



# OFFICIAL GAZETTE

of the  
COMMON MARKET FOR  
EASTERN AND SOUTHERN AFRICA  
(COMESA)

Volume 20 No.1

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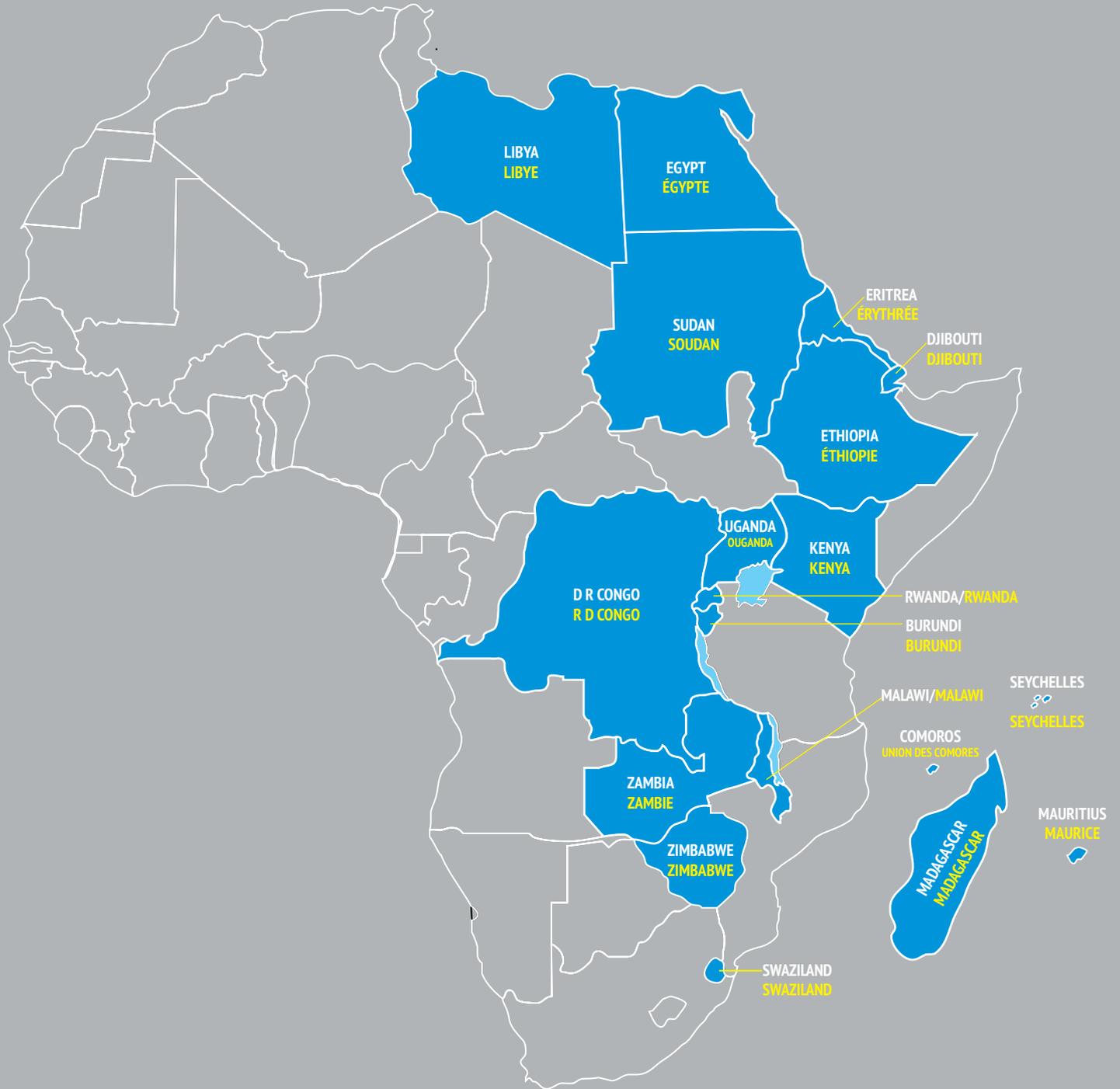
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COMMON MARKET FOR  
EASTERN AND SOUTHERN AFRICA  
(COMESA)

Volume 20 No.1



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**ACRONYMS**

ACAC	Arab Civil Aviation Commission
AFCAC	African Civil Aviation Commission
AfDB	African Development Bank
AFI	Africa-Indian Ocean
ANSP	Air Navigation Service Provider
ARICEA	Association of Regulators of Information and Communications for Eastern and Southern Africa
ASBU	Aviation System Block Upgrades
CERT	Computer Emergency Response Team
CIF	COMESA Infrastructure Fund
COSCAP	Co-operative Development of Operational Safety and Continuing Airworthiness Programme
ECOWAS	Economic Commission of West African States
eCOO	Electronic Certificate of Origin
EGNOS	European Geostationary Navigation Overlay Service
ESA-EPA	East and Southern Africa – Economic Partnership Agreement
IATA	International Air Transport Authority
ICAO	International Civil Aviation Organization
IGAD	Inter-Governmental Agency for Development
IOC	Indian Ocean Commission
JCA	Joint Competition Authority
JPO	Joint Programme Office
LAPPSET	Lamu Port-South Sudan-Ethiopia-Transport (Corridor Project)
OSBP	One Stop Border Posts
PIRG	Planning and Implementation Regional Groups
PKI	Public Key Infrastructure
PMAESAPort	Management Association of Eastern and Southern Africa
PPP	Public-Private partnerships
RSOO	Regional Safety Oversight Organization
TRIPDA	Tripartite Regional Infrastructure Projects Database
VSAT	Very Small Aperture Terminal

## **THE COMESA AUTHORITY – HEADS OF STATE AND GOVERNMENT**

As at 08 December 2014

### **BURUNDI**

His Excellency Pierre Nkurunziza,  
President of the Republic of Burundi

### **COMOROS**

His Excellency Dr Ikililou Dhoinine,  
President of the Union of the Comoros

### **DJIBOUTI**

His Excellency Ismaïl Omar Guelleh,  
President of the Republic of Djibouti

### **DEMOCRATIC REPUBLIC OF CONGO**

His Excellency Joseph Kabila Kabange,  
President of the Democratic Republic of Congo  
(Chairman of the COMESA Authority)

### **EGYPT**

His Excellency President Abdel Fattah el-Sisi,  
President of the Arab Republic of Egypt

### **ERITREA**

His Excellency Isaias Afewerki,  
President of the State of Eritrea

### **ETHIOPIA**

His Excellency Hailemariam Desalegn,  
Prime Minister of the Federal Democratic Republic of Ethiopia  
(Vice-Chairman of the COMESA Authority)

**KENYA**

His Excellency Uhuru Kenyatta,  
President of the Republic of Kenya

**LIBYA**

His Excellency Aquila Saleh Issa,  
President of the Parliament (House of Representatives) of the Republic of Libya

**MALAWI**

His Excellency Mr Peter Arthur Mutharika,  
President of the Republic of Malawi

**MADAGASCAR**

His Excellency Hery Rajaonarimampianina,  
President of the Republic of Madagascar

**MAURITIUS**

Rt Hon. Sir Anerood Jugnauth, G.C.S.K, K.C.M.G, Q.C  
President of the Republic of Mauritius

**RWANDA**

His Excellency Paul Kagame,  
President of the Republic of Rwanda

**SEYCHELLES**

His Excellency James Alix Michel,  
President of the Republic of Seychelles

**SUDAN**

His Excellency Omar Hassan Ahmed al-Bashir,  
President of the Republic of Sudan

**SWAZILAND**

His Majesty King Mswati III,  
Ingwenyama of the Kingdom of Swaziland

**UGANDA**

His Excellency Yoweri Kaguta Museveni,  
President of the Republic of Uganda  
(Rapporteur of the COMESA Authority)

**ZAMBIA**

His Excellency Dr Guy Scott,  
Acting President of the Republic of Zambia

**ZIMBABWE**

His Excellency Robert Gabriel Mugabe,  
President of the Republic of Zimbabwe

**COMESA SECRETARIAT MANAGEMENT COMMITTEE**

(As at 08 December 2014)

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**ASSISTANT SECRETARY-GENERAL (PROGRAMMES)**

Ambassador Kipyego Cheluget

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**DIRECTOR, IPPSD**

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**COORDINATOR, REGIONAL INTEGRATION SUPPORT PROGRAMME**

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**CLIMATE CHANGE ADVISOR**

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**CHIEF, CONFERENCE SERVICES**

Mr Maryeven Mootoo

**PUBLIC RELATIONS OFFICER**

Mr Mwangi Gakunga

# GENDER AND SOCIAL AFFAIRS

**IT IS HEREBY NOTIFIED** that the Council of COMESA Ministers at its Thirty Fourth Meeting held from 26 to 27 March 2015 at Addis Ababa, in the Federal Republic of Ethiopia, issued the following Legal and General Notices:

## **GENDER AND SOCIAL AFFAIRS**

1

### **Decision:**

1. Council endorsed the decision of the Eighteenth Meeting of the COMESA Ministers Responsible for Gender and Women's affairs that the Secretariat should revisit the title of the technical committee meeting to include experts from ministries in charge of youth and social affairs.

### **Gender Mainstreaming and Women Empowerment**

#### **Decisions:**

2. Council endorsed the decision of the Eighth Meeting of the COMESA Ministers Responsible for Gender and Women's affairs that:
  - (a) All Divisions, Units and Programmes should ensure that gender is mainstreamed at all levels of programming, from design to evaluation; and
  - (b) The Secretariat's statistical office should disaggregate statistical data wherever possible.

### **Gender Mainstreaming in Comprehensive Africa Agriculture Development Programme (CAADP)**

#### **Decision:**

3. Council endorsed the decision of the Eighteenth Meeting of the COMESA Ministers Responsible for Gender and Women's affairs that CAADP should strengthen synergies with the ministries responsible for gender and ministries of Agriculture in respect to the implementation of the CAADP processes.

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

#### **Decision:**

4. Council endorsed the decision of the Eighteenth Meeting of the COMESA Ministers Responsible for Gender and Women's affairs that the Secretariat, PTA Bank and Member States should expedite the operationalization of WEEF for the promotion of women entrepreneurs in the region.

### **COMESA Social Charter**

#### **Decision:**

5. Council endorsed the decision of the Eighteenth Meeting of the COMESA Ministers Responsible for Gender and Women's affairs that the Secretariat should re-send the COMESA Social Charter to Member States in order to allow them to familiarize themselves with the Charter and facilitate signature and ratification.

### **Review of the COMESA Gender Policy and Gender Mainstreaming Strategy**

#### **Decisions:**

6. Council endorsed the decision of the Eighteenth Meeting of the COMESA Ministers Responsible for Gender and Women's affairs that:
  - (a) Directed the Secretariat to expand the sample on the review of the COMESA Gender Policy and

- include Member States from the North, East and Indian Ocean;
- (b) Directed the Secretariat to ensure that an action plan with clear time frames, targets, budget and indicators is included for the Gender Policy implementation;
  - (c) Urged co-operating partners to financially and technically assist the Secretariat to finalise the Gender Policy;
  - (d) Directed the Secretariat to ensure active participation of Member States in the Gender Policy review process in order to ensure ownership;
  - (e) Directed the Secretariat to have timelines for the development of the Gender Policy and the Strategic Plan and share it with the Member States; and
  - (f) Directed the Secretariat to ensure constant monitoring of the implementation of the Gender Policy.

### **Youth Empowerment**

#### **Decisions:**

7. Council adopted the COMESA Youth Programme with the following amendments:
- (a) The Secretariat should ensure that strategic priorities, outcomes and outputs include special measures on gender for the identified gaps in the programme; and
  - (b) The Secretariat should include the aspect of internship under employment and mentorship under entrepreneurship in the designed programme.

### **Development of Pilot Projects on Youth**

#### **Decisions:**

8. Council endorsed the decision of the Eighth Meeting of the COMESA Ministers Responsible for Gender and Women's affairs that:
- (a) Adopted the three pilot projects on: youth employment; youth environment management; and character and creativity initiative;
  - (b) Directed the Secretariat to replicate the pilot projects in other Member States; and
  - (c) The replication of the youth pilot projects will be the responsibility of both the Secretariat and Member States, while the aspect of internship will be the responsibility of Member States.

### **Implementation of COMESA Gender Policy and Council Decisions at Member State Level**

#### **Decisions:**

9. Council endorsed the decision of the Eighth Meeting of the COMESA Ministers Responsible for Gender and Women's affairs that:
- (a) Directed the Secretariat to invite Member States to indicate if they have any special initiatives they would like to share when formulating the agenda for the Technical Committee Meeting on Gender;
  - (b) Urged Member States to establish similar mechanisms to assist women as the case of WISE in Burundi, women micro-finance initiatives in Sudan, and Egypt;
  - (c) Directed the Secretariat to revise the current reporting template provided to Member States to be

result-based with clear indicators; and

- (d) Directed the Secretariat to give Member States deadlines when to submit the list of female experts in COMESA-led sectors including: trade/commerce; agriculture; economic policy analysis; climate change; governance, peace and security; gender; public health; youth empowerment; women empowerment; infrastructure development; transport and communication; investment and private sector promotion; and social policy development and analysis.

### **Networking and Partnerships**

#### **Decision:**

10. Council endorsed the decision of the Eighth Meeting of the COMESA Ministers Responsible for Gender and Women's Affairs that the High Level Task Force on gender, women, girls and HIV/AIDS be housed at COMESA Secretariat and that UN agencies will support its operations.

### **AGRICULTURE, ENVIRONMENT AND NATURAL RESOURCES**

#### **Role of Agroforestry in Climate Change Mitigation**

#### **Decisions:**

11. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that:
  - (a) Member States should raise the profile of agro forestry within their National Agriculture Implementation Plans and allocate resources to the sub-sector as part of their farm input support programmes;
  - (b) Directed the Secretariat to develop a programme on promotion of fertilizer tree technologies to assist countries to share their experiences by mid-2016;
  - (c) Directed the Secretariat to sign a memorandum of understanding with the AU-NEPAD International Non-Governmental Organisations climate smart agriculture Alliance by the end of 2015; and
  - (d) Directed the Secretariat to join and actively participate in the activities of the Global Alliance on CSA by June 2015.

#### **Comprehensive Africa Agriculture Development Programme (CAADP)**

#### **Decisions:**

12. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that:
  - i. The Secretariat should support Member States in their efforts to mobilize resources for the implementation of programmes and bankable projects in the context of their National Agriculture and Food Security Investment Plans; and
  - ii. The Secretariat should support Member States that have not done so, to complete the design and operationalization of their National Agriculture and Food Security Investment Plans and complete the process of developing the Regional Agriculture Investment Programmes for implementation.

**Livestock and Veterinary Governance Programme****Decisions:**

13. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that:
  - (a) Urged Member States to increase investment in livestock development;
  - (b) Directed the Secretariat to assist Member States develop harmonized regulations on the control of trans-boundary animal diseases, including zoonosis and expedite implementation by the end of 2016;
  - (c) Urged Member States to strengthen national animal health and sanitary infrastructure including laboratories, veterinary clinics, abattoirs, and quarantine and marketing facilities, among others; and
  - (d) Directed that the position of coordinator and support staff that were funded under the African Union should be absorbed into the COMESA budget from 01January 2016.

**Fisheries Development****Decisions:**

14. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that:
  - (a) Directed the Secretariat to develop COMESA guidelines for aquaculture, fish and fishery products based on the East African Community (EAC) SPS guidelines by 2016; and
  - (b) Directed the Secretariat to support Member States in the development of aquaculture.

**Sanitary and Phytosanitary (SPS) Programme****Decisions:**

- .....
15. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that:
    - (a) Urged Member States to adopt simplified, risk based and cost-effective SPS measures in their legislation and border control procedures;
    - (b) Directed the Secretariat to develop guidelines for the COMESA SPS regulations and provide more details on the operation of the Green Pass Certification Scheme; and
    - (c) Urged Member States to allocate funding for country level action plans developed through these initiatives.

**Cassava Cluster Programme****Decisions:**

16. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that:
  - (a) Urged Member States to develop deliberate policies and strategies for local sourcing, depending on availability, of at least 30% of cassava raw material by industries utilizing cassava and cassava

products;

- (b) Urged Member States that have prioritized the cassava sub-sector in their CAADP National Agriculture Investment Plans to increase budget allocation to the sub-sector; and
- (c) Directed the Secretariat to facilitate Member States to access clean cassava cuttings beginning 2015.

### **Gender Mainstreaming Strategies**

#### **Decisions:**

- 17. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that:
  - (a) Urged Member States to strengthen the capacity of gender experts to contribute to the entire CAADP process;
  - (b) Urged the Secretariat and Member States to incorporate gender sensitive planning in all interventions on climate change mitigation and adaptation at regional and national level; and
  - (c) Urged the Secretariat and Member States to support training and awareness-raising for female and male delegates on issues related to gender balance and climate change.

### **Climate Change Negotiations**

#### **Decision:**

- 18. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that urged Member States to support the participation of experts from agriculture and environment sectors in the on-going climate change talks.

### **National Climate Change Policies and Strategies**

#### **Decision:**

- 19. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that:
  - (a) Directed the Secretariat to continue supporting Member States in the development and implementation of national policy and response strategies on Climate Change by 2016; and
  - (b) Urged Member States to expedite national processes so that the policies and strategies on Climate Change can be concluded by 2016.

### **Up-scaling Climate Smart Agriculture**

#### **Decisions:**

- 20. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that:
  - (a) Member States should fast track the development of the climate smart agriculture investment frameworks; and
  - (b) Member states should upscale the practical pilot projects on climate smart agriculture.

### **Information Communication and Technology**

**Decision:**

21. Council endorsed the decision of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that the Secretariat up-scales the climate smart agriculture Information Communication and Technology to the remaining countries, by 2016.

**Centre of Excellence for Dry Lands****Decisions:**

22. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that:
- (a) Directed the Secretariat to mobilise resources to support the establishment of the Centre of Excellence for Dry Lands by 2016;
  - (b) Member States appoint national institutions, which will network with the Centre; and
  - (c) Member States fast-track the appointment of the focal points who will be engaged on the establishment of the centre of excellence.

**Forestry Development****Decisions:**

23. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that:
- (a) Member States take note of the progress made on forestry development; and
  - (b) The Secretariat, in consultation with the Centre for International Forestry Research, replicates the Reduced Emissions from Deforestation and Degradation Project in the remaining Member States, by 2016.

**Seed Development Programme****Decisions:**

24. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that:
- (a) Adopted the COMESA Seed Trade Harmonisation Implementation Plan attached here as Annex I; and
  - (b) Urged Member States to support implementation of the COMESA Seed Trade Harmonisation Implementation Plan at national-level.

**Joint Fertilizer Procurement Initiative****Decisions:**

25. Council endorsed the decisions of the Sixth Joint Meeting of Ministers of Agriculture, Environment and Natural Resources that:
- (a) ACTESA should establish a fertilizer financing facility comprising a set of financial instruments to spur rural transformation through investments in small and medium enterprises working along the fertilizer value chain;

- (b) ACTESA should provide at least 500 of these enterprises with AFAP Agribusiness Partnership Contracts (APCs) that will allow for sustained business and technical support over the next 2-3 years in all Member States starting in 2015;
- (c) ACTESA should continue developing and expanding the Eastern and Southern Africa Fertilizer Trade and Investment Platform for: sustained dialogue between the public and private sector regarding key policy and regulatory issues affecting the performance of fertilizer markets in the region; facilitation of regional fertilizer trade; and increased private sector investment and engagement in the fertilizer industry;
- (d) ACTESA should establish an extensive network of trained and accredited agro dealers to improve the availability and accessibility of fertilizer to smallholder farmers (in particular, women and youth) in the region;
- (e) Urged Member States to support the implementation of the COMESA fertilizer policy and regulatory framework to facilitate fertilizer trade and investment; and
- (f) Urged Member States to adopt the Fertilizer Marketing and Distribution Programme.

## **JUSTICE AND LEGAL AFFAIRS**

### **Amendments to the COMESA Competition Rules on the Determination of Merger Notification Thresholds and Method of Calculation (2012)**

#### **Decision:**

26. Council adopted the amendments to the COMESA Competition Rules on the Determination of Merger Notification Thresholds and Methods of Calculation (2012), attached here as Annex II.

### **Amendments to COMESA Competition Rules, 2004**

#### **Decisions:**

27. Council made the following decisions:
- (a) Adopted the amendments to the COMESA Competition Rules (2004), attached here as Annex III.
  - (b) Council further endorsed the following decisions of the Eighteenth Meeting of COMESA Ministers of Justice and Attorneys General:
    - i. The COMESA Competition Commission reconsiders the appeal procedure and the cost implications of the procedure; and
    - ii. The consideration of the amendments on the appeals be deferred until the outstanding issues have been addressed by the Commission.

### **Inclusion of Arabic, an Official Language of COMESA, in the COMESA Competition Rules**

#### **Decision:**

28. Council adopted the amendment of Rule 9 of the COMESA Competition Rules to include Arabic as an official language.

**Form 12 - Notice of Merger****Decision:**

29. Council adopted the revised notice of merger Form 12, included in the attached Annex III.

**Report on the Status of Signature, Ratification and Domestication of COMESA Legal Instruments****Decisions:**

30. Council endorsed the following decisions of the Eighteenth Meeting of COMESA Ministers of Justice:

- (a) Member States should update information on the domestication of Legal Instruments at the Member States;
- (b) Member States assist the Secretariat with the following documents:
  - i. Copies of Legal Instruments that have been deposited with the COMESA Official Depository;
  - ii. Copies of Gazettes through which the domestication of Legal Instruments of COMESA were published;
  - iii. Copies of other bilateral trade and investment agreements that Member States have notified to COMESA; and
  - iv. Any other relevant information and related copies in relation to signature, ratification and domestication of legal instruments.
- (c) Member States work with the Secretariat to domesticate instruments that have not yet been domesticated at the national level;
- (d) Member States be urged to comply with the decision of Council on the signing of outstanding legal instruments, the depositing of ratification instruments with the Secretariat and on reporting on domestication of COMESA legal instruments to the Secretariat; and
- (e) Commended the Republic of Mauritius for holding the national workshop aimed at addressing outstanding issues in relation to signature, ratification and domestication of legal instrument.

**The COMESA Court of Justice****Current State of the Court Building****Decision:**

31. Council commended the Government of the Republic of Sudan for putting up and furnishing the Court building.

**Recruitment****Decision:**

32. Council endorsed the decision of the Eighteenth Meeting of COMESA Ministers of Justice and Attorneys-General adopting the Job Description for the Assistant Registrar.

## **Payment of Gratuity to Judges of the COMESA Court of Justice**

### **Decisions:**

33. Council endorsed the following decisions of the Eighteenth Meeting of COMESA Ministers of Justice and Attorneys General:
- (a) Having due regard to the immense contribution of the Judges during their tenure, there is no legal basis and justification to support the payment of gratuity;
  - (b) Since the issue of payment of gratuity is a policy issue with financial implications, in line with Article 7(2) of the Treaty, the matter should be considered by the appropriate technical committee before being forwarded to Council for a decision; and
  - (c) The terms and conditions of service of the COMESA Court of Justice Judges be reviewed holistically by the Council of Ministers.

## **Election of Judges of the COMESA Court of Justice**

### **Decision:**

34. Based on the results of the electoral process carried out in accordance with the rules for the election of judges in COMESA by the Eighteenth Meeting of COMESA Ministers of Justice and Attorneys-General, the Authority, made the following appointments:
- (a) Appellate Division
    - i. Judge President: Honourable Justice Ms Lombe P. Chibesakunda, (Zambia)
    - ii. Judge Honourable Justice Mr David Chan Kan Cheong, (Mauritius)
    - iii. Judge Honourable Justice Mr Michael Charles Mtambo, (Malawi)
    - iv. Judge Honourable Justice Mr Abdalla Elamin El Bashir, (Sudan)
    - v. Judge Honourable Justice Mr Wael Marodouh HassanYoussef Rady (Egypt)
  - (b) First Instance Division
    - i. Principal Judge: Honourable Mr Justice Andrew Mutema, (Zimbabwe)
    - ii. Judge Honourable Justice Mr Leonard Gacuko, (Burundi)
    - iii. Judge, Honourable Justice Mr Ali Sulaiman Mohamed, (Ethiopia)
    - iv. Judge, Honourable Justice Ms Mary N. Kasango, (Kenya)
    - v. Judge, Honourable Justice Ms Qinisile Mabuza, (Swaziland)
    - vi. Judge, Honourable Justice Mr Benard Derek Errol Victor Georges, (Seychelles)
    - vii. Judge, Honourable Justice Ms Clotilde Mukamurera, (Rwanda)

## **THE COMESA FUND**

### **Decisions:**

35. Council endorsed the decision of the 10<sup>th</sup> Ministerial Meeting of the COMESA Fund Committee that:

- (a) Urged Member States through the National Inter–Ministerial Coordinating Committees (NIMCC) establish the status on achievement of the 2014 targets and collect relevant sources of verification in anticipation of the sixth call for submissions;
- (b) Urged Member States to follow-up and plan for implementation of the 2015 targets so as to secure RISM allocations for 2016;
- (c) Urged Member States to provide comments on the concept paper of CAF sustainability strategy by 7 April 2015; and
- (d) Directed the Secretariat to finalize the CAF sustainability strategy and present it to the next meeting of the COMESA Fund Ministerial Committee.

