3. In electing members to the Bureau, the like care shall be taken to maintain geographical and linguistic balance as applied to the election of the Bureau of the Authority and the Council.
4. Notwithstanding the provisions of paragraph 2 of Rule 4, a Deputy Permanent Secretary or a Director representing a member at a meeting of the Intergovernmental Committee shall not be eligible to hold the offices of the Chairman, Vice-Chairman or Rapporteur. Should a member elected to the office of the Chairman, Vice-Chairman and Rapporteur not be represented by a Permanent Secretary, the members shall elect amongst them a member with that level of representation for the meeting only as Chairman, Vice-Chairman or Rapporteur as the case may be.
5. If the Chairman is absent from a meeting, the Vice-Chairman shall preside over the meeting.

6. If both the Chairman and Vice-Chairman are absent from meeting, the Rapporteur shall preside over the meeting.

7. If the Chairman, Vice-Chairman and Rapportuer are absent from a meeting, the members present shall elect a member from amongst them to preside over the meeting.

8. If the term of office of the members of the Bureau is due to expire at anytime before the next meeting or when a meeting is being held, the members of the Bureau shall continue in office until the next meeting is held or the conclusion of the meeting as the case may be. For the purpose of this paragraph, a meeting shall be concluded when it is adjourned *sine die* or is adjourned for a period exceeding twelve (12) hours.

Rule 6

Frequency, Venue of Meetings and Costs

1. The Intergovernmental Committee shall meet once a year immediately prior to the ordinary meeting of the Council.

2. Notwithstanding the provisions of paragraph 1 of this Rule, the Intergovernmental Committee may hold an extra-ordinary meeting at the request of a member supported by one-third of the members. Such extra-ordinary meeting shall be in response to a request for an extra-ordinary meeting of the Council made in accordance with the Rules of the Council.

3. All meetings of the Intergovernmental Committee shall be convened by the Secretary-General by order of the Chairman. Invitations for the meetings of the Intergovernmental Committee to members, observers non-member States and Heads of International Organizations and others shall be issued by the Secretary General in consultation with the Chairman.

4. The meetings of the Intergovernmental Committee shall be held at the Headquarters of COMESA except where a member offered to host a meeting and the offer has been accepted. The venue of a meeting of Intergovernmental Committee shall be the same as the venue of a meeting of the Authority and the Council.

5. The costs for holding meetings of the Intergovernmental Committee shall be charged to the regular budget of the Secretariat such that costs are equitably shared among the Member States.

Rule 7

Bureau and date of Next Meeting

1. Consultations in preparation of the Bureau for the next meeting shall be held by the current Chairman with the members at a meeting of the Intergovernmental Committee. The Bureau of the Intergovernmental Committee shall be the same as the Bureau of the Authority and the Council.

2. The Intergovernmental Committee may at its ordinary meeting decide the date of its next meeting.

3. Where it is necessary that a meeting of the Intergovernmental Committee should be held prior to the date set down for its next meeting, a meeting may be held after consultation between the Chairman and the other members provided that such proposed dates shall take into account the dates set down for the next meeting of the Council.

Rule 8

Provisional Agenda

1. The Secretary-General shall prepare, in consultation with the Chairman, the provisional agenda of the meetings of the Intergovernmental Committee and shall ensure their receipt by the members at least four (4) hours before the meeting to which they relate.

2. Additional items may be placed on the provisional agenda of a meeting of the Intergovernmental Committee by a member giving notice thereof to the Secretary-General who shall immediately inform the Chairman and the members.

3. The Chairman may, under special circumstances and in consultation with other members of the Bureau, at any time, add items to the provisional agenda of the meeting provided that members shall be forthwith notified.

Rule 9

Quorum

1. The quorum for a meeting of the Intergovernmental Committee shall be a simple majority of the members.

2. Where the quorum for a meeting of the Intergovernmental Committee is not reached, the meeting shall be adjourned for twelve (12) hours and in case thereafter, the quorum is again not reached, then the meeting shall be held and its decisions shall be binding on the members provided that such meeting shall not consider any items on amendment of the Treaty or formula for contribution to the budget of the Secretariat.

3. Decisions made by a meeting in terms of paragraph 2 of this Rule shall be decisions of the Intergovernmental Committee.