#### APPOINTMENT OF COMMISSIONERS OF THE COMESA COMPETITION COMMISSION

##### Decisions:

36. Council made the following decisions:

- (a) All the members who have completed their tenure for the first time should have their term renewed for a further term of three years;
- (b) The nominations solicited from Egypt and Seychelles that expressed written intention to change their representation on the Board be considered for appointment;
- (c) The Commissioner from Zimbabwe, Mr Alexander Kububa, who has served two terms on the Board, be replaced, in accordance with Article 14(1) of the Regulations;
- (d) The Secretariat should solicit for a new nomination from Zimbabwe and Mauritius;
- (e) In order to balance the official languages and attain a balanced geographic distribution, nominations submitted from Ethiopia, Democratic Republic of Congo and Uganda be considered for appointment; Council renews the tenure of the following Commissioners:

	<b>Name of Commissioner</b>	<b>Country</b>	<b>Status</b>
1	Matthews Chikankheni	Malawi	For renewal
2	Ali Mohammed Afkada	Djibouti	For renewal
3	Chilufya Sampa	Zambia	For renewal
4	Thabisile SLanga	Swaziland	For renewal
5	Francis Kariuki	Kenya	For renewal

(f) Council appointed the following new Commissioners:

	<b>Name of Commissioner</b>	<b>Country</b>	<b>Status</b>
1	Dr Amira Abdel Ghaffar Mohamed, Senior Legal researcher, Egyptian Competition Commission	Egypt	New nominee
2	Nominee to be submitted after internal consultations have been finalised at national level	Mauritius	New nominee
3	Mr Merkebu Zeleke Seme, Head of the Competition Authority, Ethiopia	Ethiopia	New nominee
4	Nominee to be submitted after internal consultations have been finalised at national level	Congo DR	New nominee
5	Mr Patrick Okilangole	Uganda	New nominee
6	Nomination to be submitted after recruitment of new Head of National Competition Commission	Zimbabwe	New nominee
6	Georges Jude Emmanuel Tirant	Seychelles	New nominee

(g) The Secretariat should inform all Member States at the time of renewal of the Board, and not only those Member States that are nominating candidates to the Board for the first time.

#### **FORMAT OF PRESENTATION OF MINISTERIAL REPORTS**

##### **Decisions:**

37. Council decided that in line with Articles 9(c) and 10 of the COMESA Treaty:

- (a) The Secretariat should, while preparing sectoral ministerial reports to Council, present only actionable decisions; and
- (b) In preparing sectoral Ministerial Reports to Council, the Secretariat should reflect observations in the record of discussions, and not as decisions.

#### **TRADE AND CUSTOMS**

##### **Decision:**

38. Council decided that the Trade and Customs Sub-Committee should hold its meetings at least once every six months.

##### **Trade in Services**

##### **Decisions:**

39. Council made the following decisions:

- (a) Member States that had not submitted their revised schedules of specific commitments in the four priority sectors of transport, communications, financial and tourism should do so by 30 June 2015;
- (b) The commitments made by Member States should add value and therefore be WTO plus; and
- (c) The Secretariat should circulate the submitted finalised Schedules to all Member States by 30 April 2015.

## Preparations for the Second Round of Services Negotiations

### Decisions:

40. Council made the following decisions:

- (a) The second round of negotiations in the three additional priority sectors of Business services, Energy services and Construction and Related Engineering services commence in July 2015;
- (b) To ensure that the commitments of Member States in the three sectors go beyond their WTO commitments in order to add value, a baseline study should be undertaken of current WTO commitments of Member States in the sectors to be used in the negotiations; and
- (c) The Secretariat should undertake capacity building activities for stakeholders.

## Review of the COMESA-EAC-SADC Tripartite Arrangement

### Decisions:

41. Council welcomed the progress made in the negotiations and recommends to Council that COMESA should adopt a common position in the Tripartite negotiations, as follows:

- (a) The Tripartite Free Trade Area should be launched on 10 June 2015 at the Third Tripartite Summit on the principles of variable geometry, reciprocity, the *acquis*, interim rules of origin and the built-in agenda given that there is a critical mass of Member/Partner States that are ready;
- (b) On rules of origin, the agreed common rules and value addition rule of 35% ex-factory cost should be used as interim rules of origin of the Tripartite FTA to be launched at the Third Tripartite Summit.
- (c) On Trade Remedies:
  - i. Detailed procedures on Trade Remedies to be discussed as part of the Built in Agenda, that is Annex 2;
  - ii. Existing REC provisions will apply within RECs and WTO provisions will apply across RECs in the interim; and
  - iii. The feasibility of developing a preferential safeguard as part of the built-in agenda will be considered;
- (d) On dispute settlement, Annex 10 as finalised by the Fourth Meeting of the technical working group on Trade Remedies and Dispute settlement, should be adopted;
- (e) Phase II negotiations and negotiations on the Built in Agenda should be launched by the end of 2015 and the TTNF should begin preparatory processes and convene a meeting to launch the negotiations;
- (f) The industrial pillar Work Programme and Roadmap and the draft Modalities on Cooperation on Industrial Development should be adopted by the Ministers;
- (g) The remaining issues in the Agreement on Movement of Business Persons should be resolved and the Agreement adopted; and
- (h) COMESA Member States should always hold consultative preparatory meetings in the margins of the tripartite meetings, produce written common positions for use during the negotiations, and effectively participate.

## **Common Position on COMESA-India Trade and Economic Relations**

### **Decision:**

42. Council decided that in relations with third parties, Member States should focus more on economic co-operation and investment in areas such as information and communication technology, pharmaceuticals, access to medicine, agriculture, standards, SME development and value chain development.

## **Progress Report on Implementation of the COMESA Policy Research Programme**

### **Decisions:**

43. Council made the following decisions:
- (a) Policy research should directly support regional integration by addressing practical challenges;
  - (b) After the COMESA Policy Organs' meetings in March 2015, COMESA should convene a meeting of the think tanks and private sector in the region and brief them on the frontier issues for research that would have come out of the Policy Organs' meetings;
  - (c) There is need to build the capacity of the research unit as well as networking with existing research institutions;
  - (d) The Triple Helix Concept of collaboration between the Government, private sector and academia should be promoted in COMESA Member States;
  - (e) There is need to address challenges such as data gaps at the secretariat, training on methodology, data transmission from Member States to Secretariat; and
  - (f) There should be a clear strategy on how to secure additional funding to support the project because the US \$3 million grant is not enough to accomplish all the identified research needs.

## **Internal Market**

### **Status of Preparation for Joining the COMESA FTA by Congo DR, Ethiopia, Eritrea and Uganda**

#### **Decisions:**

44. Council made the following decisions:
- (a) Urged DR Congo to finalise the accession instruments and deposit them with the Secretariat before the next Policy Organs' meetings;
  - (b) Urged Ethiopia to expedite the internal consultations and finalise instruments and deposit them with the Secretariat, in the near future;
  - (c) Urged Uganda to prepare a paper and a schedule for phasing out the sensitive products;
  - (d) Urged Eritrea to expedite its process of joining the FTA; and
  - (e) Commended Uganda for beginning to implement the FTA and submitting the Accession Instrument.

## **Protection for Kenya Sugar Industry**

### **Decisions:**

45. Council made the following decisions:

- (a) The Kenyan sugar sector should be given a one year extension of the existing safeguard subject to review and renewal for another one year;
- (b) The extension will operate on the basis of the terms and conditions set out in Directive No. 1 of 2007;
- (c) The administration of import permits should be simple, quick, transparent, and efficient to avoid unnecessary delays that increase the cost of business and limit access to the Kenyan market;
- (d) Kenya should disaggregate the HS code for sugar into various categories with a view to avoiding protection of varieties that are not produced in Kenya;
- (e) The Secretariat should provide bi-annual reports on the application of the protection by Kenya, in line with directive No. 1 of 2007;
- (f) Member States should submit sugar statistics to the Secretariat annually; and
- (g) An ad hoc technical working committee should be convened not later than 30 June 2015, to thoroughly deal with the draft criteria for allocating country specific quotas, and the draft criteria for determining that an industry is an infant; and report to the next Trade and Customs Committee meeting. With regards to sugar exports to Kenya, the status quo should remain.

#### **Resolution of Reported Non-Tariff Barriers (NTBs)**

##### **Fridges and Freezers**

46. Council made the following decisions:

- (a) The Secretariat should organise a meeting between Swaziland and Zimbabwe by 30 April 2015, and facilitate resolution of the matter not later than 30 May 2015;
- (b) In the meantime, rule 10(4) of the Protocol on Rules of Origin will apply.

##### **Soap**

###### **Decision:**

47. Council noted that Mauritius and Madagascar have agreed to resolve the matter through the good offices of the COMESA Secretariat, as quickly as possible.

##### **Palm Oil**

###### **Decision:**

48. Council decided that Zambia verify the costing documents and respond to Kenya, by 30 April 2015.

##### **Milk**

###### **Decision:**

49. Council decided that the Secretariat follows up this matter and organise a meeting between Kenya and Zambia not later than 30 April 2015.

## Intellectual Property

### Decisions:

50. Council made the following decisions:

- (a) The Secretariat should engage with WIPO on collaborative efforts of undertaking intellectual property audits as WIPO had already undertaken the same;
- (b) The Secretariat should scale down the work programme to a level that COMESA could complement the work that is already being done by WIPO, ARIPO and OAPI;
- (c) Capacity building should be mainstreamed into already existing intellectual property programmes;
- (d) Adopted the Intellectual Property work programme; and
- (e) That traditional knowledge and genetic resources should be looked at within the context of trade as COMESA is a trade organisation.

## Science, Technology and Innovation

### Decisions:

51. Council made the following decisions:

- (a) Adopted the report of the Innovation Awards Evaluation Panel; and that the 2014/15 Innovation Awards be given to the nominees indicated in the table below:

	TITLE OF THE PROJECT	DESCRIPTIONS	WINNER
1	Integrated car tracking and monitoring system with alcohol breathalyzer sensor to demobilize the car to prevent drunk driving	<p>The system has a private alcohol sensor inside the car such that anytime the driver enters the car while drunk, it senses and sends a signal. A private camera allows for photos to be taken of people inside the car, instant tracking via mobile phone, hi-jack button put next to the driver and only disclosed to him/her such that in-case the driver is hi-jacked, s/he presses the button which then sends an SMS to his family members notifying them that the driver is in an emergency and needs immediate help.</p> <p>The system also enables one to stop his or her car by SMS in case it is stolen as well as take photos of the thugs, and listen to conversations inside the car.</p>	<p><b>Youth Category:</b></p> <p><b>Jacob Maina Rugano</b></p> <p><b>Nairobi, Kenya</b></p>
2	Intelligent Traffic Robot Cop with inbuilt 360 degrees camera system and solar power	<p>The Traffic Robot is a high-tech traffic robot capable of ensuring smooth movement of traffic of vehicles and pedestrians at intersections of urban centers, independently. It ensures the safety of vehicles, drivers and pedestrians, and allows remote monitoring of the flow of traffic and pedestrians. It has a dual function of regulation of traffic coupled with that of remote monitoring of traffic using inbuilt 360 degree cameras capable of capturing images over a distance of 200 meters. It is solar powered and can remit traffic data instantly to a control center.</p>	<p><b>Women Category:</b></p> <p><b>Therese Izay-Kirongozi Bakemamie</b></p> <p><b>Kinshasa, DRC</b></p>

3	Improvement of thermal energy efficiency by introducing TE-KUTANGIJE cooking Technology	<p>To preserve carbon sinks, reducing Greenhouse Gases (GHG) emissions from the burning of biomass, preserving the health of the population by releasing smoke with special chimney and acquisition of boiled water to drink.</p> <p>It is an energy efficient technology reducing energy loss through heat recovery system, management of the oxygen needed for combustion chamber and carrying the combustion gases from kitchen through the chimney. In addition, it has full recovery of the energy operator for cooking, serving at the same time to heat water and roasting of different products.</p>	<p><b>SME Category:</b></p> <p><b>Isidore Nzeyimana</b></p> <p><b>Kigali, Rwanda</b></p>
4	A Low-cost Accurate and Energy Efficient Outdoor Localization System for security, disaster management and tourism sectors	<p>While GPS is the most commonly used outdoor localization system, it suffers from many problems such as poor accuracy in urban areas, and high latency. Moreover, turning the GPS on can drain the phone's battery in a few hours. This device provides an accurate, energy-efficient and low-cost alternative to GPS. The device can provide an accurate estimate of the user's outdoor location using only the smartphone, which is ubiquitously available anywhere around the world. It uses the energy efficient sensors available on all commodity off-the-shelf phones and it does not require any infrastructure or hardware to be installed.</p>	<p><b>Group Category:</b></p> <ol style="list-style-type: none"> <li>1. <b>Moustafa Youssef</b></li> <li>2. <b>Heba Allah Aly Abd El-Halim Aly Ismail</b></li> </ol> <p><b>Alexandria, Egypt</b></p>
5	Extraction of fragrance from lemon grass for cosmetics and pharmaceutical usage	<p>This is a simple, locally assembled system for extracting fragrances from lemon grass that can be used to manufacture shampoo, bar soap, detergents, and air fresheners. Since this fragrance is bio-based it has minimum effect on environmental degradation compared to imported fragrances, which are petro-chemical based. The extraction technology can provide alternative income to farmers by growing lemon grass in large scale as a cash crop.</p>	<p><b>Institutional Category:</b></p> <p><b>Andrew Oduory</b></p> <p><b>Western Institute of Professionals</b></p> <p><b>Luanda, Kenya</b></p>

52. Council noted the runners-up who were also recommended for award of the certificate of recognition as outlined in the table below:

		<b>YOUTH</b>	
	<b>TITLE OF THE PROJECT</b>	<b>DESCRIPTION</b>	<b>NAME AND COUNTRY</b>
First Runner up	Bio-degradable products from Agricultural waste  (paper Bags, Charcoal Briquettes and Disposable sanitary pads)	The project focuses on utilization of locally generated raw materials (agricultural wastes) to make biodegradable bags to a better substitute for polythene bags, cheap disposable sanitary pad for school girls in Uganda and Charcoal briquettes which is a better substitute for wood charcoal. This project contributes a lot to environmental protection and creation of employment for the youth in both village and town areas.	<b>Atuheire Korinako Godfrey,</b>  <b>Uganda</b>
Second Runner up	Integrated Barcode & Near Field Communication device for payment	This technology uses barcodes to effect payments at point of sale location. This is done through scanning of a customer's barcode sticker attached to a phone or a credit/debit card. A push notification is initiated to the customer's phone for them to key in a PIN to confirm the transaction. This technology is applicable in supermarket retail outlets, public transport sector payments, healthcare clinics and insurance payment among others.	<b>Fredrick Alunala Mahumu,</b>  <b>Kenya</b>
		<b>WOMEN</b>	
	<b>TITLE OF THE PROJECT</b>	<b>DESCRIPTION</b>	<b>NAME AND COUNTRY</b>
First Runner up	Mosquito repellent from local essential oils	The business works with rural women in cultivating geranium and citronella and then adds value to the production by extracting the precious essential oils and producing mosquito repellent candles in short time and different cosmetic products in long term.	<b>Mukakabano Virgine,</b>  <b>Rwanda</b>
Second Runner up	Production of biodegradable handmade paper bags based in water hyacinth	Current Rwandan market as the alternative after the ban of manufacturing, importing, using and selling polythene which included polythene retail bags and plastic fill used to packaged foods and consumable products in Rwanda. The present project targets the entire geographical area where the plant infestation is a likelihood of a menace for eradication and to provide the entire population of Rwanda with high quality of biodegradable paper bags at the lowest price.	<b>Clemence Uwayisenga,</b>  <b>Rwanda</b>

<b>SMEs</b>			
	<b>TITLE OF THE PROJECT</b>	<b>DESCRIPTION</b>	<b>NAME AND COUNTRY</b>
First Runner up	Multi -purposes environmental friendly cleaner	Production of Multi- purposes industrial cleaner and degreaser that eliminates and grease build-ups, oily deposits, oilcan spots, grimes, carbonized oil, gear lubes, tar and bituminous deposits and hard stain.	<b>Abdalla Ismail Mohamed Ali</b> <b>Egypt</b>
Second Runner up	Mobile payments system between Diaspora and merchants	Mobile payment application allows Rwandan migrants to pay airtime, tuition fees, and utility bills for their relatives in Rwanda, at a low cost.	<b>Muhire Louis Antoine</b> <b>Rwanda</b>
<b>INSTITUTIONAL CATEGORY</b>			
	<b>TITLE OF THE PROJECT</b>	<b>DESCRIPTIONS</b>	<b>NAME AND COUNTRY</b>
First Runner up	Spot fertilizer applicator	A fertilizer application implement that is hand held and activated by the downward force of the operators hand. It helps farmers to precisely and efficiently apply fertilizer to crops within 50% improved efficiency and labour requirement.  Improves the efficiency of application of fertilizers, cost and time saving, reduces environmental impact.	<b>Musenga Silwawa</b> <b>Zambia</b>

- (b) Member States should recognize the potential contribution which TV white spaces and database enabled spectrum access can make to improving spectrum efficiency;
- (c) Member States should come up with policy incentives to encourage the utilization of the spectrum that will be available due to the ongoing digital migration to provide wireless broadband internet to Academic, Research, Health and Agricultural institutions to catalyze innovations, especially in the rural areas;
- (d) The Secretariat should coordinate in partnership with the Ubuntu Net Alliance project and the Innovation Council the sharing of best practices on the deployment of white space following the examples of Kenya, Malawi, South Africa, Tanzania that have run successful White space pilot programmes; and
- (e) The Secretariat should work with stakeholders to develop a model policy framework to guide Member States in developing local regulations and policies to enhance the utilization of “white spaces”.

### **COMESA Regional Integration University**

#### **Decisions:**

53. Council made the following decisions:

- (a) The COMESA Virtual University be established, working with a network of universities, which will incorporate an Academy of Science, Technology and Innovation as well as Research Networks. This virtual university will then progressively transform into a permanent autonomous University to be launched in October 2015; and
- (b) Further, Council adopted the following operationalization plan for the establishment of the university:

Proposed Operationalization Plan COMESA-URI						
Activity	March 2015	April 2015	June 2015	July 2015	August 2015	October 2015
1. Summit to Approve Launch of the URI and Direct the Secretariat to take Immediate Steps to Operationalize it						
2. Meeting between SG/ASG and Capacity Development Adviser to Review Operationalization Plan and designate name for ESA-URI						
3. Appointment of Interim Executive Director						
4. Recruitment of Management Team						
5. Signing of MoUs/Host Agreements - with Partner Universities and the Main Hub.						
6. Finalisation of Curricula Design and Development						
7. Design and establishment of online E-Learning Knowledge and Training Platform (to be purchased off-the-shelf)						
8. Establishment of Resource Centre/Library and Research Network						
9. Establish Mentorship and Fellowship Scheme						
10. Formal Launch: Inaugural Guest Lecture and Launch of Masters Programme						

#### CO-OPERATION AMONG MEMBER STATES IN THE MANUFACTURING OF ESSENTIAL DRUGS; AND AMENDMENT OF THE TRIPS AGREEMENT ON COMPULSORY LICENSING FOR MEDICINE

##### Decisions:

54. Council decided that Member States:

- (a) Identify and take actions aimed at creating a conducive regulatory, policy and investment environment for the access, manufacture and distribution of Anti-retroviral and other drugs and medical commodities;
- (b) Support the continental and regional efforts to end the epidemics of AIDS, TB and Malaria as well as other continental health challenges;
- (c) Hold a pharmaceutical business roundtable with pharmaceutical manufacturers/associations, policy makers and other stakeholders as an entry point for deeper engagement with the pharmaceutical industry on requirements for strengthening local production;
- (d) Create a COMESA Pharmaceutical Working Group to open a larger public private dialogue on

encouraging investments and partnerships in the industry; and

- (e) That have not yet accepted the Protocol amending the WTO TRIPS Agreement should do so immediately and notify the WTO Secretariat, by December 2015, after which date the acceptance will be invalid.

## **INFRASTRUCTURE**

### **TRANSPORT FACILITATION**

#### **Surface Transport**

##### **Axle Loads Limits and Vehicle Overload Control**

###### **Decision:**

- 55. Council decided that Member States should provide comments on the Memorandum of Understanding and participate in the validation workshop which will be held from 21 to 23 April 2015.

##### **The Design of the East African Power Pool Headquarters Project**

###### **Decision:**

- 56. Council made the following decisions:
  - (a) Noted the progress made on the implementation of the activities of the Eastern Africa Power Pool; and
  - (b) Commended the Government of Ethiopia for providing a site for the construction of the proposed headquarters of the EAPP.

##### **Preparation and Financing of Infrastructure Projects under the 11<sup>th</sup> European Development Fund**

###### **Decision:**

- 57. Council commended the European Union for their support to COMESA.

### **PROGRESS REPORT ON THE IMPLEMENTATION OF THE COMESA MICRO, SMALL AND MEDIUM ENTERPRISES STRATEGY**

#### **Decisions:**

- 58. Council made the following decisions:
  - (a) Member States that do not have updated MSME policies and strategies should domesticate the COMESA regional MSME Policy; and
  - (b) The Secretariat should facilitate the SMEs from the region to access the existing regional and continental financing arrangements.

### **THE COMESA INDUSTRIAL POLICY**

#### **Decisions:**

- 59. Council adopted the COMESA Industrialization Policy (attached as Annex IV) with the following amendments:
  - i. Representation of local content;

- ii. An M&E system in place to continually evaluate the policy implementation;
- iii. SMEs participation in the supply chains;
- iv. Progress reports, and an appropriate reporting format;
- v. Clearly defined role of governments, and the private sector; and
- vi. Compilation of relevant import and export statistics related to Member States' domestic markets; and
- vii. Further, Council decided that the Secretariat should prepare a strategic implementation plan for the Industrialisation Policy.

#### **THE COMESA MONITORING AND EVALUATION POLICY DIRECTIVE**

##### **Decisions:**

60. Council made the following decisions:

- (a) Adopted the M&E Policy and Guidelines, attached here as Annex VI;
- (b) Urged Member States to put in place an effective monitoring and evaluation policy framework;
- (c) Gave the M&E Unit the responsibility to be the liaison between the Secretariat and the COMESA National Coordinating Committee;
- (d) Urged Member States that have not established the COMESA Coordinating Committee to do so immediately to facilitate implementation of the M&E Policy;
- (e) Directed the Secretariat to hold national workshops in Member States that did not benefit;
- (f) Re-organise workshops where they were held before; in order to build capacity on the use of the M&E On-Line System in all Member States;
- (g) Urged all Member States, the Secretariat and all COMESA institutions to start using the M&E online system immediately; and
- (h) Adopted the terms of reference of the COMESA M&E National Coordinating Committee.

#### **PROGRESS REPORTS OF THE COMESA INSTITUTIONS**

##### **Decisions:**

61. Council made the following decisions:

- (a) The reports of the institutions should be submitted to the Secretariat and copied to the Member States at least two weeks before the meeting;
- (b) Sufficient time should be allocated for discussion of institutions reports during the meeting; and
- (c) The reports that are submitted late should attract a penalty.

## **COMESA COURT OF JUSTICE**

### **Decisions:**

62. Council made the following decisions:

- (a) Commended the Government of the Republic of Sudan for putting up and furnishing the Court building worth US \$5 million, and for organizing a successful inauguration of the Court;
- (b) Urged Member States to continue paying their assessed contributions on time, in accordance with Article 42(4) and 166(6) of the COMESA Treaty to enable the Court achieve its objectives;
- (c) Decided that Libya be exempted from clearing the assessed contributions until the country's current challenging situation stabilises; and
- (d) Commended outgoing Justice Nzamba Kitonga for his dedicated service to the COMESA Court of Justice as Judge President, over the last ten years.

## **COMESA LEATHER AND LEATHER PRODUCTS INSTITUTE**

### **Decisions:**

63. Council decided that the COMESA Leather And Leather Products Institute be directed to:

- (a) Be involved in the co-certification of their training programmes with the global and regional institutions linked to LLPI;
- (b) Standardise, harmonise and develop a common regional curricula related to footwear leather goods and leather processing for the middle level and universities in the region; and
- (c) Establish contacts with other regional blocks to explore emerging opportunities and expand inter-regional market demand.

## **THE EASTERN AND SOUTHERN AFRICAN TRADE AND DEVELOPMENT (PTA) BANK**

### **Decisions:**

64. Council made the following decisions:

- (a) Commended the PTA Bank for continued financing to infrastructure and other development projects in the region; and
- (b) Encouraged all African sovereign and institutional shareholders to continue to demonstrate commitment in the Bank.

## **AFRICAN TRADE INSURANCE**

### **Decision:**

65. Council decided that the Member States that are not yet members of ATI should join the institution.

## **COMESA BUSINESS COUNCIL**

### **Decisions:**

66. Council noted the full report of the CBC and urged Member States to:

- (a) Develop a common public-private action on the on-going detriments to industry as a result of illicit trade;
- (b) Support on-going consultations on the development of the “Made in COMESA” label;
- (c) Partner with and support the private sector in the on-going deliberations on a Regional Framework on curbing illicit trade in COMESA;
- (d) Set up dedicated quality management and control bodies that can provide free or subsidized cost training programmes on standards and certification that will boost the competitiveness of SMEs;
- (e) Consider that such institutions be set up on the public-private partnership agenda;
- (f) Engage the REC Secretariats to facilitate the participation of the private sector within the national delegation and regional business council structures;
- (g) Have an agenda item that opens the flow for advocacy of the private sector within the Tripartite negotiation processes; and
- (h) Commend co-operating partners for supporting CBC.

#### **COMESA FEDERATION OF WOMEN IN BUSINESS (FEMCOM)**

##### **Decisions:**

67. Council made the following decisions:

- (a) The Government of Malawi should be commended for giving 10 acres of land for the development of FEMCOM complex and for providing office space for FEMCOM;
- (b) The Secretariat should mobilise funds for FEMCOM activities; and
- (c) Member States should contribute funds for the programme activities of FEMCOM.

#### **COMESA COMPETITION COMMISSION**

##### **Decisions:**

68. Council made the following decisions:

- a. The Member States without national competition legislations namely Comoros, Democratic Republic of Congo, Eritrea, Libya and Uganda should be urged to come up with the respective national competition legislation;
- b. All Member States be urged to implement the Kinshasa decisions expeditiously; and
- c. Burundi, Comoros, Djibouti, D R Congo, Eritrea, Libya, Madagascar, Mauritius, Rwanda, Sudan and Uganda be urged to communicate their account numbers to enable the Competition Commission pay their respective share of the merger filing fees.

**Sindiso Ngwenya**

**SECRETARY GENERAL**

**31 March 2015**

# ANNEXES 1

“COMESA SEED TRADE HARMONISATION  
PLAN”



## FOREWORD

It is my honour to present to you this COMESA Seed Harmonisation Implementation Plan (COMSHIP), a key tool for addressing seed and food insecurity in the Common Market for Eastern and Southern Africa (COMESA). First of all COMESA, through its Specialised Agency of the Alliance for Commodity Trade in Eastern and Southern Africa (ACTESA), managed to harmonise the seed trade regulations from October, 2010 to September, 2012. This was done in conformity with article 130 (a) of the Treaty and is aimed at addressing the small-holder farmer productivity and also responding to seed insecurity in the COMESA countries.

As you may be aware, agriculture contributes on average 30% of the COMESA's GDP standing at \$550 million. However, out of the 510 million people living in COMESA Member States, about 120 million are food insecure, a situation affecting economic integration in the region. Among the small-holder farmers, the availability of quality seed in terms of variety accessibility / plantings and volumes in the COMESA region is low at only 23%. This indication confirms that only one in every four small-holder farmers has access to quality or improved seed. This has affected the productivity of our small-holder farmers, with only 30% of cropped land is under improved seed.

In line with African Union Commission (AUC) 2014 Year of Agriculture and Food Security in Africa and Marking 10th Anniversary of CAADP, COMESA is happy to be associated with the theme and deal with the issue of seed at a regional level within COM-SHIP.

Let me mention that the benefits of the COMESA Seed Trade Harmonisation Regulations once implemented in COM-SHIP include:

- \* Facilitating farmers' access to improved varieties from all COMESA Member States through simplified customs procedures, speedier seed varietal release and distribution into other countries, and elimination of inhibitive quarantine requirements through adoption of common pest list.
- \* Improving seed quality as seed companies will be breeding seed adaptable to farmers' local systems and small-holder farmers will also be involved in selection of germplasm to suit their needs.
- \* Wide range of varieties for all farmers (small, medium and large) to choose from - increased diversity of crop species, varietal choice and crop rotations options

- \* In the area of climate change mitigation, increased access to drought and heat tolerant seeds

I am emphasizing that implementation should be transparent and driven by a multi-stakeholder approach with focus on Private Public Partnerships (PPPs) arrangement that integrates small-holder farmers in national, regional and international markets. COMESA would like to see larger seed companies partnering with new or existing local seed companies to produce and/or market, seeds of new varieties with features that farmers want or addressing their seed needs. In some cases, companies may want to move seed across borders to cut production costs and to reduce seed inventories, but this is done within national seed systems.

Finally, as the private seed sector develops, special attention should be given to small and medium enterprise seed farmers to enhance their crop productivity in the COMESA Member States. This should be within the PPPs contributing to enhancing seed availability in the COMESA region. I am happy to state that COMSHIP was developed by all stakeholders that included COMESA Member State private seed sector and CSOs, National Seed Authorities, National Plant Protection Organisations, National Seed Trade Associations, Farmer Organisations, Government officials in the Ministry of Agriculture, Regional Economic Communities, Civil Society Organisation (CSOs) and development partners. This is in conformity with COMESA's strategy of inclusiveness and the participation of all stakeholders in a transparent and simplified manner as highlighted in COM-SHIP clearly.

I wish you all success in the implementation of COMSHIP covering 19 COMESA Member States and I hope to see tangible results starting this year for the next 5 years.

Sindiso Ngwenya

Secretary General of COMESA

### **Acknowledgement by Chief Executive Officer of ACTESA**

As you may be aware, the Alliance for Commodity Trade in Eastern and Southern Africa (ACTESA) is a Specialized Agency of COMESA established to integrate small farmers into national, regional and international markets. Within its operational Plan 2012-16, ACTESA's programmes are within CAADP pillar 2 on market access and pillar 3 on increasing food production and reducing hunger and also fit into CAADP regional framework's priority 1 on agricultural productivity and priority 2 on removal of barriers to trade.

ACTESA's three priority areas constitute staple food policy formulation, expansion of market services / facilities, and capacity building for commercialization. It is within the ACTESA focus areas of policy formulation and capacity building for commercialization that the COMESA Seed Trade Regulations were harmonized, and the COMESA Seed Harmonization and Implementation Plan (COMSHIP) was developed.

In COMSHIP, the critical focus is on facilitating implementation at country-level, "where the rubber meets the road". This implementation plan is four-fold, namely national seed regulatory reforms aligned to the COMESA Seed Trade Harmonisation Regulations; sensitization and awareness creation of the COMESA Seed Trade Harmonisation Regulations; monitoring and improvement of the COMESA Seed System and building capacity of small-holder farmers to increase crop productivity as well as participating in the production of improved or quality seed where necessary. It should be noted that within COMSHIP, ACTESA strives to support building capacity of the Member States to produce country preferred / priority quality seed with focus on small-scale seed producers.

Let me thank the United States Agency for International Development (USAID) for facilitation and working with ACTESA in coming up with COMSHIP and the European Union (EU) for supporting the harmonization of the COMESA Seed Trade Regulation under the COMESA Regional Agro-Inputs programme (COMRAP). The Australian Department of Foreign Affairs and Trade (DFAT) and USAID are also thanked for supporting COMSHIP validation workshop of all stakeholders held between 7<sup>th</sup> and 11<sup>th</sup> April, 2011. Africa Lead 11 support of Lloyd le Page, the Lead Consultant in finalising the contents of COMSHIP after the validation regional meeting is highly appreciated. I would like to urge all ACTESA Alliance partners to participate in the implementation of COMSHIP so that we realise collectively the enhancing seed and food security in the COMESA Member States.

Thank you.

**Argent Chuula**

## EXECUTIVE SUMMARY

The Common Market for Eastern and Southern Africa (COMESA) has the potential to become a global bread-basket, providing food, feed and fibre for the more than half a billion people in the region. The COMESA region has the potential to meet the food needs in other regions of the world. To achieve this, COMESA's farmers large or small, must have better access to improved inputs, technologies, skills and capabilities that will enable farmers and Member States to produce optimal and more consistent yields, access higher value markets, and carefully balance yield gains against economic and environmental considerations.

Seed is the most important of these inputs as no matter how many other inputs or what agronomic production methods are chosen, a plant will not exceed its genetic potential limit. Seed with low genetic potential will only yield low results, no matter how much fertiliser is applied to it. In spite of its importance, among the small-holder farmers in the COMESA region, the availability of quality seed in terms of accessibility is low at 23%, with affordability, availability, crop and variety choice a continual challenge. In other words less than one in four small-holder farmers have reliable access to improved quality seed. Therefore, it is critical to the growth of the COMESA region to have an efficient and effective seed system that maximises farmer's choice and access to seed. This is especially important for small farmers, which make up the majority of farmers in the COMESA region. The value of seed trade in the COMESA countries is averaging half a billion dollars. With the implementation of COMSHIP, seed trade is envisaged to triple to about one and half billion dollars. However, this is not the case now.

Article 132 of the COMESA treaty requires Member States to harmonise their policies and regulations relating to phytosanitary and sanitary measures without impeding the exports of crops, plants, seeds, livestock, livestock-products, fish and fish products. In that regard, COMESA member states identified disparate seed legislation and regulations across the region as a major barrier to the local breeding, production, distribution and sales of improved seed varieties in the region, and a key barrier to farmer productivity growth. In addition this has resulted in slow investments in, and growth of local seed companies and the African Seed industry as a whole, with many countries in the region relying on imports, either from neighbouring countries or from outside the region. In March 2008, the COMESA Council of Ministers declared that COMESA should urgently rationalize and harmonize seed regulations and policies in its 19 Member States within two years, to improve seed availability and flows, especially to small holder farmers. COMESA, with support from its Specialised Agency, the Alliance for Commodity Trade in Eastern and Southern Africa (ACTESA), and in conjunction with the African Seed Trade Association (AFSTA) led the baseline analysis development, stakeholder engagement and review and finalisation of the COMESA Seed Trade Harmonisation Regulations. The regulations are now in force after approval by the COMESA Council of Ministers in Kinshasa, DR Congo on 24th February, 2014.

The responsibility is now on each member state to domesticate these COMESA Seed Trade Harmonisation Regulations by either adopting these regulations in those countries that do not have any, or by adapting existing regulations to bring them into compliance, and to ensure their enforcement. COMESA statutory agreements require Member States to now work with COMESA Secretariat to identify constraints, gaps and capacity building needs in relation to domestication and related management of these legal instruments at the Member State Level. Turning the seed regulations and policies into practice is critical in ensuring development of a thriving seed sector in the COMESA Member States. Obstacles to domestication include

- \* Need for transparency and cooperation between states
- \* Consistency of application and enforcement in spite of national biases
- \* Vast differences on the status of regulations between Member States.
- \* Differences in farmer needs
- \* Tendency to try protect local seed interests and vested interests.

- \* Artificial trade barriers
- \* National and development partner budgetary support for regulatory support doesn't show immediate impact or political benefit.
- \* Domestication of COMESA legal instruments is a political process which involves parliament
- \* Human resource capacity
- \* Focused on regulations - not intended to solve all seed supply challenges
- \* Communication

In order to aid in this process, the COMESA Secretariat, was tasked by member states, to utilise ACTESA to develop the COMESA Seed Harmonisation Implementation Plan (COMSHIP) to guide and support member states domesticating the regulations. The vision of COMSHIP is that within 5-7 years, all 19 COMESA Member States will have completed implementation of the approved COMESA Seed Trade Harmonised Regulations leading to increased seed production, reliability, trade and competitiveness of the Seed Industry in the COMESA region.

COMSHIP was developed from the ground up with extensive involvement of national governments and local and regional industry stakeholders. COMSHIP provides the initial steps of an on-going and constantly evolving and improving process to domesticate the seed regulations, enable seed trade between Member States and to facilitate seed industry and local company support, including market activities with small farmers. The 19 member states can be roughly organised into three categories of countries – 1) countries with no seed act or regulations, 2) countries with draft seed regulations, and 3) countries with existing regulations. Key focal areas in COMSHIP include identification of current legislation and regulatory status, gaps, institutional support, human capacity and infrastructure needs in the following key areas:

- \* Seed Certification Systems and Policy
- \* Variety Release Systems
- \* Quarantine and Phytosanitary Measures for Import and Export

In addition COMSHIP will develop a new road-map toward harmonisation of Plant Variety Protection (PVP) regulations in COMESA. It provides for support in strengthening awareness, monitoring and improvement, and finally seed capacity building and small-holder farmer support in producing locally adapted or country preferred seed.

COMSHIP provides a framework for partnership to enable support from key stakeholders and development partners. It provides an African institutional growth agenda at both Member State and regional level, and in both public and private sectors, which COMESA and ACTESA's development partners can rally around, avoiding ad-hoc seed system interventions. It seeks Member State as well as development partner commitment and budgetary support for effective implementation. Finally it requires ongoing mutual accountability, stakeholder engagement and review.

At a regional level it will be coordinated by the Alliance for the Commodity Trade in Eastern and Southern Africa (ACTESA) working closely with ACTESA Alliance Partners. In addition, the ACTESA secretariat will require additional staff to coordinate the program at regional level. COMSHIP will support an appointed COMESA Seed Committee and will be driven at Member State level by country National Seed Authorities working in close collaboration with national seed trade partners, and in consultation with development partners and farmer groups. Progress on COM-SHIP will be reviewed annually at Member State level, and regional level around the time of the AFSTA annual congress, and by an ad-hoc advisory panel from a cross section of stakeholders. Reports on progress will be presented annually to the COMESA Ministers of Agriculture, Natural Resources and or Environment.

The implementation of the COMESA Seed Trade Harmonisation Regulations will improve the regulatory environment and remove trade barriers to allow the growth of the seed industry providing improvements to a sustained, affordable and reliable choice and diversity of high-quality seeds, tested and registered in local market conditions. This will result in improved crop yields for an estimated 80 million small-holder farmers in 19 countries, providing food for farm household needs, and excess for sale into local and regional markets, increasing farm incomes and building Member State economies. Member State seed industries will also benefit, especially those seed producers that are interested in marketing their quality seed beyond borders. More profitable local seed companies will provide additional benefit to their supply chain and out-growers of which many are small-holder farmers.

The plan will encourage companies to engage and support small-holder seed producers, and support them with expertise and irrigation. In addition it is anticipated that the harmonised seed law will encourage the rise of COMESA Member State seed companies, seed distributors, and seed dealers, and provide additional jobs for the region on several level. This includes additional capacity within both public and private institutions. COMSHIP will also result in additional institutional and human capacity within Member State seed authorities. It will enhance intra- and inter-regional trade, and result in a more competitive agricultural sector. It will improve access by COMESA's farmers to both local and global seed choices, including those that may become necessary in response to climate change and also encourage at target of minimum 30% women participation.

## BACKGROUND

### ALLIANCE FOR COMMODITY TRADE IN EASTERN AND SOUTHERN AFRICA (ACTESA)

In an effort to boost regional trade in agricultural commodities, the Common Market for Eastern and Southern Africa (COMESA) Heads of State and Government established the Alliance for Commodity Trade in Eastern and Southern Africa (ACTESA), as a Specialized Agency of COMESA to integrate small scale farmers into national, regional and international markets. On March 1, 2010 ACTESA signed an agreement with COMESA on the implementation of agricultural programmes in the region. The agreement is meant to accelerate the implementation of regional initiatives in agriculture, trade and investment.

Key areas of focus assigned to ACTESA include the development of regional agricultural policies; promotion of investments in agriculture; promotion of trade in agro-commodity products and development of production and marketing structures; development of the agricultural, livestock, pastoral and fisheries sectors and consultation with the private sector and civil society organisations on agricultural development matters especially agro commodities trade.

The main goal of ACTESA is to increase farmer productivity and incomes thereby contributing to the reduction of hunger and poverty in line with the Millennium Development Goal Number One.

The vision of ACTESA is to realize a robust, modern and prosperous regional agricultural sector within which all stakeholders have a high standard of living. In implementing its programmes, ACTESA responds to the Comprehensive Africa Agriculture Development Programme (CAADP)'s Pillar II, III and IV agenda, that seek to improve rural infrastructure and trade-related capacities for market access and increase food supply, reduce hunger, and improve responses to food emergency crises, and disseminate appropriate new technologies, respectively. The programme interventions fit into CAADP regional framework's priority 1 on agricultural productivity and priority 2 on removal of barriers to trade.

#### The strategic position of ACTESA in the COMESA region includes the following:

a channel through which the alliance members (farmer organisations, implementing partners, development partners and private sector) receive policy directions and channel their inputs for considerations by COMESA Policy Organ meetings.

- a regional hub that brings together information, knowledge, and best practices on the developing of staple food markets in Eastern and Southern Africa and disseminates to enable national and regional partners implement programmes / activities in a consistent and sustainable manner.
- Regional coordination and facilitation of activities

#### ACTESA Objectives:

- Improve competitiveness and integration of staple foods markets in the region through improved micro and macro-economic policies as the drivers of staple food markets;
- Improve and expand market facilities and services for key agricultural commodities;

Increase the commercial integration of smallholder farmers into national and regional markets.

ACTESA focuses on building market information systems, providing services and increasing commercialization of smallholders in the following sub-sectors:

- Grains and pulses,
- Oil seeds,
- Roots and tubers,
- Livestock and fisheries,
- Forest and Natural products,
- Tree and plantation crops
- Agriculture inputs

#### BOX 1: ACTESA OBJECTIVES

#### ACTESA's Implementing Partners

- Farmers' Organisations;
- Trade associations;
- Commodity associations;
- Agro civil society;
- Agribusiness;
- COMMERCIAL & DEVELOPMENT banks;
- Microfinance institutions;
- Market institutions;
- Seed & fertilizer associations;
- Research institutions.

#### BOX 2: ACTESA'S IMPLEMENTING PARTNERS

identified by both public and private sectors for implementation at Member State level.

Consequently, ACTESA is the primary agency for achieving the COMESA vision of increased regional integration and improved competitiveness of staple food markets, leading to broad based growth and decreased food insecurity. ACTESA targets geographical areas within eastern and southern Africa that include a larger number of vulnerable populations but also have the potential to produce surplus staples for the market. The target beneficiaries from these areas are farming communities in selected areas that are drought prone, emerging from conflicts, or otherwise vulnerable and may or not be receiving support from food assistance programs to improve their production systems.

By creating ACTESA, COMESA Member States, supported by development and resource partners, showed commitment to ensuring that food assistance and other types of food security interventions in the region are development oriented, and promote sustainability of food security among target beneficiaries.

To summarise, ACTESA provides an answer to the region's agricultural challenges including trade related constraints, low productivity, technological and policy related constraints. It is an important institution in a region where 85 percent of all staple crop producers are smallholders and of these, only about 15 percent produce for the market and are characterized by poor organization with no predictable selling mechanisms.

#### **ACTESA's Resource Partners:**

- The United States Agency for International Development (USAID);
- The UK's Department for International Development (DFID)
- World Food Programme (WFP)
- The Alliance for a Green Revolution in Africa (AGRA)
- Australian Aid (AusAID)
- The European Commission (EC)
- The World Bank
- Others

#### **BOX 3: ACTESA'S RESOURCE PARTNERS**

#### **Seed A Critical Factor In COMESA's Productivity Growth**

Many papers have been written on the subject of COMESA's agricultural growth challenges and many more will follow. Previous research demonstrates that a lack of access by farmers to seed is a key factor that results ultimately in Member State and regional food insecurity. Researchers identify quality seed as a priority for addressing the agricultural challenges in the region and it is recognized that provision of high-quality seed should be placed highest in order of importance among agricultural inputs. Small farmers in particular are particularly vulnerable to the projected impacts of climate change, with its changing disease and pest threats. Challenges of new crop diseases, pests, rainfall changes and drought will only intensify in the projected two to four degree rise in temperature. Access to new and improving varieties of seed tested in local conditions is critical to adapt to these changes. Seed is critical for improvements in household and national food security, food value chains and trade in COMESA.

Increasing investment in public, foundation, and non-profit support for seed breeding and research, has had limited success at scale in actually delivering seed into small farmers hands. Although improving, availability of quality seed suitable for the region's farmer's falls far short of need, and only 25-35% of crop area is planted to improved seed, including from public sources. Although a lot of resources have been invested in the development of new public varieties and hybrids, historically little attention or resources were allocated to effective seed product deployment and commercialisation channels to enable farmers, throughout Member State farming areas, to reliably access high performing seed products in the long term. This remains a challenge and a major hindrance to COMESA's agricultural development. In addition, national government and relief seed programs have hampered the creation of commercial seed dealer and distribution channels, a critical component of the seed industry. More resources and technical support need to be invested in local seed companies, distributors and dealers, including access to equipment and germplasm, capital, infrastructure, education, capacity and market incentives. Member State investment commitments at Maputo to agriculture as part of national budgets, and to CAADP commitments, should be utilised to create a stimulus and enabling environment that will stimulate local companies within COMESA, as this will provide direct benefit to the regions farmers, especially smallholders.

In spite of the relatively low levels of area planted to commercial seed in the COMESA region, it is remarkable how

important it is in internal trade. According to COMESA's statistical office, maize seed alone represents COMESA's 5th largest annually internally exported commodity, in value terms, standing firmly beside other industrial trade. In 2012, maize seed exports between COMESA countries amounted to over \$160 million dollars. In addition, trade in seed also has a positive result on trade in resulting crop harvests, improving the overall regional food security, and reducing reliance on external imports.

Both large and small-scale farmers are astute and very aware of seed value. With access and availability to a range of seed products, farmers make wise choices on crop, maturity, performance, risk management and markets. The importance of providing all farmers, the majority of whom are small-scale, a better choice of seed is paramount to improving COMESA's agriculturally based economy. Globally agricultural production has seen the most rapid increases when farmers have had access to a better choice of high quality seed products, regardless of where that seed comes from, so long as it has been tested in local environmental conditions. Providing farmers this choice of seeds is vital in a competitive agricultural production environment, giving farmer's options in crop species, cultivation intensity, planting window, varietal choice, risk management, seed provider and target market. This includes not only conventional farming but also organic farming. It applies especially to small-scale farmers where dollar for dollar, high-quality seed gives the highest return on crop input investment that any farmer can purchase. Poor seed, in terms of genetics, purity or physiological quality, can only achieve poor yields, regardless of how much fertilizer, water, crop-chemicals, or improved management practices are applied to it. In addition, seed security is not just a question of quantity, but also of consistent availability, reliability, access, quality, timing, and choice. Farmers, large and small, need a sustained, affordable and reliable choice of high-quality seed, tested and registered in the local market conditions, and results in optimal yields to provide food for farm household needs, and to provide extra for sale into local and regional markets. Farmers are empowered, increase productivity, and become competitive when they have this choice of seed available to them.

Furthermore, demand creation activities have been limited and not at the national scale required to support market acceptance of the improved technologies through knowledge and product transfer. It is critical to improve the effectiveness and reach of extension to include seed knowledge. Member States may also stimulate growth through widespread on-farm sampling at scale, demonstrating performance of appropriate locally tested and adapted seed products for specific areas, and providing extension knowledge on 'farming as a business' to training farmers on how to maximise yields.

Seed security in the region — and indirectly, food and income security — can only be attained when long term resources are allocated to building an enabling business environment to help African agribusinesses and markets thrive. New companies must be catalysed to emerge, and supported with robust industry organizations that will facilitate and share their voice for the development, distribution, and marketing of continuously improving varieties of quality seed and other inputs.