Rule 10

Voting

1. The decisions of the Intergovernmental Committee shall be by simple majority.

2. Every member shall have one vote.

3. The Bureau may decided that a matter under consideration by the Intergovernmental Committee be voted by secret ballot.

4. Observers shall have no right to vote.

Rule 11

Conduct of Business of Meetings of Intergovernmental Committee

1. At the beginning of each meeting, the Intergovernmental Committee shall adopt its agenda and work programme.
2. The Chairman shall open and close the meetings, direct discussions, give speakers the floor in the order in which it is requested, submit matters under discussion for decision and announce the decision and rule on questions of procedure in accordance with these Rules.
3. Proposals or draft resolutions for consideration at a meeting of the Intergovernmental Committee shall be submitted in writing and circulated by the Secretary-General in advance of the meeting to the members, provided, however, that the Intergovernmental Committee may, if it deems it expedient or desirable, consider at a meeting a proposal or draft resolution in respect of which no text has been circulated in advance of a meeting.
4. Any proposal to amend a proposal or draft resolution may be submitted without notice provided a copy shall be submitted to the Chairman prior to its introduction. A decision shall be made by the Intergovernmental Committee hereupon prior to the vote on the proposal or draft resolution.
5. If there is more than one proposal for amendment of the proposals or a resolution, the Chairman shall determine the order in which they shall be considered provided that each proposal or draft resolution is amended following such a vote on any proposed amendment, that proposal or draft resolution shall be considered adopted.
6. A proposal or draft resolution may be withdrawn by the person by whom it is sponsored.
7. During the consideration of any matter at a meeting of the Intergovernmental Committee, any member may raise a point of order and the Chairman shall make his/her ruling immediately upon the point of order raised. A member shall have the right to appeal against the ruling of the Chairman. An appeal from the ruling of the Chairman shall be decided by the meeting.
8. During the consideration of any matter at a meeting of the Intergovernmental Committee, the Chairman may read out a list of speakers and with the consent of the meeting, declare the list closed. The Chairman may, however, grant any member the right of reply if a speech made after the list of speakers is closed, justifies it.
9. During the consideration of any matter, a member may move that the consideration of the matter be postponed. One member may speak in support of the proposal and another against it whereupon the meeting shall immediately take a decision on the motion.
10. When a matter has been adequately considered, any member may move that the consideration of the matter be closed whereupon the meeting shall immediately take a decision on the motion.
11. During the consideration of any matter at a meeting of the Authority, any member of the Authority may move that the meeting be suspended or adjourned whereupon the meeting shall immediately take a decision on the motion.
12. The following motions shall take precedence in the order in which they are set out hereunder over any other proposals or motions that may be made or moved at a meeting of the Intergovernmental Committee:

- (a) to suspend the meeting;
- (b) to adjourn the meeting
- (c) to postpone the consideration of a matter; and
- (d) to end the consideration of a matter.

Rule 12

Dispatch of Business at time when the Intergovernmental Committee is not Meeting

1. The Intergovernmental Committee may make provisions for the dispatch of business at times when it is not meeting.
2. The provisions that the Intergovernmental Committee may make under paragraph 1 of this Rule may, if it so determines, include arrangements under which the exercise of any function of the Intergovernmental Committee under the Treaty which may be properly delegated, is delegated, subject to such conditions as the Intergovernmental Committee may specify, to the Chairman or a member or the Secretary-General.

Rule 13

Budget for Meetings

The budget of the meeting of the Intergovernmental Committee shall be submitted together with the budget for meetings of the Authority and Council to the Council for approval.

Rule 14

Secretariat Services of the Meetings of the Intergovernmental Committee

The Secretariat services of the meetings of the Intergovernmental Committee shall be provided by the Secretary-General who shall keep the minutes of the meetings of the Intergovernmental Committee and shall as soon as possible, transmit copies thereof to the members.

Rule 15

Languages

The working languages of the Intergovernmental Committee shall be English, French and Portuguese.

Rule 16

Amendment

These Rules may be amended at a meeting of the Intergovernmental Committee.

Rule 17

Entry into Force

These Rules shall enter into force once they have been adopted by the Intergovernmental Committee.

Rule 18

Miscellaneous

If there is any doubt as to the procedure to be followed in any particular case, or if no procedure is prescribed by or under the Treaty or these Rules, the procedure to be followed shall be determined by the Intergovernmental Committee.