### **Changing global agriculture and the seed industry**

Agriculture is an essential growth sector driven by the rising and urgent need to solve the world's food needs. According to the United Nations Food and Agricultural Organization (FAO), the global population will rise from an estimated 6.9 billion in 2010 to 9.3 billion in 2050. Of this increased growth the majority will live in urban areas, eat more, require more water, energy, food volume, food quality and diversity and ease of use. Urban transport housing, infrastructure, expansion, waste management, and other needs of cities will continue to place increase pressures on arable land which, if not absorbed in the urban sprawl, will need to perform at optimal level. Increased food, fuel, fibre and industrial uses for agricultural products mean that global arable land will need to produce 70-100% more on nearly the same amount of land.

**Figure 1: growth in international seed trade**

An essential component in increasing efficiency of land resources, as well as improved returns for agriculture, still the World's largest employment sector, comes from crop productivity improvement through seed technology. Seed has one of the highest levels of return for any farmer, containing the maximum potential yield possible even prior to emergence. All other agronomic treatments merely maintain this genetic potential. Regardless of how much fertilizer or irrigation is applied, production will not exceed genetic potential. Therefore the seed industry represents both an essential ingredient of global food production, and continues to show tremendous potential for growth

According to the International Seed Federation the global commercial seed market in 2011 was valued at US\$43-45 billion, having increased rapidly from about US\$25 billion in 2005. In 2011 the largest single market was the USA valued at US\$12.0 billion, followed by China with US\$9.0 billion, France with US\$3.6 Billion, Brazil with US\$2.6 billion, India with US\$2.0 billion, Japan with US\$1.5 billion, and Germany with US\$1.2 billion. Further details at country level are available on the ISF website. The estimate value of the seed markets for maize is \$9 billion, wheat \$2 billion. The global market for vegetable seeds is \$3.75 billion; rice \$1.5 billion; canola \$1.1 billion. In addition to the industry, it is estimated that there is an over and an additional \$15 billion in farm saved seed. Figure 5 shows the rapid rise in international seed trade now well over \$10 billion. This trade is conducted by some 228 members from 78 countries and represents some 96% of the international seed trade.

#### **Emerging african seed industry in COMESA**

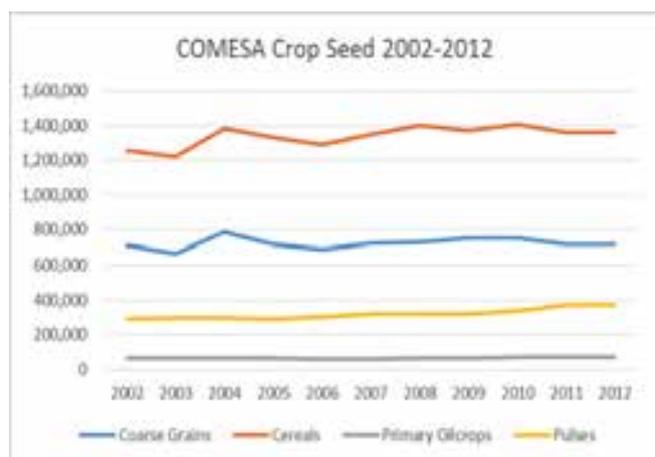
Increasing demand for grain and food drives the need for quality seed in COMESA. Accurate data for commercial seed production and sales in COMESA remains hard to come by, and figures from private sector and other sources do not always compare to public or international sources of data. Seed production by government agencies, non-governmental organizations, and private seed companies is a fraction of that required to meet farmer demand, and it is generally quite difficult to get a true understanding of the supply and demand of informal seeds. It is estimated that only a quarter of farmland is planted with improved seed and the African seed industry has registered only slow growth.

TABLE 1: key african seed markets (value)

Africa Seed Industry Domestic Market Value (2012)		COMESA Seed Industry Domestic Market Value (2012)	
Country	Value (USD million)	Country	Value (USD million)
South Africa	428	Egypt	140
Egypt	140	Kenya	60
Morocco	140	Zimbabwe	30
Nigeria	120	Malawi	26
Algeria	70	Libya	25
Kenya	60	Zambia	20
Tunisia	45	Uganda	10
Zimbabwe	30	Other	20
Malawi	26		<b>331</b>
Libya	25		
Zambia	20		
Tanzania	15		
Uganda	10		
Other	30		
	<b>1,159</b>		

Source: ISF  
Updated June 2013

FIGURE 2: 2002-2012 COMESA CROP SEED (MT)



(SOURCE: FAOSTAT)

Commercial seed sales in the COMESA region represent about one third of the current commercial value of African markets, currently estimated at just over US\$1.1 Billion, which as a comparison is roughly the size of the seed trade in Germany alone. Table 6 represents a synopsis of the value of commercial seed markets in Africa and COMESA, developed from information updated in June 2013 by the International Seed Federation (ISF). It should be noted this represents information of the 2012 value, and is limited to seed sold through commercial channels in those markets. It may not account for relief seed, seed tendered by government, or informal seed channels.

In spite of rapid growth in the global seed industry, in terms of volume of seed sold in COMESA, data from FAOSTAT shows little growth in crop seed demand in the major seed grouping of course grains, cereals, oil-crops, and pulses over the last 10 year period in COMESA as a whole. Figure 6 shows the total seed use across the 19 COMESA countries in these key crop seed groupings between 2002 to 2012. However, Member State and sub-regional growths varies and this does not take into account the growth in value, especially in vegetable seed. In states recent statistics available show that at least 500,000 metric tons of seed crops are needed to cover the shortage each year in the Eastern and Southern Africa (ESA) sub-region alone. (ASARECA)

In maize, the region's largest grain crop, seed needs are most accurately calculated from extrapolations of the total maize production area, bearing in mind that the emerging commercial seed sector does not supply all the seed required. A high percentage of maize seed is still sourced from indigenous varieties and farm-saved seed, improved open-pollinated varieties (OPVs) from national and international research institutes and supplied directly from government seed production units, or from civil society funded by development aid. Emerging seed businesses in COMESA also provide public OPVs, but in addition provide proprietary three-way and single-cross hybrids. Currently, available data shows that hybrid cultivars of maize often out-yield OP cultivars by 50-100% or more.

RECs in the ESA region—specifically COMESA, SADC, and EAC—face common challenges in seed sector development to achieve the intensification needed in the region to create a uniquely African Green Revolution. To achieve the goal of a 6% growth in agriculture laid out by CAADP and supported by NEPAD and COMESA, it is imperative that meaningful support is dedicated to this area by COMESA's Member States. National governments in COMESA dominate much of the seed sector activities, including research, certification, regulation, production and marketing. In addition, Member States themselves are also often a primary customer, as much of the seed produced by companies is bought by either local or neighbouring government with support from relief and/or development partners, such as the World Food Program, for seed distribution programs. Not only are these national seed programs potentially a drain on national budgets and taxpayers, but they may decrease the viability of distribution chains (distributors, dealers, stockists) that seed companies rely on for widespread reach to the customer.

#### **Rationale For Seed Regulatory Harmonisation**

Prior to the current agreements for seed regulatory harmonisation by COMESA Member States, there were obvious and hidden restrictions to movement of seed from one Member State to another. Specific issues included:

- Cumbersome varietal release procedures: Unnecessarily long time in testing, evaluating and release of seed.
- Absence of an effective Plant Breeders' legislation in many countries and lack of a clear mechanism to protect plant-breeding investment.
- Difficulties in accessing proprietary materials by legal means.
- Competitiveness: Instability in government policies—restrictions in import and export sector—no level playing ground.
- Biotechnology and Biosafety Issues (planting, trading or food assistance)

These resulted from multiple factors such as; non-tariff barriers particularly phytosanitary and plant quarantine measures, seed certification and variety release regulations which differ across the regions and countries. In particular, differing requirements in COMESA Member States for variety registration, seed certification and phytosanitary and quarantine control for seed import and export prevented seed companies from investing in these small and fragmented markets. This was also exasperated by elaborate and expensive national seed registration variety testing, lack of mutual recognition for test results and limited capacity to implement, enforce, or even afford own seed rules. Inspectors could not afford transport costs to inspect, not keep up with the volume of tests required. This delayed seed movement in some cases to the point where the market opportunity was missed. In addition there is the lack of understanding of policy measures regarding seed trade by customs officials across borders as well as the inherent fear by smallholders to invest in expensive improved quality seeds due to cash-flow challenges and risk as they anticipate crop failure due to weather calamities such as droughts or floods.

Therefore the COMESA Seed Regulatory Harmonisation process is critical in overcoming these challenges and is at the core of COMESA agenda. Farmers need a sustained, affordable and reliable choice and diversity of high-quality seed, tested and registered in the local market conditions, and results in optimal yields to provide food for farm household needs and to provide extra for sale into local and regional markets. They also need to financial and extension support programs that will solve cash flow and crop risk challenges, protecting their investment in higher

#### **Benefit of COMESA's Harmonised Procedures to the African Seed Industry**

- Simplified custom procedures that facilitates quick movement of quality seed within COMESA region
- Quicker improved variety release and distribution into other countries
- Through the development and adoption of a common pest list, unnecessary inhibitive quarantine requirements will be reduced to facilitate seed movement in the region.
- Seed companies will be motivated to breed varieties that are adaptive to farmers system by involving farmers in selection of germplasm that suit their needs.
- Enhancement of seed traded between borders resulting in saving time and resources in seed movement in the region
- Enhancement of more efficient movement of quality seed in the region.
- Increased volumes and value of traded improved quality seed in COMESA Member States.
- \* Contribute to enhanced growth of the africa seed industry

#### **BOX 4: BENEFITS OF HARMONIZATION TO THE SEED INDUSTRY**

performing seed. In terms of cost per tonne of yield, high performing seed is actually a relatively small component and is affordable even by small farmers.

Globally agricultural production has seen the most rapid increases when farmers have had access to a better choice and diversity of options of high quality seed products, regardless of where that seed comes from, so long as it has been tested and registered in similar environmental conditions. Providing farmers this choice of seeds is paramount in a competitive agricultural production environment, giving farmer's options in crop species, cultivation intensity, planting window, varietal choice, risk management, seed provider and target market. These benefits of this improved choice accrue not only to conventional farming but also organic farming, and other systems and intensities of farm management. Dollar for dollar, high-quality seed gives the highest return on crop input investment that any farmer, including smallholder farmers, can purchase. Poor seed will achieve only poor yields, regardless of how much fertilizer, water, crop-chemicals, or improved management practices are applied to it. Seed security is not just a question of quantity, but also of consistent quality, reliability, timing, choice, and access. Other benefits of seed harmonisation include:

- Increase in size and diversity of nearby markets both for crop and seed producers, encourages the rise of small and medium local and regional African seed companies.
- Ability to trade in breeder and foundation seed between neighbouring countries seed enhances local seed production, reducing dependence on imports alone, and enables competition with large multinationals.
- Wide range of varieties for all farmers (small, medium and large) to choose from - Increased diversity of crop species options, varietal choice, rotations, production system options, seed suppliers and cost structures
- Enhanced competitiveness, productivity and access to markets for both COMESA's farmers and COMESA's seed providers, overall enhancing national and regional competitiveness.
- Increased access to drought, heat, salinity, disease and insect resistant options of seed results in stabilisation and predictability of crop yields at farm and national level.
- Better cooperation in seeds among Member States results in enhanced national and regional seed and food security through improved clarity and transparency on data - seed availability, gaps, harvest projections, consistent yields, etc.
- Enhanced transparency on regulatory and seed movement ensuring that changes introduced by COMESA Members in policies, laws and regulations, requirements and procedures which include new measures in trade practices do not become disguised trade restrictions and will results in reduced transaction costs and shipping time, ultimately preserving higher quality of seed products

(less time stuck at border crossings, etc.)

- Faster releases of varieties enables faster response time in the market to changing disease, weather or market conditions, critically important during disease outbreaks such as grey-leaf spot, rust, or stripe necrosis diseases.
- Reduce transaction cost for seed registration and movement, and reduce the need for repetitive, national testing regimes delaying availability of varieties within the same eco-environments.

### **Comesa's journey toward seed regulatory harmonization**

Due to the global food price crises of 2008, coupled with the urgency to increase productivity of farmers for food and income security, and to meet CAADP commitments in the region, COMESA Council of Ministers in March 2008 declared that COMESA should urgently rationalize and harmonize seed regulations and policies in its 19 Member States within two years, to improve seed availability and flows, especially to small farmers. This declaration was made to try and address the issue of food insecurity and reduce reliance on food imports from outside COMESA Member States. As a response, ACTESA from October, 2010 has been on board implementing seed harmonization through the EU funded COMESA Regional Agro-inputs Programmes (COMRAP). ACTESA managed to harmonise the seed trade in the 19 COMESA Member States according to article 132 of the COMESA treaty that requires Member States to harmonise their policies and regulations relating to phytosanitary and sanitary measures without impeding the exports of crops, plants, seeds, livestock, livestock-products, fish and fish products.

The COMESA harmonisation programme was implemented from October, 2010 under EU funded COMRAP in three technical areas, i.e. regional seed certification, regional variety release system and regional quarantine pest list system. The harmonization was based on regional seed policy already conducted by the Southern African Development Community (SADC) and East African Community (EAC). The participation in the technical agreements at COMESA Member States, brought delegates from the National Seed Authorities (NSAs), the National Plant Protection Organisation (NPPO), Private Seed Sector represented by the National Seed Trade Associations (NSTAs) etc., to discuss the three technical agreements. In reference to article 151 of the Treaty, on creating of an enabling environment for the private sector, ACTESA spearheaded the seed harmonisation in close collaboration with African Seed Trade Association (AFSTA), an African apex body representing private sector in the seed industry. By September, 2011, the draft COMESA Seed Trade Harmonisation Regulations were in place.

The draft COMESA Seed Trade harmonisation regulations were endorsed by the legal drafting committee of COMESA in September 2012. This followed the adoption of the draft COMESA Seed Trade harmonisation regulations by the joint Ministers of Agriculture, Natural Resources and/or Environment in September, 2013. Upon endorsement of the COMESA Seed Trade Harmonisation in February, 2014, the regulations were published in the Official Gazette of the Common Market in May, 2014 and entered into force on the date of their publication (Gazette Volume 19 no.1 , Annex VII) (article 12 of the Treaty) and will be binding on all the Member States in its entirety (article 10 (2) of the Treaty).

During this period ACTESA was directed by the Ministers of Agriculture, Natural Resources and/or Environment to domesticate the draft COMESA Seed Trade harmonisation regulations by coming up with clear guidelines and a timeframe for implementation of the draft COMESA Seed Trade Harmonisation Regulations. In line with the procedures of COMESA of legalising regulations, the draft COMESA Seed Trade Harmonisation Regulations were endorsed by the Ministers of Justice and Attorneys General, adopted draft COMESA Seed Trade Regulations in November, 2013 and according to article 5 of the COMESA Treaty, Member States are required to work with COMESA Secretariat to identify capacity building needs in relation to domestication of legal instruments and related management of legal instruments at the Member State Level.

## Problem Statement

The facts in the region show that lack of quality seed has contributed significantly to food insecurity and poverty. Currently, only a handful of countries in the ESA region are food secure. Among the small-holder farmers in the COMESA region, the availability of quality seed in terms of accessibility is low at 23%. Affordability of quality seed, crop and variety choice, and reliable volumes are continual challenges. In other words less than one in four small-holder farmers have reliable access to improved quality seed. This has led to poor farm productivity in Member States. Limited seed production across ESA region is due to weak seed production and distribution system, lack of access to improved germplasm, disparate national seed policies and regulatory frameworks which leads to market instability and a resulting hesitance on investment in the sector. Though regional seed trade in the COMESA countries does take place, it is limited, largely due to variations among Member States of variety testing & release procedures before seed can be marketed, variation in national standards for seed certification and quality control, variations in quarantine & phytosanitary measures, and variations in the status and enforcement of these regulations.

With the above challenges facing the region, COMESA Ministers of Agriculture at their meeting in Seychelles, in March 2008 directed the COMESA Secretariat to expedite the harmonisation of seed trade regulations and standards to facilitate regional trade in the seed sector. In response to the Ministers of Agriculture, COMESA through its Specialised Agency ACTESA worked extensively with COMESA Member States, seed industry and seed stakeholders to bring about the draft COMESA Seed Trade Harmonisation Regulations. The legal process of COMESA Seed Law Harmonisation across the 19 COMESA Member States is now completed, and COMESA Seed Trade Harmonisation Regulations are in force after approval by the COMESA Council of Ministers in Kinshasa, DR Congo on 24<sup>th</sup> February, 2014.

What is required now is its domestication at Member State and regional level. COMESA statutory agreements require Member States to now work with COMESA Secretariat to identify constraints, gaps and capacity building needs in relation to domestication and related management of these legal instruments at the Member State Level. Implementation is the process of putting the policy into practice, and consistently applying these policies throughout all 19 Member States. The challenge of now turning the seed regulations and policies into practice is critical in ensuring development of a thriving seed sector in the COMESA Member States.

There are a number of key challenges to effective implementation of the harmonised seed regulations.

- Implementation should be conducted in a transparent, and consistently applied manner to facilitate trade between Member States. This will require extensive cooperation between Member States, with the secretariat, with stakeholders and beneficiaries, and alignment of development partners to rally around a common goal in support of COMESA and its Member States.
- Within the 19 Member States, there are vast differences between the status of formal seed systems, as well as differences in the development of local seed industries. Some of the countries are net importers of seed, whereas some are exporters. Furthermore, there are vast differences in the level of farming expertise and customer needs ranging, for example from highly productive smallholder producers in the Nile Delta, to irrigated producers in Mauritius, to smallholders in Malawi.
- Currently, there are no effective SPS notification Systems and Enquiry Points at national levels to ensure that changes in policies, laws, regulations, phytosanitary requirements and procedures introduced by Members do not become disguised trade restrictions.
- There will be a natural instinct to try to protect local seed interests and the status quo through political pressure and artificial trade barriers. However, Member States should balance national seed industry interests, against the need to improve national farm productivity, national food security and industry competitiveness to allow farmers access to a free and competitive choice of high quality, affordable and local crop production productivity, regardless of source of seed. Ultimately farmer

interests, national food productivity, and economic growth must be kept foremost.

- It is at Member State level where implementation plans are given concrete expression, and where the 'rubber meets the road. Compliance and enforcement will need to be conducted in a consistent and transparent manner at national level, but without national biases.
- The process of domestication of COMESA legal instruments is a political process which involves parliament and therefore any programme to be developed to enhance the domestication of legal instruments at the Member State level should include the involvement of parliamentarians.
- Throughout the region, and across both public and private sectors, human resource capacity remains a challenge. Member States and development partners need to allocate significant financial resources for tertiary and technical education for both public and private careers in the seed sector. This should include not only research and breeding, but also business skills, production, quality management, and sales/marketing.
- Financial resource commitments need to be secured from both Member States, in line with CAADP commitments, and development partners strategic focus areas. This funding needs to be sustained over an extended period, and allow both national and regional level support. Ultimately the growth of a globally competitive seed industry is dependent on a long term partnership between governments and the private sector, with Member States responsible for creating an enabling environment that will allow private sector to flourish and compete.
- The informal seed sector is an important part of current seed supply within the region. In many cases the only seed available, for example in smaller crops or roots and tubers, is from informal seed systems. These programs should be strongly supported by other initiatives that will allow them to improve in terms of both genetics and scale. Scaling up informal seed systems is being addressed through other development partner initiatives.
- The implementation plan is about implementing COMESA Seed Trade Harmonisation Regulations. It is not intended to solve all the problems facing agricultural productivity in COMESA, nor indeed even the entirety of seed system challenges. Regulations are only one component of improving seed systems effectiveness in Africa.

It is important and critical that information on developments within the implementation plan are effectively communicated to regional and national seed stakeholders, to prevent confusion, miscommunication or suspicion. In addition to normal communication and advocacy tools, it is important that regular forums be held at both national and regional level to ensure effective communication and awareness, and to prevent misunderstanding.

## Implementation Plan

### THE VISION OF COM/SHIP

The COMESA Seed Trade Harmonisation Regulations are in force and binding on COMESA Member States and have been published in the COMESA Gazette in May, 2014. However, in practice each Member State is at a different level of seed legislation and policy, and will take some time to align current national legislation and policy with the new regional regulations. Member State responsibility for immediate implementation of the approved COMESA Seed Trade Harmonised Regulations will be supported by the COMESA Seed Harmonisation Implementation Plan (COM-SHIP).

The vision of COM-SHIP is that within 5-7 years, all 19 COMESA Member States will have completed implementation of the approved COMESA Seed Trade Harmonised Regulations leading to increased seed production, reliability, trade and competitiveness of the Seed Industry in the COMESA region.

As a result this will provide farmers, especially smallholders, a sustained, affordable and reliable choice and diversity of high-quality seeds, tested and registered in local market conditions, that results in optimal crop yields, providing food for farm household needs, and excess for sale into local and regional markets, increasing farm incomes and building Member State economies.

Priority actions of COM-SHIP will support Member State institutional, human and infrastructure capacity leading to the rapid domestication of, or harmonization with the approved COMESAs Seed Trade Harmonization Regulations, especially in the areas of

- Seed certification
- Variety release
- Quarantine and Phytosanitary measures for seed import and export

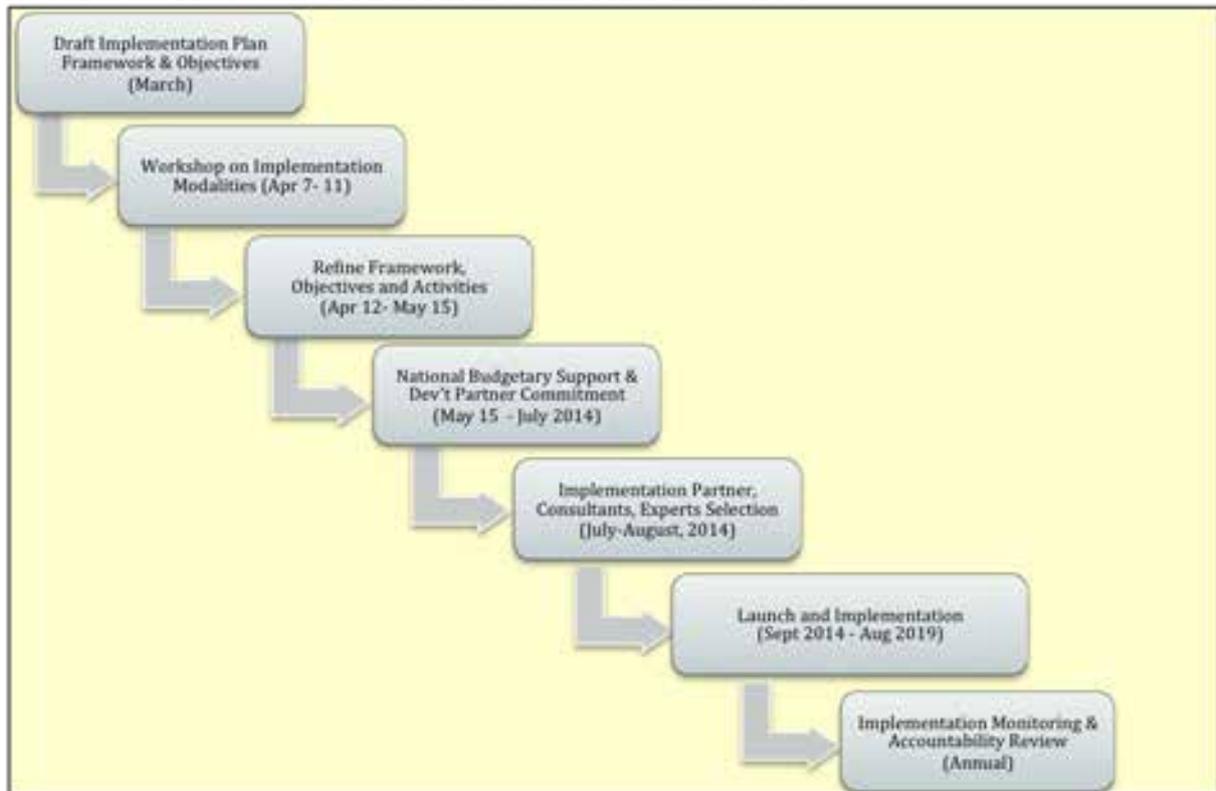
In addition, COM-SHIP will develop a road-map that examines the need for, and modalities required for PVP regulatory harmonisation across COMESA. COM-SHIP will provide support to regional and Member State seed industries and farmers associations, as well as assist Member State extension services to provide complementary support to improve industry competitiveness and grow market demand. Finally, COM-SHIP will wherever possible encourage and support seed companies producing within the region, to train and utilise smallholder producers as a part of the seed supply chain.

The approved regulations support improvements in the seed industry, and the production and trade in commercial seeds within the COMESA region, but do not preclude farmers from producing or utilising their own indigenous seed varieties or farm saved seeds, or utilising informal seed production systems, working with civil society and farmer groups and public sector providers.

### Implementation Process

COMESA has mandated ACTESA to facilitate the implementation of the harmonised regulations across the region. ACTESA provides a channel through which the alliance members (farmer organisations, implementing partners, donors and private sector) receive policy directions and channel inputs into the COMESA Policy Organs in support of integration of regional agricultural productivity and markets.

A number of key priority steps are involved in the execution of the implementation plan, depending on the status of current legislation and regulations at Member State level. Figure 8 describes the key steps involved in the development and execution of COMSHIP.

**FIGURE 3: IMPLEMENTATION PLAN DEVELOPMENT AND EXECUTION**

This implementation plan is not a legal framework that Member States are legally bound to comply with, but rather a framework that describes the implementation plans and modalities required to effectively implement, monitor and improve on compliance and execution within Member States. It is also not a description of the merits or disadvantages of the various clauses of the harmonised regulations, but rather an action plan to implement what is now in force. The implementation plan framework and actions are intended to bring about consistent domestication, application, monitoring and improvement across Member States.

#### **Coordination and implementation at regional level**

Overall implementation will be coordinated by ACTESA, which affords a unique channel for influence and information flow between seed stakeholders. ACTESA is uniquely positioned to influence policy by virtue of having a seat on the Joint Committees of Ministers of Agriculture, Environment and Natural Resources and the Ministers of Trade and Customs and also the COMESA Council of Ministers. This direct access to COMESA Policy Organs while also reaching out to Alliance Members is ACTESA's unique advantage.

At a regional level ACTESA will have responsibility for the coordination of regional activities impacting the implementation of the regulations, working with Member States to -

- Keep COMESA seed regulations current, and advance modifications where required through COMESA approval channels.
- Monitor the implementation, effective management and enforcement, and improve on regulations.
- Arbitration on Disputes between Member States.
- Develop, curate and update the Regional Seed Catalogue to provide accurate and timely information.
- Support accurate and timely gathering of seed data and statistics, working closely with AFSTA, Member State seed authorities, and national seed trade to keep production and trade statistics and

data current

- Represent COMESA Member States seed interests to other trading blocks, international organisations and development partners.
- Create an enabling environment to advance seed trade in the region and strengthen relations between COMESA Member States with Regional and National seed Associations.
- Representation of COMESA Member State seed interests in Regional and Global Trade Talks and agreements e.g. TRIPS
- Strengthen ties and troubleshoot challenges with ISTA, UPOV, and OECD
- Management and Implementation of a COMESA label, working closely with AFSTA.

ACTESA's proximity to COMESA policy organs enables the secretariat to voice the interests of its partners. Consequently, development and implementing partners as well as the private actors are either already directly engaged through MOU's or will actively seek partnerships with ACTESA so that the latter can communicate regulatory recommendations to the Policy Organs and follow-up on subsequent decisions and actions.

Having access to stakeholders in both directions allows ACTESA to function as a conduit between private associations and regional Policy Organs. No other entity has this unique vantage position. ACTESA already has experience in seed programs, and works closely with the African Seed Trade Association, and its member associations at national level.

ACTESA Secretariat is also the regional hub that brings together information, knowledge, and best practices on the developing of staple food markets in Eastern and Southern Africa. ACTESA's goal is to develop a coordinated and harmonized implementation approach of regional regulations and agreements.

In order to do so, ACTESA will pull together experiences of some countries and develop implementation plan to facilitate consistent implementation by other Member States. This is a critical role of ACTESA. ACTESA is the lead institution that documents and packages information on successful market development interventions and best practices experienced in various parts of the region.

The activity of ACTESA Secretariat remain that of a regional coordination and facilitation nature and is not directly involved in the implementation of activities at the Member State level. ACTESA Secretariat may be involved in piloting use of the guidelines in selected countries, but its role will remain that of coordinating and facilitating consistent implementation of staple food agricultural activities.

#### **COMESA Seed Committee**

In the domestication of the COMESA Seed Trade Harmonisation Regulations, a COMESA Seed Committee will be established through a consultative process. The committee will comprise representatives of COMESA Member States from the National Seed Authorities, the National Plant protection Organisations, private seed sector and other relevant stakeholders.

The COMESA Seed Committee in close consultation with ACTESA, AFSTA and NSA will:

- provide technical support for the implementation and improvement of the COMESA Seed System;
- formulate the necessary technical guidelines and procedures for the operation of the COMESA Seed System, including developing crop-specific requirements;
- consider and recommend amendments to the rules, directives, and standards of the COMESA Seed System;

- provide auditing guidelines for the implementation and improvement of the COMESA Seed System;
- deal with disputes referred to it relating to the implementation of the COMESA Seed System and;
- determine and periodically review the appropriate fee structure for the COMESA Seed System

#### **Collaboration With African Seed Trade Association (AFSTA)**

ACTESA will be strongly supported in implementation by key African partner organisations that already have joint agreements with COMESA and ACTESA and will focus on building African regional institutional capacity for implementation. In particular the African Seed Trade Association (AFSTA), which already has extensive relationship with COMESA and ACTESA, both regionally and at Member State level through its member national seed trade associations. This could be supported by existing development partner mechanism such the African Institutions Innovation Mechanism, and others already supporting COMESA such as AGRA-PASS and SSTP. Where gaps are identified, implementation will be conducted in conjunction with the contributors to the COM-SHIP fund.

AFSTA will work with ACTESA in:

- strengthening and establishing national seed associations for efficient coordination of seed-related issues in member countries;
- training members on seed-related topics, such as advocacy techniques, seed association management, seed business management, seed quality assurance management, seed importation and export handling, plant variety protection and seed inspection;
- facilitate establishment and management of International Seed Testing Association (ISTA) accredited seed testing laboratories;
- wide-spread field demonstrations of best practice of varieties provided by seed companies and from other sources;
- establishment of a revolving fund for member seed companies to facilitate access to credit;
- participation in the implementation of COMESA Seed Trade Harmonisation Regulations

#### **Implementation at Member State level**

Member States are responsible for domestication with immediate effect, and take responsibility for legislative and regulatory changes required to align with the COMESA Seed Trade Harmonization Regulations, their monitoring and enforcement. To ensure a smooth and effective domestication, ACTESA will support Member State governments, in partnership with national seed trade associations and other seed stakeholder, to implement, develop local capacity, gather local information and improve the local enabling environment for formal seed systems. The Member States will be represented by the National Seed Authorities (NSAs) involved in seed certification and variety release and also the National Plant Protection Organisations involved in phytosanitary/quarantine measures of seed import and export.

Therefore Member States shall:

- Support domestication of regulations at Member State level
- Identify constraints, gaps, infrastructure and capacity building needs
- Harmonize existing laws and regulations with COMESA

- Provide resources to effectively manage these legislative and regulatory instruments
  - Human and Infrastructure Capacity
  - National seed catalogue, seed data, trade data.
  - Market support
- Consistent application and improvement of regulations
- Coordination and monitoring of COM-SHIP in close collaboration with National Seed Trade Associations
- Develop and support national SPS notification systems for accessing international market
- Provide support to farmers through extension agencies and farmer groups

Once the implementation plan is finalised, the information is disseminated to other countries and partners for use in designing and implementing national programs including CAADP national investment plans. ACTESA's focus will be to collect information and knowledge across the region, process, package, and disseminate to partners. This approach empowers national partners with information that can enable them to implement country agricultural investment plans in a consistent manner. Herein lie the added value of ACTESA.

Implementation or roll out of all Member State level activities will be led by national partners and coordinated and facilitated by ACTESA to avoid duplication of the same activities by different implementing organisations. ACTESA ensures that its planned activities are not only necessary but represent activities Member State organizations cannot undertake. At the Member State level implementation will be led by Member States political and technical representatives, working in close partnership with national seed trade associations, and along with other CSO seed stakeholders, and development partners that can provide financial and technical support to enhance the effective implementation at Member State and regional levels.

For the seed trade, the work of AFSTA is complemented by the NSTAs. At a Member State level, the NSTAs provide a platform for seed companies to speak with a united voice to policymakers and donors. Members provide, directly to policymakers, real world examples of seed availability constraints and how the constraints stymie their development and growth and adversely affect farmers and food consumers. Providing this information, on behalf of the industry in a coordinated and unbiased manner, is a powerful platform for channelling the challenges and needs of the industry to local government officials, as well as COMESA. The critical role of the NSTAs in spearheading the development of the seed sector in general and the promotion of seed trade in particular cannot be overemphasized.

#### **Partnership arrangements within COM/SHIP**

In COMSHIP, ACTESA Secretariat will mainly co-ordinate and facilitate at regional level implementation of COMSHIP. The implementation of COMSHIP at national level will be done within the Public Private Partnerships (PPPs) arrangements driven by its Alliance Partners. The ACTESA Alliance Partners in COMSHIP will be made up of six main actors, namely: Member States (NSAs, NPPOs, NAROs and MoAs); COMESA Secretariat; Development Partners; Regional Farmer Organisations, Regional Implementing Agencies; and ACTESA Secretariat. Each of the Alliance partners will play an important role in COMSHIP as summarized in the organisational structure outlined in Annex 13:

- a) **COMESA SECRETARIAT:** Provide policy guidance towards the mandate and operations of the Alliance Partners and assuming the legal obligation of the Alliance Partners of ACTESA and be platform for the endorsement the implementation of COMSHIP and also annual review of progress at Member State level.
- b) **ACTESA SECRETARIAT:** Facilitation and co-ordination of COMSHIP at regional level ensuring effective implementation at national level; Monitor the implementation, effective management

and enforcement; represent COMESA member states seed interests to other RECS, International Organisations and Development Partners

- c) **MEMBER STATES / NATIONAL GOVERNMENTS:** co-ordinates implementation by regional and local implementation partners providing a conducive environment for alliance partners; facilitates implementation of COMSHIP of the Implementing Agencies on the ground in close collaboration with COMESA / ACTESA. The member states will contribute in facilitating the implementation of the program by using they staff and institutions as well revenue on all tax exempted activities that COMESA will be implementing.
- d) **DEVELOPMENT PARTNERS:** Provide technical and financial support of programmes/projects developed from COMSHIP in close collaboration with ACTESA and resource mobilization with other donors on behalf of ACTESA
- e) **FARMERS' ORGANIZATIONS:** Represented by regional organizations that include East Africa Farmers Federation (EAFF) and Southern Africa Confederation of Agricultural Unions (SACAU) as umbrella bodies. Their role will be to mobilize farmers at national level in awareness creation of the COMESA harmonised regulations, capacity building of small-holder in out-grower seed multiplication activities, etc.
- f) **IMPLEMENTING AGENCIES:** These agencies including private sector associations, umbrella organizations of civil society and specialized institutions (e.g., AFSTA, AFSA, CGIAR, FARNPAN, etc). The private seed companies are represented by AFSTA at regional level and NSTA at national level. In COMSHIP, seed companies will engage farmers throughout grower schemes, R&D investments, extension services to farmers, regional release of varieties, etc.

#### Proposed strategic objectives

The following are 4 strategic objectives that will be key in achieving the full implementation of COM-SHIP across all the 19 countries of COMESA.

#### SO 1.0 Prepare for, and Support Phased Domestication

##### A. Seed Certification System and Policy Reforms Activities to be implemented at Member State Level

- SO 1.1 Support implementation of new seed certification regulations in Comoros, Djibouti, Seychelles, Eritrea, and South Sudan.
- SO 1.2 Review Draft Regulations in Rwanda, Burundi, Mauritius, and DR Congo.
- SO 1.3 Review existing seed act / laws in Egypt, Ethiopia, Kenya, Madagascar, Malawi, Swaziland, Uganda, Zambia and Zimbabwe, Sudan.
- SO 1.4 Support formation of a regulatory body in seed certification in Djibouti, Eritrea, Mauritius, Seychelles and South Sudan.
- SO 1.5 Provide institutional support for seed certification.
- SO 1.6 Support human resource in seed certification in all COMESA Countries.
- SO 1.7 Support seed infrastructure in COMESA Member States.

##### B. Variety Release System and Policy Reforms Activities to be implemented at Member States Level

- SO 1.8 Support Member State regulations on variety release in Comoros, Djibouti, Eritrea and

South Sudan.

- SO 1.9 Review draft variety release regulations in Rwanda, Burundi, Mauritius, Seychelles and DR. Congo.
- SO 1.10 Support alignment of the variety release regulations in Egypt, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Swaziland, Sudan, Uganda, Zambia and Zimbabwe to the COMESA harmonised regulations.
- SO 1.11 Ensure presence or appoint and support variety release body in Mauritius, South Sudan, Eritrea, Comoros and Djibouti.
- SO 1.12 Build institutional capacity in variety release in Burundi, Comoros, Djibouti, DRC, Madagascar, Malawi, Mauritius, Rwanda, Seychelles and South Sudan.
- SO 1.13 Build human capacity in variety release.
- SO 1.14 Support seed infra-structure on variety release.
- SO 1.15 Establishment of the Regional COMESA Seed Committee and COMESA Variety catalogue /Database.
- Quarantine and Phytosanitary measures for seed import and export and Policy Reforms Activities to be implemented at Member States Level
- SO 1.16 Develop Member State quarantine / phytosanitary regulations in Comoros, Djibouti and South Sudan.
- SO 1.17 Review draft quarantine/phytosanitary regulations in Burundi, DR. Congo, Eritrea and Rwanda.
- SO 1.18 Review seed acts/laws and quarantine / phytosanitary regulations in Egypt, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Swaziland, Uganda, Zambia and Zimbabwe in order to align them to the comes seed trade harmonisation.
- SO 1.19 Support formation of Member State regulatory bodies on phytosanitary and quarantine services in Comoros, Djibouti and South Sudan.
- SO 1.20 Build institutional capacity in phytosanitary and quarantine services.
- SO 1.21 Build human capacity in phytosanitary and quarantine services.
- SO 1.22 Support seed infra-structure in phytosanitary services.

### **C. Develop Road Map to support harmonization of Plant Variety Protection (PVP) in COMESA Countries**

- SO 1.23 Steps to be undertaken to develop a COMESA road map for PVP.
- SO 1.24 Support PVP domestication with COMESA Member States without PVP in place.
- SO 1.25 Support PVP domestication in COMESA Member States with draft PVP (DR Congo, , Sudan and Uganda).
- SO 1.26 Support PVP domestication in COMESA Member States where PVP is operational (Burundi, Egypt, Ethiopia, Kenya, Madagascar, Rwanda, Zambia and Zimbabwe).

### **SO 2.0 Strengthen Awareness of COMESA Seed Trade Harmonisation Regulations**

- SO 2.1 Officially Launch COMESA Seed Trade Harmonisation Regulations.

- SO 2.2 Conduct training and sensitisation workshops with Member State government actors.
- SO 2.3 Conduct regulatory awareness and outreach to Member State industry and non-government seed stakeholders.
- SO 2.4 Develop communication and outreach strategy, and communication tools.

### **SO 3.0 Monitor and Improvement of COMESA Seed Trade Harmonisation Regulations**

- SO 3.1 Conduct annual cross-sectorial review of the status of implementation.
- SO 3.2 Advisory panel annual review of the status of implementation.

### **SO 4.0 COMESA Seed Capacity Building and Smallholder Support Programme**

- SO 4.1 Conduct baseline study of seed production status and Member State preferred seed.
- SO 4.2 Support regional seed trade association capacity.
- SO 4.3 Support improved linkages and communication between regional and Member State decision makers with regional and Member State private sector.
- SO 4.4 Support local seed company capacity and representation.
- SO 4.5 Encourage and support seed companies in COMESA to utilise smallholder farmers in at least 10% of their seed production.
- SO 4.6 Support production of Member State preferred seed.
- SO 4.7 ACTESA support for Member State extension, farmer and seed market support programmes.

#### **Objectively verifiable indicators**

Progress on the implementation by Member States on the COMESA Seed Regulations will be reviewed annually taking into account key Objectively Verifiable Indicators (OVIs) that includes:

- Progress and Domestication of Key Regulatory Components
- Infrastructure and Human Capacity
- Number of Crop choices available to farmers in each Member State
- Number of Seed Varieties per crop to farmers available in each Member State
- Average age of registered varieties
- Breeder and Foundation Seed Trade Volumes
- Local seed production volumes
- Number of local and regional seed enterprises - producers, distributors, dealers
- Import / Export Volumes from outside COMESA
- Import / Export Volumes from within COMESA
- Reduction in transaction cost and time
- Data and Statistical information flows across the region
- Seed Market Growth in Volume and Value

## Impact

The main beneficiaries in the programme are smallholder farmers targeted to benefit from seed in terms of quality and quantity from seed producers. Through the implementation of the COMESA Harmonised Seed Regulations, supported by ACTESA and AFSTA's work with Member States, following the guidelines and implementation modalities laid out in the COMESA Stakeholder Implementation Roadmap for Seed Harmonisation (COM-SHIP), an estimated 80 million smallholder farmers in 19 countries will have a sustained, affordable and reliable choice and diversity of high-quality seeds, tested and registered in local market conditions, that results in optimal crop yields, providing food for farm household needs, and excess for sale into local and regional markets, increasing farm incomes and building Member State economies.

Member State seed industries will also benefit, especially those seed producers that are interested in marketing their quality seed beyond borders. More profitable local seed companies will provide additional benefit to their supply chain and out-growers of which many are smallholder farmers. The plan will encourage companies to engage and support smallholder seed producers, and support them with expertise and irrigation. In addition it is anticipated that the harmonised seed law will encourage the rise of COMESA Member State seed companies, seed distributors, and seed dealers, and provide additional jobs for the region on several level. This includes additional capacity within both public and private institutions.

COM-SHIP will also result in additional institutional and human capacity within Member State seed authorities. It will enhance intra- and inter-regional trade, and result in a more competitive agricultural sector. It will improve access by COMESA's farmers to both local and global seed choices, including those that may become necessary in response to climate change.

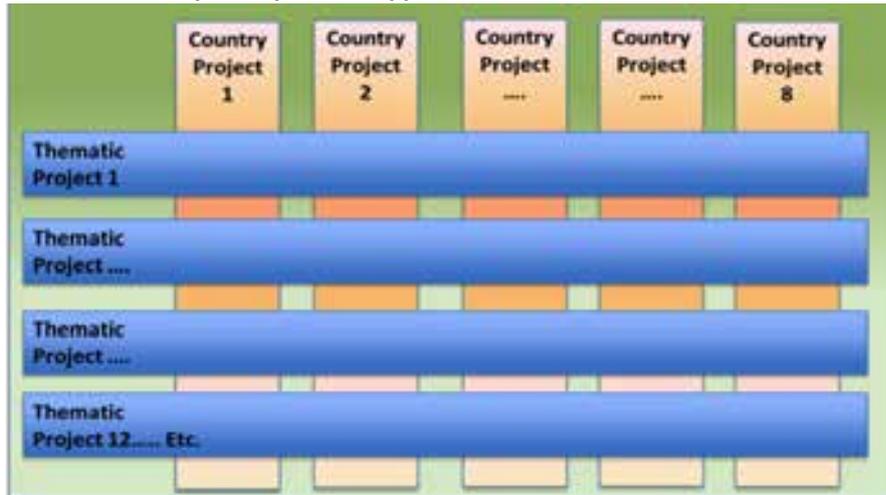
## Funding Framework

When implementing the COMESA Seed regulations, it is important for the implementation plan to be viewed as a COMESA led multi-lateral partnership co-ordinated through its Specialised Agency of ACTESA. Development partners can work with ACTESA to identify technical and financial support projects in existing or new development projects that align with the COMESA Harmonised Seed Regulations at regional level specific national implementations plan co-ordinated by national governments and development partners. Development partners should align with building the institutional capacity (human, infrastructure, technical, financial, etc.) of ACTESA to manage regional issues during and after implementation, and at local levels with both government and seed industry, making sure to align with the implementation plan's overall goals and objectives, so as to avoid ad-hoc or piecemeal interventions that may become counterproductive.

The strong alliance at the regional level between ACTESA and AFSTA, supported by AGRA-PASS, and other development partner initiatives; and at the Member State level between governments and NSTA's, supported by CSO and development partner initiatives provide the best alternative for a sustained and long term coordination of effort that lasts beyond changing donor priorities, budgetary cycles, etc. Member states are expected to fund supportive activities in order to facilitate effective coordination and monitoring of the COM-SHIP as well as ensuring sustainability of quality seed availability and trade.

The implementation plan is envisioned to allow flexibility in partner, donor, programmatic, or Member State specific partnerships aligned to a common goal, reducing previous ad-hoc projects, and allowing for multi-donor support. For example, a particular donor may want to focus on improvements in 3-4 out of the 19 countries. Other partners may want to focus their efforts on only one or more thematic or programmatic areas in each of the countries. Still other partners may want projects that work at a regional level and support the overall strategic objectives but do not get into the specifics of the Member State level. Both existing and new projects may be aligned with the overall strategic objective of the framework allowing flexibility in pursuit of common goals.

**FIGURE 4: development partner support framework**



**Potential development partners for COM/SHIP include**

- AGRA-PASS and SSTP
- African Development Bank (AfDB)
- AusAID
- Bill and Melinda Gates Foundation
- Canada's International Development Research Centre (IDRC)
- Department for International Development (DFID)
- European Union (EU)
- Irish Aid
- International Fund for Agricultural Development (IFAD)
- Netherlands Development Organisation (SNV)
- NORAD
- Rockefeller Foundation
- Swiss Development Agency (SDC)
- Swedish International Development Cooperation Agency (SIDA)
- Syngenta Foundation
- USAID Africa Bureau office of Sustainable Development (USAID/AFR-SD)
- USAID/East Africa
- World Bank
- CABI UK/Nairobi
- DAI/FTESA

## Linkages

The implementation of COMSHIP will be collaborated with AFSTA's Alliance for the Seed Industry in East and Southern Africa (ASIESA) that is striving to strengthening seed industry role and influence at Member State level; enhancement of seed company competitiveness of the seed value-chain and provision of farmer-driven knowledge transfer. The programme will compliment to ACTESA's Eastern and Southern Africa Regional Food Balance Sheet (RFBS) programme was designed to provide accurate and reliable information on the region's food supply and demand status. COMSHIP will support RFBS in providing necessary information on monitoring amount of seed crossing the borders. The information on seed will be separated from inputs data and will be harmonised across the COMESA Member States. The SPS programme in COMESA s include details of the "Green Pass" which is a mechanism for mutual recognition based on accreditation, and would allow for equivalence at commodity or system level. In complimenting SPS programme, COMSHIP will include key features of equivalence agreements to:

- Facilitate trade and reduce costs of compliance
- Involve negotiation between the exporting and importing countries
- Necessitate information exchange and transparency
- Involve both technical and trade experts, as well as the competent authority

### COMSHIP will supports SPS initiative on

- Carrying out assessment on the availability of SPS supportive legal frameworks on transparency in member countries,
- Support development of SPS legal frameworks on transparency
- Support development and Capacity building of National SPS Notification and Enquiry Points

COMSHIP will compliment what COMESA Cross Border Trade has implemented particularly the simplified trade regime (STR) which will ease customs procedures hence facilitate trade and farmers' access to quality seed. The STR concept has now been revised by replacing the Simplified Certificate of Origin with the Common List of products, raising the maximum value threshold from \$500 to \$1000, and maintaining the Simplified Customs Document as the official declaration document. STR has been in operation for close to a year now in the three Member States of Malawi, Zambia and Zimbabwe. Kenya, Uganda and Rwanda are implementing a similar procedure under the auspices of the East African Community (EAC). COMSHIP will also compliment the Climate Change division of COMESA be proposing the use of GAP in the production of improved seed and also land use. Minimal tillage and use of drought-resistance varieties will be key in the implementation of COMSHIP.

The programme will work with other regional organisations that have initiated work on seed harmonisation domestication like the Food, Agricultural and Natural Resources Policy Analysis Network (FARNPAN)'s HASSP, SWISS supported seed harmonization programme in four SADC countries, namely Zimbabwe, Malawi, Zambia and Swaziland. COMSHIP will also collaborate with USAID supported SADC Seed Centre that is developing strategy for the domestication of the SADC harmonised seed regulations in which most Member States that are also part of COMESA. In EAC, COM-SHIP will collaborate through the implementation of the harmonisation of seed laws by the Policy Analysis and Advocacy Programme of (PAAP) of ASARECA. COMESA's customs union that was declared in June, 2009 and customs union at EAC that will allow free movement of labour, capital, goods and services in the COMESA-EAC-SADC tripartite area. It is worth noting that COMSHIP will be implemented within the Alliance of the Seed Industry in East and Southern Africa (ASIESA), whose preparatory phase was co-ordinated by AFSTA and funded by USAID. ASIESA is a public-private partnership of African governments, donors, African seed industry and COMESA that was initiated to establish and enhance a viable and sustainable seed industry in East and Southern Africa.

## Gender considerations

Chapter 24 Articles 154 and 155 of COMESA Treaty recognizes that sustainable economic and social development of the region requires the full and equal participation of women, men and youth. In addition, the COMESA Social Charter article XV promotes gender equality and equity, equal treatment and equal opportunities for women and men. The COMESA Gender Policy demands for a meaningful gender mainstreaming approach in all COMESA programs and activities in addition to gender specific interventions mainly focused on the empowerment of women in the COMESA region.

The majority of COMESA Member States have realized the need to mainstream gender in development programmes. They are signatories to United Nations instruments, declarations and conventions such as the Convention on the Elimination of all Forms of Discrimination Against Women, Nairobi Forward Looking Strategies, The Dakar Declaration and African Platform for Action, the Beijing Declaration and Platform for Action of 1995, the SADC Declaration on Gender and Development (1997) as well as being part of the African Union's gendered approach to development.

Effective implementation of COMSHIP will require bold leadership and understanding of the implications considerations and impact of the program on women, men and the youth, and the role gender plays in implementation through applied practical assessments. COMESA and ACTESA will work in close collaboration with COMESA Gender Division to facilitate the systematic measurement and mainstreaming of gender perspectives in the programme from the start of programme processes, including designing interventions, during implementation, monitoring and evaluation and provide guidance to implementation in this regard, working closely with member states seed authorities and industry. COMSHIP will advocate for a certain percentage of women in COMESA Committees and activities with a target of at least 30% and where possible higher. Through guidance by the Gender Division, the programme will work in manner that will avoid bias and provide equitable distribution and participation of both women and youths in the seed public and private sectors. Through the COMESA Division of Gender, National Gender Ministries and also regional civil society and women organisations in Eastern and Southern Africa, vis-a-vis Women in Agri-business in sub-Saharan Africa Alliance (WASAA), the COMSHIP will encourage women's participation.

COMSHIP will work to secure funding and educational support to women and youth in respect to relevant capacity building, especially girls, to enter into the seed sector through educational programs and internships. It will also examine opportunities to incorporate items such as

- Baseline analysis of women, and youth in COMESAs seed sector
- Apply baseline outcomes (opportunities and gaps) to implement necessary interventions regarding meaningful participation of women, and youth in the seed sector
- Incorporate educational support for training in seed business and seed regulations for youth and women.
- Involve youth and women in seed out-grower schemes, farmer-field schools and experiential learning at various levels
- Encourage full participation of youths ( boys and girls) and women during farmer field schools
- Facilitate access to seed finance, infrastructure, skills and land for seed for women and youth.

## Environmental Considerations Including Climate Change

Agriculture and climate change cannot be separated. The implementation of COM-SHIP will follow COMESAs model-Climatic Change Initiative that recognises the Kyoto Protocol, which is an amendment to the United Nations Framework Convention on Climate Change (UNFCCC) and requires countries to reduce emissions of carbon dioxide and greenhouse gases. The programme will take into account farmer access to quality seed, in preparation for

the projected impacts of climate change, including changing disease, weed, insect profiles, and changing crop management and agronomic considerations. The programme will encourage companies, seed producers and smallholder farmers to produce quality seed as efficiently as possible, to reduce carbon and water footprint. COM-SHIP will encourage member state extension services to encourage farmers to use climate smart agriculture including the importance of crop and seed selection (e.g. early maturing varieties in drought prone-areas), and the use of drought and heat tolerant varieties, as well as nutrient efficient seed varieties. In addition, the programme will encourage use of Good Agricultural Practices like minimal tillage, or conservation agriculture that retains nutrients in the soil and reduces water loss from the soil. Depending on funding COM-SHIP will examine other areas where Member State companies and extension services can be supported to encourage:

- Sensitization to policy makers and farmers about the effect and adaptation needs to climate change.
- Develop policies and strategies of adapting to climate smart seed production systems.
- Avail climate data to Member States and catalogue in accordance with climate suitability.
- Need to breed and facilitate access to resilient varieties or new crop strategies that adapt to specific agro-ecological zones and climate variability and change.
- Crop research and advice to farmers on the crop and variety selection.
- Encourage more rapid and widespread demonstrations and samples of new varieties to encourage uptake.
- Proactive Regional Seed registrations encouraged to fill gaps in seed supply.
- Prepare emergency seed stocks to counter seed shortage after the effect of drought, and emergency fund so that the seed can be moved to the country that is affected.

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### SO 1.0 Prepare for, and Support Phased Domestication

The COMESA Seed Trade Harmonisation Regulations now need domestication at Member State-level. In practice, the implementation of a Member State seed policy requires:

- Designation of a government agency with responsibility for policy implementation
- Translation of the policy provisions into an operational plan and guidelines
- Co-ordination of the responsible agency
- Management of resources to achieve intended policy objectives

A Seed Act or Seed Law in place defines the framework and essential principles that govern seed marketing where it identifies competent authorities, set up prohibitions and obligations, stipulates registration and seed production systems and other quality requirements. Seed laws protect the farmer by establishing a legal obligation for the seller to guarantee the quality of seed by means of standardised inspection and testing procedures. These procedures, which may consist of a certification system, variety release, phytosanitary measures or accreditation procedures, protect and promote enterprises that engage in quality seed production.

A summary of the status of the seed regulatory systems in each of the COMESA Member States are reflected in tables in each of the key areas of regulations below. These tables give details of the presence of the regulatory legislation/act, regulatory bodies and Member States preparedness in term of institutional, human resource and infra-structure capacities. During implementation, these tables will be reviewed on annual basis, to identify problem areas, gaps, resource needs, and to ensure mutual accountability between ACTESA, Member States, implementing partners and seed stakeholders. The tables include:

- Seed Certification Systems and Policy Reform Status
- Variety Release Systems Status
- Quarantine and Phytosanitary Measures for Import and Export Status

In addition they include an area not presently covered under the COMESA harmonised regulations, but which Member States have requested as important for harmonisation in the future, namely Plant Variety Protection Law Status

The details for the tables were generated from EU-supported COMRAP Seed Baseline Studies in 2010/11 period, seed stakeholder dialogs led by the seed associations and USAID supported regional Seed Consultative Workshop conducted in March, 2013 and finally the COMSHIP validation workshop in Addis Ababa in April 2014.

Implementation is divided into three groups of countries related to their relative progress in status and existing regulations. The three groups are as follows.

- Countries with no seed act or regulations: Comoros, Djibouti, Eritrea and South Sudan
- Countries with draft seed regulations: Rwanda, Burundi, Mauritius, Seychelles and DR Congo
- Countries with existing regulations: Egypt, Ethiopia, Kenya, Madagascar, Malawi, Swaziland, Uganda, Zambia and Zimbabwe

## A. Seed certification system and policy reforms activities to be implemented at Member State level

## 2013 Status Of Seed Certification System

TABLE 2: STATUS OF MEMBER STATE SEED CERTIFICATION SYSTEM

COMESA Member State	Presence/Name of Seed Certification Body	National Legislation on Seed Certification	Institutional Capacity	Human Capacity in Seed Certification	Seed Certification Infrastructure
Burundi	(ONCCS)  National Authority for seed control and certification  4 depts.: Testing, Seed Inspection, Variety Release, Physical Analysis (lab)	Seed Act 2012 Draft Regulations	Inadequate	Inadequate	Inadequate
Comoros	Nat'l Inst. Of Res for Ag, Fisheries and Env't. (INRAPE), Dept. of plant production (not functioning)	Not in place	Inadequate	Inadequate	Not in place
Djibouti	MoA, Dept. of Ag and Forestry, SPV Service of Plant Protection	Not in place yet	Inadequate	Inadequate	Inadequate
DR Congo	National Seed Department (SENASEM), 4 Divisions	Draft Regulations	Inadequate	Inadequate,	Inadequate
Egypt	MoA, Ag res institute, Seed Certification, ARC, Committee for registration, and Seed Assoc. 10 yr. variety registration. CASP and CASC Central Admin for Seed Testing and Certification	Operational (Ministerial Decree No. 588 (of 1991))	Adequate	Adequate	Adequate and  ISTA Lab accredited
Eritrea	Ministry of Agriculture	Not in place	Inadequate	Inadequate	Not in place
Ethiopia	Variety Release, Protection and Seed Quality Control Directorate Certification is responsibility of regional state.	Operational (Seed Proclamation No. 782/2013, Seed Regulations under revising)	Inadequate	Inadequate	Intermediate— under construction
Kenya	KEPHIS, ISTA membership, UPOV, OECD, IPPC.	Operational 1971 (Seeds and Plant Varieties Act, Revised 1991, Revised 2013 including issues of harmonisation and authorization of private inspectors for inspection of some seed certification activities (Cap 326) 2013)	Adequate	adequate	adequate
Libya	No data –	No data	No data	No data	No data

COMESA Member State	Presence/Name of Seed Certification Body	National Legislation on Seed Certification	Institutional Capacity	Human Capacity in Seed Certification	Seed Certification Infrastructure
<b>Madagascar</b>	MoA National Seed and Plant Control Agency (ANCOS) - 6 depts.: Inspectorate(staffed), Variety Release, testing (staffed) and lab, legal and dispute, communication, admin & finance	Operational—Various regulations in place	Inadequate	Inadequate recruiting.  No expertise	Inadequate
<b>Malawi</b>	MoA with Seed Services Unit, Dept. ACC (ag cert committee) VRC (Variety release Committee), Seed Certification and Quality Control Services	Operational (Seed Act 9 of 1996)  Review in progress for Parliament taking into account Fake Seed and GMO	Intermediate	Inadequate  (Lack of Funding)	Intermediate.  Good Labs accredited with ISTA
<b>Mauritius</b>	Ministry of Agro Industry & Food Security, (Under restructuring)	Seed Bill of 2013  (Passed)  Regulations still being developed	inadequate	Inadequate	Inadequate. Have lab but not well equipped
<b>Rwanda</b>	Rwanda Agriculture Board	Draft Regulations under review, to highlight PVP. creating autonomous body (new board)	Inadequate  Will need HR capacity	Inadequate  Not operational	Exists but minimum equipment and staff
<b>Seychelles</b>	Plant Protection certify, veg res station verify.	National Plant Act and new Biosecurity Act by Dec 2014	Inadequate	Inadequate	Have lab equipment, lack of HR capacity
<b>South Sudan</b>	Participating in Dialog	Not in place	Inadequate	Inadequate	Not in place
<b>Sudan</b>	MoA, Seed Administration Unit	National Seed Law 1990, revised 2009, Seed Law 2012. National Biosafety Law 2010,	Intermediate Revised composition of National Variety Release Committee, Inadequate	Inadequate	Seed Lab but Inadequate equip.
<b>Swaziland</b>	Seed Quality Control Services	Operational (Seeds and Plant Varieties Act of 2000; Seeds and Plants Varieties Regulations of 2002) Seeds and Plant Regs. under review to align with SADC	Inadequate	Inadequate	Seed lab OK, needs vehicles

COMESA Member State	Presence/Name of Seed Certification Body	National Legislation on Seed Certification	Institutional Capacity	Human Capacity in Seed Certification	Seed Certification Infra-Structure
Uganda	Dept. of Plant Protection, National Seed Certification Service	Operational (Seeds and Plant Act 2006)  Regs. underway with Solicitor Gen for Legal review  Plant protection and Health Bill under review by Parliament  Plant Protection Act 1962  PVP Act 2013  IPPC, OECD, not ISTA	Adequate	Adequate need resources	Have a lab, going toward ISTA certification
Zambia	MoA, Seed Control and Certification Institute (SCCI) - Responsible for Seed Cert, Variety Testing and Variety Release and PBR Act.	Operational  (Plant Variety and Seeds Act; The Plant Variety and Seeds Regulations of 2007)  Under revision to align with SADC and COMESA.  Draft developed and estimate 2014 to be approved by Parliament.	Adequate  (considering self-certification schemes)	Adequate	Adequate, seed testing labs in 8 of 10 provinces plus 3 private labs. Basic equip available but need maintenance ISTA member, One lab accredited Using OECD and UPOV scheme but not members. Now applying.
Zimbabwe	Seed Services Institute in charge of Seed Cert, Variety Release	Operational ( Seeds Act(Chapter 19:13);  Seed Regulations under seed Act.  Seeds amendments , 2003 (no. 12) SI 100/2003  Seed Cert Scheme Notice 2000	Adequate but need capacity building	Adequate	Main office –basic equip but getting old, need additional seed testing equipment  ISTA Lab  Participating members of OECD but because of capacity don't participate  Follow UPOV and OECD rules.

**SO 1.1 Support implementation of new seed certification regulations in Comoros, Djibouti, Seychelles, Eritrea, and South Sudan**

- Legal and regulatory consultants in the 5 Member States will be engaged to:
  - assess status and gaps on seed certification legislation compared to COMESA Seed Trade Harmonisation Regulations
  - assess the existence and strength of the National Seed Authorities (NSAs), National Seed Trade

#### Associations (NSTAs)

- conduct Member State awareness creation workshops and individual consultations on the need for seed certification
- Work with Member States to introduce national seed regulations in parliament.
- ACTESA will work with Alliance Partners in coordinating Member State establishment of NSAs, NSTAs and a national committee to oversee the establishment and sustainability of the system through national consultations.
- ACTESA will work with Member States to appoint and support a focal person to co-ordinate the activities of the National Committee in close collaboration with AFSTA and NSTA.
- With the bodies in place, ACTESA will support the convening of National Seed Consultative meetings to agree on the seed regulatory system taking into account the COMESA Seed Trade harmonisation Regulations.

#### SO 1.2 Review draft regulations in Rwanda, Burundi, Mauritius, and DR Congo

- A legal drafter and seed expert will be hired to review the draft regulations assessing their alignment to the COMESA regulation and also assess the existence and strength of the NSA, NSTA and NSBS.
- ACTESA will facilitate setting up of a committee to establish or strengthen the NSAs, NSTAs and NSBA and appointment of focal persons to co-ordinate and monitor the process at Member State level.
- National consultative forum on Draft regulations conducted to take process forward in (ACTESA/ AFSTA to facilitate holding of forum).
- Regional consultant to synthesise the five countries reports from the validation meetings.
- National advocacy on the need for alignment to the COMESA Seed Trade Harmonisation Regulations in the five countries.

#### SO 1.3 Review existing seed act/laws in Egypt, Ethiopia, Kenya, Madagascar, Malawi, Swaziland, Uganda, Zambia and Zimbabwe, Sudan

In countries with operational seed laws in place, ACTESA will review seed acts / laws and regulations with a view to align them to the COMESA seed trade regulations through the following:

- Consultants will be hired in each Member State to assess the Member State legislation and regulations compared to COMESA seed regulations, conduct gap-analysis, and review process required to amend / review / align / operationalise laws or regulations in the 10 countries and appointment of a focal point to co-ordinate the process.
- ACTESA will constitute or work with existing Member State teams from national seed authorities/ national plant protection organisation/ national seed trade associations / other key stakeholder's authorities to pioneer the alignment process.
- ACTESA will support Member State consultations for the seed laws alignment and domestication of COMESA seed regulations.
- ACTESA, working with AFSTA, will support Member States National Consultative Forum held on alignment / amendment of National Seed Laws to the harmonised COMESA Seed laws conducted.
- A high level mission of COMESA senior officers and the members of the bureau will be supported to review the alignment / amendment process, assessing the bottlenecks and recommendation

remedial measures.

- ACTESA / AFSTA will support draft bill submissions and approval processes including publication of the aligned Seed Acts in the Member State gazettes.

#### **SO 1.4 Support formation of a regulatory body in seed certification in Djibouti, Eritrea, Mauritius, Seychelles and South Sudan**

- A consultant will be hired to assess existence/requirement/legal drafts of a Regulatory body dealing with seed certification in the five Member States.
- Alliance Partners will support administrative procedures to form Regulatory Body in each of the five Member States.
- ACTESA will engage regional technical experts to assist establish seed certification programmes in the five countries.

#### **SO 1.5 Provide institutional support for seed certification**

- Experts will be engaged to analyse gaps and conduct training to ensure membership/accreditation process of Member State labs with the International Seed Testing Association (ISTA).
- Experts will be engaged to analyse gaps and conduct training to ensure membership / accreditation process of Member State labs with OECD procedures.
- Alliance Partners will support NSTA and NSA to obtain membership to ISTA by the seed testing laboratories through visits. This includes issuance of the Orange International Seed Lot Certificate (OIC) or Blue International Seed sample Certificate (BIC) by ISTA accredited laboratory for example already existing in Egypt, Kenya, Malawi, Uganda, Zambia and Zimbabwe.
- Global seed health and seed quality experts will be engaged to support regional training and capacity building workshops for Member State laboratory manager and senior technicians in all COMESA Member States to utilise the latest technology and techniques in seed testing, proficiency tests (e.g. germination, vigour, purity, tetrazolium and electrophoresis tests ).
- Interregional visits will be supported to the ISTA accredited KEPHIS Nakuru seed lab or ISTA accredited labs in Zimbabwe for joint learning. The visit by (AFSTA, ISTA) will ascertain the inter-lab tests results.
- Member State participation in the Forum for African Seed Testing (FAST) will be supported to develop common COMESA lab manuals and procedures, guided by ISTA rules, and have proficiency tests conducted regularly by ISTA.
- Private sector participation will be supported in seed certification / inspections of the 12 COMESA crops through training, licensing of seed inspectors, seed samplers and seed analysts in Burundi, Djibouti, DR Congo, Seychelles, Eritrea, Ethiopia, Rwanda, South Sudan and Sudan (AFSTA with NSTAs).
- ACTESA will support AFSTA engagement of experts to guide Member States toward decentralization of the National Seed Authority in-Member State to bring about efficiency in seed testing.
- Alliance Partners will provide support for the development of seed certification systems for vegetatively propagated crops of the 12 COMESA strategic crops (Irish Potato, Sweet Potato, and Cassava).

#### SO 1.6 Support Human Resource in seed certification in the COMESA member states

- ACTESA with work with Alliance Partners to assess the capacities on human expertise, at Member State and border posts to map out a strategy on building capacity for sustainable programmes at Member State level which may include the following training supported by ISTA, OECD, and other seed experts.
  - Conduct regional training of seed analysts/seed samplers to ensure seed quality is maintained for all 19 COMESA countries
  - Conduct regional training on seed field inspectors in COMESA member countries.
  - Conduct regional training on electronic technical data input for all countries
  - Develop and Conduct Online Training course for selected seed inspectors from countries in order to orient them to OECD seed schemes in all 19 COMESA countries
  - Develop and Conduct Online Training course for selected seed analysts from all countries in order to improve proficiency in seed testing according to ISTA rules
  - Conduct training on Reference sample collection
  - Conduct training on weed seed and crop species identification. etc.
  - Assist Member States in developing business plans / forming of private seed certification schemes to ensure sustainability.

#### SO 1.7 Support seed certification infrastructure in the COMESA Member States

- Consultants will be engaged to conduct a detailed audit of the existing seed testing equipment and infrastructure in Member State institutions and at 'port of entry' posts.
- From the assessment Alliance Partners will develop and support infrastructure recommendations to include where necessary.
  - the construction where applicable of seed testing laboratories for seed health testing and certification in the region.
  - provide or upgrade essential seed certification and testing equipment for laboratory and field inspections in the region based on needs assessments for each Member State.
  - Provide electronic data collection equipment and training on collection in all Member States and support establishment of IT systems (software, networks) for electronic submission of sample tracking, data and reports, including bar-coding systems.

## B. Variety Release System And Policy Reforms Activities To Be Implemented At Member State Level

## 2014 Status of Variety Release Systems

TABLE 3: STATUS OF COMESA MEMBER STATES VARIETY RELEASE SYSTEMS

COMESA Member State	Member State Legislation on Seed Variety Release	Presence/Name of Variety Release Body	Institutional Capacity	Human Capacity in Variety Release	Variety Release Infrastructure
Burundi	Draft Regulations	ONCSS	Intermediate	Inadequate	Inadequate
Comoros	Regulations: Not in place	National Institute of Research for Agriculture, Fisheries and Environment) (IN-RAPE)	Not in place	Not in place	Not in place
Djibouti	ACT: Regulations: Not in place	Ministry of Agriculture, dept. of agriculture	Inadequate	Inadequate	No
DR Congo	ACT: Seed Law exits Technical release procedure, no regulations	National Seed Department (SENASEM)	Inadequate	Inadequate, needs strengthened	Inadequate.
Egypt	Operational (Decree No. 588 (of 1991) Cooperation between ARC and CASC	ARC Central Administration for Seed Testing and Certification	Adequate	Adequate	adequate
Eritrea	Not in place	Ministry of Agriculture	Inadequate	Inadequate	Not in place
Ethiopia	Operational (Seed Proclamation No. 782/ 2013) draft of seed regulations and guidelines	MoAg, Variety Release Protection and Seed Quality Control, National Variety Release Committee in Place.	Inadequate, Planning to do under min of Ag	Inadequate	Not in Place
Kenya	Operational 1971, Revised 1991, Current 2013 (Seeds and Plant Varieties Act (Cap 326) 2013), National Seed Policy in Place	KEPHIS administers all. , National Variety Release Committee.	adequate	Adequate	Adequate
Libya	No data	No data	No data	No data	No data
Madagascar	Decree for Registration of new varieties in national catalog. Not yet Operational	Min of Ag, Official National Agency for Seed Service Control	Inadequate	Inadequate	Inadequate
Malawi	Operational (Seed Act 9 of 1996) Will be reviewed August 2014	Seed Certification and Quality Control Services, Variety Release Committee under Ag Research Services Dept. in MOA	Intermediate	Adequate	Adequate
Mauritius	Seed Bill 2013	Ministry of Agro Industry and Food Security	Inadequate	Inadequate	Inadequate
Rwanda	Seed Law 2003 National Seed Policy 2007 Seed Regulations 2011 Draft on Var Release Procedure	Rwanda Agriculture and Livestock Inspection Services, V	Inadequate	Inadequate	Inadequate
Seychelles	Biosecurity Act	Min of Ag	Inadequate	Inadequate	Inadequate

COMESA Member State	Member State Legislation on Seed Variety Release	Presence/Name of Variety Release Body	Institutional Capacity	Human Capacity in Variety Release	Variety Release Infrastructure
South Sudan	Not in place		Inadequate	Inadequate	Not in place
Sudan	Seed Act 1990 Reviewed 2009, Issued and operational 2010	Min of Ag, Seed Administration National Variety Release Committee in Place under MoA	Inadequate	Inadequate	Inadequate
Swaziland	Operational (Seeds and Plant Varieties Act of 2000; Seeds and Plants Varieties Regulations of 2002) under review to align with SADC	Seed Quality Control Services and Registrar, National Variety Release Committee in Place.	Inadequate	Inadequate	Inadequate
Uganda	Operational (Seeds and Plant Act 2006) Seed Law 2006, Regulations still in draft	MoA, Dept. of Crop Protection, National Seed Certification Service	Intermediate	inadequate	Adequate, needs harmonized
Zambia	Operational (Plant Variety and Seeds Act; The Plant Variety and Seeds Regulations of 2007)	MoA, Seed Control and Certification Institute (SCCI), in addition Variety Release Committee in Place.	Adequate	Adequate but need training	Inadequate equip, lab.
Zimbabwe	Operational ( Seeds Act(Chapter 19:13); Seeds amendments , 2003 (no. 12) SI 100/2003  See Certification table	Seed Services Institute, National Variety Release Committee.	Adequate but needs funding	Adequate	Adequate

#### SO 1.8 Support Member State regulations on variety release in Comoros, Djibouti, Eritrea and South Sudan

- A legal drafter / consultant will be hired to conduct study to assess Member State status on Variety release legislation in the 4 Member States.
- Awareness creation workshops/consultations will be conducted on the need for Variety Release conducted in the 4 Member States.
- Alliance Partners will support establishment of NSTAs in the 4 Member States through national consultations and support from AFSTA.
- Alliance Partners will work with NSTA to provide technical support introduction of regulation on Variety release in the 4 Member States.
- Alliance Partners will work with Member States to support establishment of a national committee to over-see the establishment of the system.
- ACTESA will appoint a focal person to co-ordinate the activities of the National Committee in close collaboration with AFSTA.
- With the bodies in place, ACTESA and AFSTA will support national consultative meetings to agree on the seed regulatory system taking into account the COMESA Seed Trade harmonisation Regulations.
- Alliance Partners will support NSTAs to provide technical backstopping for the establishment of variety release system in the 4 Member States.

and procedures, auditing/periodic SO 1.9 Review draft variety release regulations in Rwanda, Burundi, Mauritius, Seychelles and DR. Congo

- A legal drafter and seed expert will be hired to review the draft regulations assessing their alignment to the COMESA regulation and also assess the existence and strength of the NSA, NSTA and NSBS
- ACTESA will facilitate establishment of committee to establish or strengthens the NSAs, NSTAs and NSBA and appointment of focal persons to co-ordinate the process at Member State level
- Alliance Partners in association with Member State Ministries of Agriculture, will conduct National consultative forum on Draft regulations on variety release conducted in the 5 Member States to take process forward

**SO 1.10 Support alignment of the variety release regulations in Egypt, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Swaziland, Sudan, Uganda, Zambia and Zimbabwe to the COMESA Harmonised Regulations**

- National consultants will be hired to assess the process required to change laws in the 11 countries, conduct gap analysis and appointment of a focal point to co-ordinate the process.
- Alliance Partners will support Member States forming of national teams from National Seed Authorities to pioneer the alignment process of the variety release system
- Alliance Partners will support national consultations for the seed laws alignment and domestication of COMESA seed regulations on variety release
- Alliance Partners will work with AFSTA and NSTAs to conduct National Consultative Forum on alignment / amendment of Member State Seed Laws to the harmonised COMESA Seed laws conducted for the 11 Member States.
- High level missions of COMESA senior officers will be supported and the members of the bureau to review the alignment / amendment process, assessing the bottlenecks and recommendation remedial measures.
- Member State awareness creation and advocacy activities will be supported for the parliamentary committees on Agriculture in the 11 Member States
- Alliance Partners will work with AFSTA and NSTA, and in close collaboration with Member State focal points to advance draft bill submissions and approval processes including publication of the aligned Seed Acts in the National gazette in the 11 Member States.

**SO 1.11 Ensure presence or appoint and support variety release body in Mauritius, South Sudan, Eritrea, Comoros and Djibouti.**

- A regional consultant will be hired to assess what is required to form a regulatory body on variety release in the 5 Member States.
- Alliance Partners will provide technical support for the administrative process of forming a Regulatory Body on variety release in the 5 Member States.
- Alliance Partners will support Member State formation and initial facilitation where appropriate, of the National Variety Release Committee in the 5 Member States.

**SO 1.12 Build institutional capacity in variety release in Burundi, Comoros, Djibouti, DRC, Madagascar, Malawi, Mauritius, Rwanda, Seychelles and South Sudan**

- Alliance partners will facilitate formation of variety release committee in 10 Member States necessary for variety release.
- ACTESA and AFSTA will facilitate awareness and sensitisation of the National Variety Release Committee in 10 Member States.

**SO 1.13 Build human capacity in dealing with variety release in the COMESA member states**

- AFSTA will recruit experts to work in close collaboration with National Seed Authorities to conduct regional training in Distinctness Uniformity and Stability (DUS) tests and Value for Cultivation and Use (VCU) tests conducted for all COMESA Countries.
- Alliance Partners will work together to establish and support a regional team to develop harmonized regional testing protocols for DUS and VCU for the 12 strategic crops.
- Alliance Partners will provide support to regional team to identify COMESA reference/check varieties.
- Alliance Partners will provide support to AFSTA, working with UPOV to conduct special training for selected variety inspectors from each Member State in application of UPOV guidelines.
- Alliance Partners will provide support to Member State breeder, pre-basic, and basic seed maintainers responsible for genetic purity of varieties, and ensure timely provision of seed material at Member State level for the National Seed Authority for all COMESA Member States.
- Alliance Partners will support training of regional variety assessment capacity in preparation of the regional COMESA seed system for all COMESA Member States.

**SO 1.14 Support seed infra-structure on variety release in the COMESA Member States**

- Alliance Partners will support NSA and NSTA production and revision / update of Member State variety release catalogues and seed data base in all COMESA Member States.
- Alliance Partners, working with AFSTA and National Seed Authorities (NSAs) will provide support for the production of COMESA regional variety seals and labels in all COMESA countries for all COMESA Member States.
- Alliance Partners working with AFSTA and NSTAs will provide support to all countries for all COMESA official documentation/records keeping, including conducting training of technical data input staff; electronic data input processes.
- Alliance Partners will support and monitor effective, management, storage of reference samples where necessary at a regional level.
- Alliance Partners will work with consultants or partners like CGIARs to develop agro-ecological mapping of the COMESA 12 niche crops.
- Alliance Partners will support AFSTA in the development of electronic platforms for sharing of regional and Member State variety catalogues across COMESA Member States.
- Alliance Partners will provide support to all Member States to access and/or acquire variety testing equipment /trial sites where necessary.

**SO 1.15 Establishment of the Regional COMESA Seed Committee and COMESA Variety Catalogue/Database**

- ACTESA to convene a regional workshop to establish Regional COMESA Seed Committee comprising of public seed sector, private sector and other seed stakeholders and support its operations on technical guidelines review of the system, disputes resolutions.
- The proposed members of the COMESA Regional Committee to be finalised at this regional workshop.
- ACTESA in close collaboration with Alliance Partners establish a COMESA regional seed catalogue by engaging a firm involved in creating seed catalogue and database.
- During the regional workshop, ACTESA to present the contents of the prototype COMESA Variety Catalogue and database and NSAs agree.
- Discuss the administration and operationalisation of the COMESA Variety Catalogue and Data Base.

**C. Quarantine and phytosanitary measures for seed import and export and policy reforms activities to be implemented at Member State level****2014 Status of Quarantine and Phytosanitary System****TABLE 4: STATUS OF COMESA MEMBER STATE QUARANTINE AND PHYTOSANITARY SYSTEM**

COMESA Member State	Member State Legislation on Quarantine And Phytosanitary Measures for Seed Import / Export	Presence/Name of Quarantine and Phytosanitary Measures for Seed Import/ Export Body	Institutional Capacity	Human Capacity in Quarantine and Phytosanitary Measures for Seed Import/ Export	Quarantine and Phytosanitary Measures for Seed Import/ Export Release Infra-Structure
Burundi	Revised Phytosanitary Law 1993 Being Adopted By Parliament	Nppo	Intermediate	Inadequate	Equipped Lab But Need Training. Need Other Equipment
Comoros	Plant Protection In Line With Indian Ocean Commission Promulgated In 2006, Measures And Partly Covers Seed.	Inrape	Inadequate	Inadequate	Lab For Phyto But Need Training. , In-Vitro Culture Lab.
Djibouti	Not In Place	Dept. Of Plant Protection Nppo	Inadequate	Intermediate	Inadequate
DR Congo	Draft Bill Lled Presidential Decree No. 005/162 Of 2005 Presented To Parliament Regulations	Dppv	Intermediate	Inadequate Needs Built Up	Inadequate
Egypt	Operational (Decree No. 588 (Of 1991)	Central Administration For Seed Testing And Certification (Casc) And Ag Institute Of Plant Quarantine, And Also Ars	Adequate	Adequate	Adequate
Eritrea	Not In Place	Not In Place	Not In Place	Inadequate	Inadequate

COMESA Member State	Member State Legislation on Quarantine And Phytosanitary Measures for Seed Import / Export	Presence/Name of Quarantine and Phytosanitary Measures for Seed Import/ Export Body	Institutional Capacity	Human Capacity in Quarantine and Phytosanitary Measures for Seed Import/ Export	Quarantine and Phytosanitary Measures for Seed Import/ Export Release Infrastructure
<b>Ethiopia</b>	Plant Protection Decree 1956, Quarantine Regulation 1971, Member Of Ippc 1996.	Plant Health Quality Control Directorate.	Inadequate	Inadequate	Inadequate
<b>Kenya</b>	Operational (Seeds And Plant Varieties Act (Cap 326) 2013)  (Same As Previous)  Operate Phyto Services In The Plant Protection Act (Cap 324)  National Biosafety Authority Active	Kephis	Adequate	Adequate	Adequate
<b>Libya</b>	No Data	No Data	No Data	No Data	No Data
<b>Madagascar</b>	Stand-Alone Phytosanitary Law, Regulations With Law And Ministerial Order.	Moa, Quarantine And Border Inspection Dept.	Inadequate.	Inadequate	Inadequate
<b>Malawi</b>	Operational (Seed Act 9 Of 1996)	Department Of Agricultural Research Services, (Phytosanitary And Quarantine Unit)	Adequate	Adequate	Adequate
<b>Mauritius</b>	Plant Act 2006,	Nppu Under Min Ag And Food Security	Intermediate	Intermediate	Intermediate
<b>Rwanda</b>	Plant Protection Law Approved By Cabinet And Submitted To Parliament.	Rwanda Moa Directorate Rwanda Agriculture And Livestock (Ralis)	Inadequate	Inadequate	Inadequate
<b>Seychelles</b>	Plant Protection Act 1996 Biosecurity Act To Be Approved 2014 Regulations	Nppu	Inadequate	Inadequate	Inadequate
<b>South Sudan</b>	Not In Place	Not In Place	Inadequate	Inadequate	Inadequate
<b>Sudan</b>	Plant Protection Regulations 1928  Ippc Plant Protection Convention	Plant Protection Directorate.	Intermediate	Intermediate	Intermediate
<b>Swaziland</b>	Plant Health Protection Act 2013	National Plant Protection Unit To Be Established Under New Act. Plant Pathology Section	Inadequate	Inadequate	Inadequate, New Lab But No Staff.

COMESA Member State	Member State Legislation on Quarantine And Phytosanitary Measures for Seed Import / Export	Presence/Name of Quarantine and Phytosanitary Measures for Seed Import/ Export Body	Institutional Capacity	Human Capacity in Quarantine and Phytosanitary Measures for Seed Import/ Export	Quarantine and Phytosanitary Measures for Seed Import/ Export Release Infrastructure
Uganda	Operational (Plant Protection Act 1962), New Plant Protection And Health Bill In Process.	Moa, Dept. Of Crop Protection. Phytosanitary And Quarantine Unit Nppo In Charge	Inadequate	Inadequate	Inadequate
Zambia	Operational—Plant Health And Diseased Act, Under Revision. Regulation Draft Is Submitted For Approval To Ministry.	Zambia Ag Res Institute, Plant Quarantine And Phytosanitary Services.	Intermediate	Inadequate	Inadequate
Zimbabwe	Operational (Plant Pests And Diseases Act [Chapter 19:08])	Plant Quarantine Services Institute	Adequate	Adequate	Adequate

#### SO 1.16 Develop Member State quarantine/phytosanitary regulations in Comoros, Djibouti and South Sudan

- Legal drafters and consultants will be hired to assess Member State status on Phytosanitary and Quarantine measures for seed in 3 Member States, namely
  - Assess status and gaps on phytosanitary / quarantine measures of seed compared to COMESA Seed Trade Harmonisation Regulations
  - assess the existence of a phytosanitary / quarantine service body or institution
- Alliance Partners will support AFSTA and NSTAs to conduct Member State awareness creation workshops and consultations on the need for phytosanitary and quarantine measures for seed conducted in each of the 3 Member States.
- Alliance Partners will support introduction of regulation on phytosanitary and quarantine measures for seed in the 3 Member States.
- Alliance Partners will support setting up of a national committee to over-see the establishment of the system
- Alliance Partners will work with Member States to appoint a focal person to co-ordinate the activities of the National Committee in close collaboration with AFSTA.
- With the bodies in place, ACTESA will support national consultative meetings will be held to agree on the quarantine and phytosanitary system taking into account the COMESA Seed Trade harmonisation Regulations.

#### SO 1.17 Review draft quarantine phytosanitary regulations in Burundi, DR. Congo, Eritrea and Rwanda

- legal drafter and seed quarantine expert will be hired to review the draft regulations on phytosanitary and quarantine measures for seed through assessing their alignment to the COMESA regulation and also assess the existence and strength of the NSA, NSTA and NSBS
- ACTESA will facilitate setting up of committee to establish or strengthen the NSAs, NSTAs and NSBA and appointment of focal persons to co-ordinate the process at Member State level

- Alliance Partners will work with AFSTA and NSTAs to conduct national consultative forum on Draft regulations conducted to take process forward in the 4 Member States on quarantine and phytosanitary regulations.

#### **SO 1.18 Review seed acts/laws and quarantine / phytosanitary regulations in Egypt, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Swaziland, Uganda, Zambia and Zimbabwe in order to align them to the COMESA Seed Trade Harmonisation**

In countries with operational laws on quarantine and phytosanitary measures for seed in place, ACTESA will support Member State review of legislation and regulations to align them to the COMESA Seed Trade Regulations through:

- National consultants will be hired to assess the process required to change laws in the 10 countries and appoint a focal point to co-ordinate the process.
- ACTESA will support Member State constitution of national teams from National Plant Protection Organisations to pioneer the alignment process of the phytosanitary / quarantine regulations.
- Alliance Partners will support national consultations in the 10 Member States for the seed laws alignment and domestication of COMESA seed quarantine and phytosanitary regulations.
- Alliance Partners will support AFSTA/NSTA facilitation of National Consultative Forum on alignment of National Quarantine and Phytosanitary Laws to the harmonised COMESA Regulations conducted in the 10 Member States.
- High level missions of COMESA senior officers and the members of the bureau will be supported to review the alignment / amendment process, assessing the bottlenecks and recommendation remedial measures.
- Awareness creation and advocacy of the parliamentary committee on Agriculture in the 10 member's states will be supported.
- Member State draft bill submissions and approval processes of quarantine / phytosanitary regulations including publication of the aligned Seed Acts in the Member State gazette in the 10 Member States will be supported.
- ACTESA will work with AFSTA, NSTA and NPPO to support production of harmonised documentation on Plant Import Permit, Phytosanitary Certificate, Non-compliance Notification, and Re-export Phytosanitary Certificate for the distribution 19 COMESA Member States.

#### **SO 1.19 Support formation of Member State regulatory bodies on phytosanitary and quarantine services in Comoros, Djibouti and South Sudan**

- A consultant will be hired to assess requirement for formation of a Regulatory body on seed quarantine and phytosanitary service in 3 Member States.
- Alliance Partners will provide support to Member States for the administrative / operational procedures forming a Regulatory Body on quarantine and phytosanitary in the 3 Member States.
- ACTESA will work with Member States NSC to establish functional Plant Quarantine Service in 3 Member States.

#### **SO 1.20 Build institutional capacity in phytosanitary and quarantine services in the COMESA Member States**

- ACTESA will work with Member States and industry to support the update and production of national and regional quarantine pest lists in all the COMESA Member States.

- In addition, ACTESA will facilitate the acquisition by Member States of new technology in pest diagnostics in Burundi, Comoros, Djibouti, DR Congo, Eritrea, Ethiopia, Madagascar, Malawi, Rwanda, Seychelles, South Sudan, Sudan and Swaziland (ACTESA/AFSTA with KEPHIS, Kenya).
- ACTESA engage IT consultant to support and enhance internet connectivity between phytosanitary and quarantine services in all the 19 COMESA Member States.
- Alliance Partners will support Member State affiliation to international organisations (IPPC) in adherence to international standards on phytosanitary measures in Burundi, Comoros, Djibouti, DR Congo, Eritrea, Ethiopia, Madagascar, Malawi, Rwanda, Seychelles, South Sudan, Sudan and Swaziland.

#### **SO 1.21 Build human capacity in phytosanitary and quarantine services in the COMESA Member States**

- ACTESA / AFSTA will engage training experts to undertake the following:
  - to conduct regional training workshop for Member State trainers of phytosanitary and quarantine regulations
  - facilitate regional training and awareness creation of customs staff on the COMESA quarantine and phytosanitary measures in all the COMESA Member States
  - conduct regional training of Plant Health Inspectors at KEPHIS Centre of Excellence on phytosanitary and quarantine measures for all Member States, as required
  - conduct regional training on Pest Risk Analysis techniques for all COMESA Member States
- ACTESA will engage consultant to examine possibility of establishing commercial COMESA Pest Risk Analysis (PRA) Hub to provide specialised PRA services to Member States as required.

#### **SO 1.22 Support seed infra-structure in phytosanitary services in the COMESA Member States**

- ACTESA, working with NPPOs and AFSTA, will support Member State establishment of 'One-Stop' Plant Health Inspection Points at Border points within bilateral agreements in 19 COMESA Member States.
- ACTESA working with AFSTA, will provide support of Standardized Plant / Seed Health Equipment using Molecular Diagnostics in all Member States as required.
- Where practical, ACTESA will facilitate Member State use of , and if necessary acquiring of tools for Molecular Diagnostics, and will provide technical training to institutes to effectively make use of the tools including utilising international commercial vendors for cost effective molecular diagnostics.

#### **D. Develop Road Map To Support Harmonization Of Plant Variety Protection (Pvp) In Comesa Member States**

##### **2014 Status of Plant Variety Protection System**

The presence within Member States of systems to protect the rights of breeders, known as Plant Breeders Rights (PBR) or more commonly Plant Variety Protection (PVP) law is a key factor to the development of a viable formal seed sector in Member States. A PVP law is necessary to protect the rights of breeders and provide the correct protections and incentives for the development of new varieties of plants. In addition, the PVP law allows both public and private breeders to collect royalties, giving them a chance to recoup costs and profit from their research and product development investments. Normally, the plant breeder gains control of the new protected variety and the right to collect royalties for a number of years.

Harmonisation of Plant Variety Protection (PVP) covering the COMESA Member States has not been done, and it is

within COM-SHIP when PVP will strived to be harmonised and will aimed at providing breeders with the opportunity to receive a reasonable return on their investments of coming up with a variety released in the COMESA Member States and also benefit farmers with new varieties that are high yielding, drought tolerant, disease resistant., etc. leading to high productivity and high seed quality on the market. This system of protection is normally based on World Trade Organization's Trade-Related Aspects of Intellectual Property (TRIP's) agreement and closely related to the 1991 Act of the International Union for the Protection of New Varieties of Plants (UPOV) Convention, which, among other things, has farmer's privilege that provides for use of farm-saved seed within reasonable limits and subject to the safeguarding of the legitimate interests of the breeder.

Most countries of COMESA are signatories of TRIPS that requires that countries establish a PVP system by 2005. SADC and EAC have draft PBR' protocol in place which is in compliance with UPOV 1991. Below shows status of PVP in the COMESA Member States:

**TABLE 5: STATUS OF MEMBER STATES PLANT VARIETY PROTECTION (PVP) SYSTEM**

COMESA Member State	Member State Legislation On PVP	Presence/Name of PVP Body
Burundi	Draft PVP Law 2013 awaiting signature	ONCCS
Comoros	Not In Place	Not in place
Djibouti	Not in Place	Not in place
DR Congo	Draft Plant Variety Protection 2011	Not in place MOA
Egypt	Law on protection of intellectual property rights (law 82/2002).	Central Administration for Seed Testing and Certification (CASC), plant pathology inst., plus plant quarantine dept.
Eritrea	Draft Plant Variety Protection and Intellectual Property Right Act	National Agricultural Research Institute
Ethiopia	Plant Breeders' Rights Proclamation (Proclamation No. 481/2006), now amended and circulated for comment.	Variety Release Protection and Seed Quality Control.
Kenya	Seeds and Plant Varieties Act (UPOV 1991, Draft Plant Breeders Rights. Once granted then can give authority and royalty. Can sell rights. KEPHIS can assist in MOU for licensing.	Kenya Plant Health Inspectorate Service (KEPHIS)
Libya	No data	No data
Madagascar	Draft PVP Law 2010 in process	ANCOS Agence National
Malawi	Draft Malawi Plant Breeders' Rights Act (2008)	"Malawi Plant Breeder's Rights Office" (MPBRO)
Mauritius	Not in place	Not in place
Rwanda	Included in the New Seed law, Draft plant breeders rights presented to cabinet for approval	Rwandan Agricultural Board.
Seychelles	Draft PVP law to be adopted in 2014	Plant Genetic Resources (PGR)
Sudan	Seed and Plant variety Protection Act (2010) also Seed and Plant variety Protection Regulations 2012	Seed Administration under Seed Council
Swaziland	Not in place	Not in place
Uganda	PVP Law 2013, Regulations being drafted,	Plant genetic Resources Centre (PGRC) under MofAg
Zambia	PBR Act (No. 18 of 2007)., draft regulations	Seed Control and Certification Institute (SCCI), of MoAL
Zimbabwe	Breeders Rights Act Chapter 18:16, Regulations 1971	Seed Services Institute

**SO 1.23 Steps to be undertaken to develop a COMESA road map for PVP**

- ACTESA /AFSTA will engage the African Regional Intellectual Property Organisation (ARIPO), a public regional organisation dealing with Intellectual Property rights including Plant Variety Protection.
- National consultants and a PVP/IP expert at regional level will be hired to conduct Member State and regional assessments on Plant Variety Protection (PVP) legislation and regulations status in the COMESA Member States and region taking into account work done in EAC and SADC, and taking into account international commitments such as CBD, ITPGRI, TRIPS.
- ACTESA /AFSTA will conduct necessary technical workshops in the harmonisation of the PVP and analyse Member State Plant Variety Protection (PVP) or Plant Breeders Rights (PBR) regulations, and propose develop a possible common ground and a road map for moving toward common regulation.
- ACTESA/AFSTA will conduct multi-stakeholder (Public Sector, Farmer Organisations, Civil Society Organisations, Seed industry, Development partners, etc.) regional consultative workshop on results of the review and analysis of PVP on results of the review of PVP the COMESA Member States and in the process come up with timelines and improvement to the road map for the implementation of PVP.
- ACTESA will validate technical agreements on PVP by COMESA Member States, including all stakeholders.
- ACTESA will draft technical agreement into legal instruments by the COMESA Legal Sub-drafting Committee.
- ACTESA will facilitate approvals of the draft COMESA Plant Variety Protection Regulations through COMESA Policy Organs.

**SO 1.24 Support PVP domestication with COMESA Member States without PVP law in place**

- Alliance Partners will facilitate national awareness creation workshops / consultation on the need for PVP law in Burundi, Comoros, Djibouti, Madagascar, Seychelles and Swaziland.
- ACTESA will support introduction of regulation on PVP in close collaborations with Ministry of Agriculture and Justice Ministry.
- ACTESA will support establishment of National PVP committees through national consultations to over-see the establishment of the PVP national law.
- ACTESA will work with NSA, NSTAs and ARIPPO to appoint a focal person to co-ordinate the activities of the National PVP Committee in close collaboration with national institutions dealing with intellectual Property Rights.
- ACTESA will facilitate Member States to hold national consultative meetings with the PVP national committees in place, national to agree establishment of the national PVP law in line with COMESA harmonised PVP.

**SO 1.25 Support PVP domestication in COMESA Member States with draft PVP law**

- ACTESA will facilitate setting by Member States of committee to establish or strengthen the National PVP committee and appointment of focal persons to co-ordinate the process at national level and then
- ACTESA will provide support to National Consultative Forum on Draft regulations on PVP conducted

to take process forward

- ACTESA will facilitate finalisation of the PVP law in place in line with harmonised COMESA PVP
- SO 1.26 Support PVP domestication in COMESA Member States where PVP is operational
- ACTESA will support Member State constitution of national teams from PVP committee to initiate the alignment process
- ACTESA will facilitate the holding of National Consultative Forum on alignment/amendment of National PVP laws to the harmonised COMESA PVP
- High level missions of COMESA senior officers and the members of the bureau will be supported to review the alignment / amendment process, assessing the bottlenecks and recommendation remedial measures.
- ACTESA will support Member State draft bill submissions and approval processes including consultations with key stakeholders from Ministries of Agriculture/Justice/intellectual property rights.

### **SO 2.0 Awareness Creation of COMESA Seed Trade Harmonisation Regulations**

According to article 10 (1) of the COMESA treaty, once the draft COMESA Seed trade Harmonisation Regulations are approved, the COMESA Seed trade Harmonisation Regulations shall be binding on all the Member States in its entirety. This has been completed and awaits publishing in the Official Gazette of the Common Market and shall enter into force on the date of their publication or a date specified in the Regulations by the Council of Ministers. The benefits and need of the COMESA Seed Trade Harmonisation Regulation are required to be communicated to all stakeholders especially farmers, the private sector, development partners general public, etc.

Creating awareness of the existence of the COMESA Regional Seed Policy will assist in ensuring that it is used as a reference guide for all seed-related activities. Translation into official languages, professional editing and design and widely distribution of copies are essential. The main objective of the sensitization and awareness raising strategy is to ensure widespread awareness on the COMESA Seed Trade Harmonisation Regulations among all stakeholders on the seed industry and national policy makers are Member State level. In addition this will bring about Increase awareness and uptake of improved seed by farmers by working with stakeholders at local level to ensure extension, NGOs, distribution chain and farmer groups have access to tools, and that farmers are provided with visible demonstrations of performance and best practice.

Therefore the awareness creation strategy of COMESA is to

- Preparation/printing of COMESA Seed Trade Harmonisation regulations in English, French and Arabic
- Identify seed stakeholders interest and design message to match their needs on seed
- Improvement of public knowledge and understanding of the COMESA Seed Trade Harmonisation regulations
- Enhance farming skill and competencies for change in seed multiplication
- Increase capacity to implement change in seed multiplication
- Implement change and evaluate change of quality seed utilization by smallholder farmers

It is hoped that this will result in the increased adoption and use of quality improved seed, improved food production and productivity among smallholders in COMESA Member States and increased private seed sector in COMESA Member States.

Many farmers lack the knowledge to make informed decisions about quality seed. They also have an inability

to differentiate between genuine and fake seed, leaving them discouraged from investing in higher quality seed products. In addition many of the Civil Society Organisations (CSOs), parliamentarians and general public lack information on what is contained in the COMESA Seed Trade Harmonisation Regulations. In this regard, ACTESA have developed an awareness and sensitisation strategy of the COMESA Seed Trade Harmonisation regulations.

#### **SO 2.1 Officially Launch COMESA Seed Trade Harmonisation Regulations**

- ACTESA will facilitate launch of the COMESA Seed Trade Harmonisation regulations for all the 19 COMESA Member States in close collaboration with Ministries of Agriculture, Natural Resources / and or Environment, NGOs, CSOs, and AFSTA.
- Where possible ACTESA will support/assist Member States to translate COMESA Seed Trade Harmonisation Regulations into official national languages.
- ACTESA will prepare and disseminate COMESA Seed Trade Harmonisation Regulations that may include for example leaflets, fact-sheets, magazines, newsletters, brochures, posters, CDs, videos, booklets.
- ACTESA will ensure the COMESA Seed Trade Harmonisation Regulations will be placed on the COMESA website and COMESA members states Ministry of Agriculture for access and download. The internet will facilitate worldwide access to the COMESA Seed Trade Harmonisation Regulations.

#### **SO 2.2 Conduct training and sensitization workshops with Member State government actors**

- ACTESA and AFSTA will jointly plan and execute high-level awareness, information sharing and policy dialog on COMESA wide regulatory information with parliamentarians.
- Alliance Partners will participate in AU 2014 year of agriculture, and African agriculture forums, Regional initiative on agriculture, African Green Rev forum, etc.
- ACTESA will facilitate Member State planning and execute of technical workshops with relevant ministries within Member States.
- ACTESA will facilitate training with key 'port of entry' officials.
  - ACTESA in close collaboration with AFSTA will engage trainers to enhance knowledge and capacity of senior customs officials on the implications and operations of COMESA Seed Trade harmonisation regulations.
  - ACTESA will support training on documentations of seed import and export using the COMESA harmonised procedures. This will enable documentation of the harmonised seed export and import procedures to be easier.

#### **SO 2.3 Conduct regulatory awareness and outreach to Member State industry and non-government seed stakeholders**

- ACTESA will facilitate national sensitization of the approved COMESA Seed Trade Harmonisation Regulations to all key Seed stakeholders e.g. AFSTA working with NSTA, NSAs, FOs, CBOs.
- ACTESA will facilitate outreach programmes with Non State Actors that includes Civil Society Organisations (CSO) capacity building.

#### **SO 2.4 Develop communication and outreach strategy, and communication tools**

- ACTESA engage external professional communication consultants to develop communication

strategy for a multi-layered awareness campaign. The communication strategy will include -

- Identify and prioritize key strategic audiences.
- Develop communication talking points.
- Develop question and answer and/or FAQ tool.
- Plan and develop outreach and awareness tools.
- Develop media outreach strategy.
- Develop proactive crises management plan.
- Prioritize and provide key communication tools to COMESA and ACTESA leadership and engage in strategic forum to create a global, Africa wide, regional and national awareness of the COMESA Seed Trade Harmonisation Regulations.

### **SO 3.0 Monitoring and Improvement of the COMESA Seed Trade Harmonisation Regulations**

#### **SO 3.1 Conduct annual cross-sectorial review of the status of implementation**

- NSTAs will coordinate with NSAs and conduct an annual seed stakeholder meeting at Member State level, including public sector farmer NGOs and CSO groups.
  - During this meeting a review with government on the status of implementation and enforcement of regulations at the local level.
  - Content of the review will include Member State seed data, markets, variety availability and performance, challenges arising, and recommendations for improvement.
- ACTESA will work with AFSTA across the COMESA region to conduct annual regional reviews.
  - This will be composed of a summary of Member State reviews and matters arising.
  - Included will be a review of each Member State, a review of implementation status of various regulations, trends and themes arising, gaps and resource needs.
  - This will be shared with COMESA secretariat and with the AFSTA board, as well as implementation and development partners.
- Support AFSTA facilitation of annual meeting on seed issues at continental level in conjunction with AU, and convene COMESA seed sector regional level meeting with key development partners, RECs and advisors, where possible, at the same time and venue as the annual AFSTA congress. (To be held in Zimbabwe in 2015).
- ACTESA will facilitate a high-level dialog annually during the COMESA Ministers of Agriculture Meetings to review progress.

#### **SO 3.2 Advisory panel annual review of the status of implementation**

- ACTESA will identify Goodwill ambassadors from within COMESA who are opinion leaders, public figures, political figures and celebrities, as well as respected academics and experts to serve as ambassadors and as an ad-hoc COMSHIP Advisory Panel.
  - ACTESA and AFSTA will identify and recruit 6 goodwill ambassadors for ACTESA Seed Trade Harmonisation implementation.
  - The 6 should serve on a voluntary basis and come from a cross section of the seed stakeholders, including a farmer, Seed Company executive, seed association member, Member State government seed official, development resource partner, and civil society member.

- COM-SHIP will utilise ambassadors as an ad-hoc advisory panel to promote and to disseminate benefits of COMESA Seed Trade Harmonisation Regulations.
- The panel will be chaired by the SG COMESA/CEO of ACTESA.
- The Alliance Partners COM-SHIP advisory panel will meet annually to review progress taking into account reports at Member State, regional and trade level, and considering feedback from other relevant parties such as Industry, CSO, AGRA-PASS or development partners.
- The advisory panel will develop an annual report for ACTESA.
  - recommending changes and problem areas.
  - identifying additional resources.
  - identify stakeholder concerns.
  - propose suggested actions for improvement.

#### **SO 4.0 COMESA Seed Capacity Building and Smallholder Farmer Support Programme**

Currently COMESA Member States are not optimizing production of seed adapted to their local conditions within the agro-ecological zone. Factors of the agro-ecological zones include: amount of rainfall, length of growing season, soil type and prevalent of pest and diseases. Currently most of the seed in the region is imported from South Africa, Europe and America with intra-seed trade in COMESA countries at less than 10%. To address this, ACTESA will in close collaboration through regional organisations like AFSTA, FARNPAN, ICRISAT, CIAT, IITA, etc. in supporting countries to produce Member State-preferred seed. ACTESA will support building capacity among Member States to stimulate local and regional seed industries that provide a reliable, competitive and affordable choice of high quality seed, with a special focus on small-scale farmers

##### **SO 4.1 Conduct baseline study of seed production status and Member State preferred seed**

- ACTESA will engage consultants or partners to conduct baseline study to assess use of, and access to, varieties in each Member State.
  - Study will review percentage of purchased seed vs. farm-saved seed;
  - percentage of landraces, improved OPVs and Hybrids used;
  - number of crops and variety choices within those crops;
  - number of hectares and planting rate per hectare;
  - age of varieties registered in market, % less than 5 years old;
  - percentage of imported seed from COMESA countries vs imported seed from outside COMESA vs. local seed;
  - Volume and Value of import and exports;
  - Retail price of seed of strategic crops in various location rural and urban;
  - local production of pre-basic and basic foundation seed;
  - % of certified seed used;
  - Number of registered seed companies, distributors, dealers;
  - Crop yields;
- Consultants will be hired to review Member State seed industry that will include regulatory human capacity and infrastructure needs, 'ports of entry', quality labs, inspectorate, monitoring and enforcement agencies, and provide recommendations for gaps. Information generated will be able to:

- Quantify annual production figures in the COMESA Member States in close collaboration with regional policy organisation like FAO, IFPRI, ASARECA, etc.
- Assess the level of the use of improved seed varieties in each Member State with a view to Identify countries that are resorting to using cycled seed.
- Assess amount of seed crossing borders before domestication of COMESA Seed Trade Harmonisation Regulations within the ACTESA Regional Food Balance Sheet and:
  - Monitor amount of seed crossing COMESA borders after domestication of COMESA Seed Trade Harmonisation Regulations.
  - Utilise FAO food assessments and food balance sheets to compare and contrast.

#### SO 4.2 Support regional seed trade association capacity

- Alliance Partners will provide support to AFSTA to facilitate awareness and sensitization with national seed trade associations (NSTAs) to enhance implementation of existing regional harmonized seed regulations on seed trade
- Alliance Partners will support AFSTA to train on and facilitate the development of trade led inspection and self-certification schemes across the region,
- Alliance Partners will facilitate support for Member State public institutions, enhancing their capacity and efficiency of handling seed registration, testing and trade, as well as audit of self-certification schemes.
- Alliance Partners will provide support to improve utilisation of ICT tools in Member State seed associations and at AFSTA, preparing for COMESA wide implementation of electronic data sharing.
- Alliance Partners will provide support for AFSTA to engage partner to develop a seed database system to generate and aggregate seed data at Member State, regional and continental levels, including seed demand analysis in each Member State.
- Alliance Partners will support AFSTA to produce, update and disseminate Member State and regional varietal seed catalogues and ensure these are available and updatable using web-based tools.
- Alliance Partners will engage financial consultant to work with donors, seed companies, foundations, commercial lenders, and venture capital to establish and implement a revolving fund or develop business plans at national level to ensure competitive and affordable credit.
- AFSTA will examine opportunities to work with and encourage FDI, venture capital and lending institutions to facilitate medium term finance and support for seed producers to process and package seed, funding for the production of basic seed, communal storage facilities, transport, facilitate funding models/programs with low interest rates and longer tenure etc. This will be developed from existing initiatives at Member State-level.
- Alliance Partners will support AFSTA to engage with Member State seed authorities and NSTAs in dialog around self-certification inspections, development & implementation of best field practices, marketing demonstrations, conducting of surveys and monitoring activities
- Support establishment of NSTAs in Comoros, Djibouti, and South Sudan through national consultations (AFSTA to co-ordinate)
- SO 4.3 Support improved linkages and communication between regional and Member State decision makers with regional and Member State private sector

- ACTESA and AFSTA will prepare & distribute at least 4 whitepapers / policy briefs per year on African seed trade issues for consideration by regional and donor policy makers, providing African private sector views to guide COMESA, SADC, donors, etc.
- Support AFSTA by engaging professional communications firm to enhance communications from NSTAs and AFSTA representing seed industry issues to Member State, regional and international policy makers. Firm will work with AFSTA and NSTAs to:
  - develop a COMESA seed industry communications and advocacy plan;
  - including communication priority setting and tactics;
  - developing common messages to be used by NSTAs;
  - improve visibility of COMESA's seed industry through linkages with other seed value chain role-players, through PR, web and social media presence, media.

#### **SO 4.4 Support local seed company capacity and representation**

- Alliance Partners will support Member State seed association's ability to support the establishment and growth of seed companies operating in Member States, including identifying new market and trade opportunities, linkage with distribution networks and related areas.
- Alliance Partners will engage industry consultants to develop a COMESA seed business development centre, developing templates for various critical seed area, and working with local companies to develop feasibility studies, business plans, sales and marketing agreements, partnership and JV agreements, and investment prospectus.
- Alliance partners will support AFSTAs development of, or leverage existing tools for seed dealers and stockists to understand and sell new seed technologies, and provide up to-date agronomic information to facilitate provision of farmer education through extension training, leaflets, radio adverts, etc.
- Alliance Partners will support and provide technical backstopping to NSTAs to help them provide timely recommendations to government to improve the overall farming, agribusiness and trade environment, support Member State agricultural development and trade priorities, and provide input to the development and progress of Country Investment Plans, Development partner compacts, 'Feed the Future', etc. on behalf of local seed value chain companies.
- Support NSTAs work with Ministries of Agriculture extension, to enhance understanding by farmers of the need for, and how to choose high quality seed, and how to avoid fake seed, while managing risk, etc.
- Work with NSTAs, donors and government extension and farmers associations to design and conduct nation-wide on-farm sample programs and seed demonstration at a scale to create significant impacts.
- Support NSA and NSTAs to conduct Member State field days, and seed fairs to create awareness on available high quality seed and publicize results with any other seed trial results & make them available through NSTAs to farmers, extension officers and NGOs as well as on NSTA (and AFSTA) websites.

#### **SO 4.5 Encourage and support seed companies in COMESA to utilise smallholder farmers in at least 10% of their seed production**

- ACTESA will work with NSA and NSTAs to analyse what percentage of local seed production is carried

out by smallholder farmers.

- ACTESA will work with AFSTA to determine how best to encourage and incentivise national seed trade associations and their members to support efficient and reliable production of seed as out growers for the Member State seed company production.
- Alliance Partners will work with Members states and Development partners to identify financial resources for NSTA's and seed companies producing locally to support smallholder farmers in the supply chain.
- Alliance partners will work with Members states and Farmer association partners to identify financial resources to improve reliability of smallholder seed production, including irrigation and other infrastructure to decrease risk, improve productivity and efficiency of seed production.
- Support training of smallholder farmers as contract seed-producers, private seed companies, and public officials in seed multiplication using COMESA standards (ACTESA / AFSTA).

#### **SO 4.6 Support production of COMESA Member State preferred seed/locally adapted seed**

- From the baseline study, ACTESA will stimulate Member States to increase seed of COMESA's identified preferred seed crops.
- Alliance Partners will work in close collaboration with NARS and African-based international research institutes to coordinate and stimulate the release and production of improved varieties of seed for commercialisation by Member State companies.
- Alliance Partners will work in close collaboration with within the Consultative Group for International Agricultural Research Centres (CGIAR) in breeder, pre-basic and basic seed multiplication activities conducted by the International Centre for tropical Agriculture (CIAT) on beans, International Maize and Wheat Improvement Centre (CIMMYT) on maize, International Crop Research Institute for Semi-Arid Tropics (ICRISAT) on groundnuts, International Institute of Tropical Agriculture on cassava, etc. Furthermore, ACTESA will make use of the National Agricultural Research Stations (NARS) where permissible.
- Alliance Partners will support and train smallholders in seed multiplication and creation of stores facilities in the 19 COMESA countries identified from the baseline studies
- Alliance Partners Training of Seed Stockists on quality seed marketing identified from the baseline studies

#### **SO 4.7 ACTESA support for Member State extension, farmer and seed market support programmes**

In view of the level of production of seed in the COMESA Member States, ACTESA will undertake the following activities on the farmer support programme:

- Work with Member State seed authorities to develop appropriate farmer level education templates/ materials to improve knowledge and enhance uptake in each of the COMESA Member States in close collaboration with AFSTA, NSTAs and NSAs.
- Work with regional and Member State extension programs to enhance understanding by farmers of the need for, and how to choose high quality seed, and how to avoid fake seed, while managing risk, etc.
- Alliance Partners will provide support to Member State Ministries of Agriculture frontline extension staff and farmer organisation will facilitate extension services that includes through feedbacks and opportunity to clear any misconception that could be dealt with in question-answer sessions.

- Alliance Partners will Support NSTAs to work with Ministries of Agriculture extension, to enhance understanding by farmers of the need for, and how to choose high quality seed, and how to avoid fake seed, while managing risk, etc.
- Alliance Partners to develop appropriate farmer level education templates/materials to improve knowledge and enhance uptake in each of the ASIESA target countries, working with regional and development extension programs to enhance understanding by farmers of the need for, and how to choose high quality seed, and how to avoid fake seed, while managing risk, etc. farmers awareness of useful new varieties will be raised through extension messages, better retail networks and access to credit.
- Support Member State training of farmers in better selection, treatment and storage of seed from their own farmers in close collaboration with AFSTA and NSAs.
- Support NSTAs to develop or leverage existing tools for seed dealers/stockists to understand and sell new seed technologies, and up to-date agronomic information to facilitate to provision of farmer education through extension training, leaflets, radio adverts, etc.
- ACTESA support Member States to link smallholder farmers to private seed companies where smallholder farmers are provided with logistical support and credit for inputs. The CGIARS identified by ACTESA provides needed technical support for the production of good quality seed.
- Facilitate widespread seed promotion: sample programs, demonstrations and seed fairs To allow farmers to evaluate new crop varieties in their own environment and under their own management practices following best practices (e.g. , ACTESA will undertake the:
- Alliance Partners will support Member State NSTAs in the promotion of small seed packs to smallholders farmers in close collaboration with seed companies to help spread new varieties in the COMESA countries.
- Alliance Partners will work with Member States to facilitate demonstrations of farmer-based plots to compare the performance of varieties and the changes that take place from season to season and allows farmers to access crop varieties beneficial to their environment. Seed Field Demonstrations and seed fairs will be effective tools in transferring knowledge and good practice on the COMESA Seed Trade Harmonisation regulations as well.
- Alliance Partners will work with NSTAs and government extension to conduct field days, to create awareness on available high quality seed and publicize results with any other seed trial results & make them available through NSTAs to farmers, extension officers and NGOs

## References

**ASARECA 2007.** Aligning ASARECA Strategic and Operation Plans to CAADP Pillar IV. Issues paper for discussion with donors.

**COMESA 2008.** Report of the fifth meeting of the Ministers of Agriculture with theme: Consolidating Regional Economic Integration through Value Addition, Trade and Food Security" Victoria, Mahe, Seychelles. 14-15th March, 2008.

**COMESA 2013.** Report of the ministers of Agriculture, Environment and Natural Resources with theme: "Consolidating Intra-COMESA Trade through Micro, Small and Medium Enterprise Development", Addis Ababa, Ethiopia, 19th to 20th September, 2013.

**COMRAP First Seed Technical Harmonisation Workshop.** ACTESA Workshop proceedings reports. Pamodzi Hotel, Lusaka, October, 2010.

**COMRAP First Variety Release and Second Seed Certification Technical Workshop.** ACTESA Workshop proceedings reports. Nairobi, Kenya, 2011.

**Crop Protection Compendium, 2007.** CABI, Nosworthy Way, Wallingford, Oxfordshire OX10 8DE, UK.

**Keyser, C. J, 2013.** Opening up markets for seed trade in Africa. Africa Trade Working paper. World Bank Group.

**O. Nyachae, 2007.** Seed Certification standards for ten selected crops of major economic importance in Kenya, Uganda, Tanzania and Rwanda. Eastern Africa Seed Committee, Nairobi, Kenya.

**Regional Workshop of COMESA Harmonisation Implementation Plan (COM/SHIP)** with theme: enhancing production of quality seed for smallholder farmers. 7<sup>th</sup> to 11<sup>th</sup> April, 2014. ACTESA workshop proceedings of 2014.

**Rohrbach, D.D., Minde I.J., Howard J. 2003.** Looking beyond national boundaries: regional harmonisation of seed policies, laws and regulations. Food Policy. 28 (4) 317—333.

**Rudra, N 2008.** Globalization and the Race to the Bottom: Who Really Gets Hurt. Cambridge: Cambridge University Press.

**SADC 2008.** Technical Agreements on harmonization of seed regulation in the SADC region. Seed variety release, Seed Certification and Quality assurance Quarantine and Phytosanitary Measures for Seed. SADC Secretariat, Private bag 0095, Gaborone, Botswana.

**Salazar R; Louwaars N.P and Visser B. 2007.** Protecting Farmers' New Varieties: New Approaches to Rights on Collective Innovations in Plant Genetic Resources. World Development Vol 35, no.9,pp 1515-1528.

**Samuel, P. 1952.** Spatial price equilibrium and linear programming. Economic Review. 42: 283-303.

**Second Variety and First Phytosanitary Workshop.** ACTESA Workshop proceedings reports. Port Louis, Mauritius, 2011.

**Tripp R, Louwaars N and Eaton D, 2007.** Plant Variety Protection in developing countries. A report from the field. Food Policy 32 (354-371).

**Waithaka M, Nzuma J, Kyotalimye, Nyachae, O. 2011.** Impacts of an improved seed policy environment in Eastern and Central Africa. ASARECA, Uganda.

**Walliser 2003.** What does alignment imply for IDA? Reflections on Burkina Faso's PRSCs. Attacking Poverty Course, April 9, Washington D.C.: World Bank.

**World Bank, 2004.** The Political Economy of Policy Reform: Issues and Implications for Policy Dialogue and Development Operations, Social Development Department Environmentally and Socially Sustainable Development Network.

### The African Seed Trade Association (AFSTA)

In 2000 African seed companies and national seed associations formed the African Seed Trade Association (AFSTA) as a continent-wide umbrella body representing the private seed industry, and promotes the development of private seed enterprises throughout Africa. AFSTA has an observer status at various seed organizations, including the International Seed Federation (ISF), the International Seed Testing Association (ISTA) and the Organization for Economic Co-operation and Development (OECD) seed scheme. AFSTA has been recognized by the African Union as the apex organization representing the voice of the private seed sector in Africa. AFSTA has MOUs with COMESA and ECOWAS.

AFSTA's mandate includes:

- Strengthening and establishing national seed associations for efficient coordination of seed-related issues in member countries;
- Training members on seed-related topics, such as advocacy techniques, seed association management, seed business management, seed quality assurance management, seed importation and export handling, plant variety protection and seed inspection;
- Establishment of International Seed Testing Association (ISTA) accredited seed testing laboratories managed and owned by the national seed trade associations;
- Wide-spread field demonstrations of best practice of varieties provided by seed companies and from other sources;
- Establishment of a revolving fund for member seed companies to facilitate access to credit.
- Participation in the harmonization process of the seed regulations and policies with the regional communities.

AFSTA currently represents over 46 individual seed companies, including local, regional, and global seed companies. It also represents National Seed Trade Associations (NSTAs) in over 26 countries. These NSTAs represent seed companies, seed distributors, dealers, and in some cases, seed growers. In the COMESA region, the national seed associations in Sudan, Ethiopia, Kenya, Uganda, Tanzania, Malawi, Zambia, Zimbabwe, South Africa, and Madagascar represent over 200 seed enterprises.

The work of AFSTA is complemented by the NSTAs. At a Member State level, the NSTAs provide a platform for seed companies to speak with a united voice to policymakers and donors. Members provide, directly to policymakers, real world examples of seed availability constraints and how the constraints stymie their development and growth and adversely affect farmers and food consumers. Providing this information, on behalf of the industry in a coordinated and unbiased manner, is a powerful platform for channelling the challenges and needs of the industry to local government officials, as well as COMESA. The critical role of the NSTAs in spearheading the development of the seed sector in general and the promotion of seed trade in particular cannot be overemphasized. The challenges include:

- Inefficient and unreliable source of foundation and commercial seed with little concern for market demand or need;
- 'Free seed' programs that skew the market, diminish farmer choice, break down distribution systems, and discourage private-sector investment;
- Poor agricultural and seed systems policies and onerous or outdated regulations that adversely affect the ability or desire of private-sector investment in the seed industry; and
- The use of regulations or policies to protect para-statal companies or personal interests.

Between 2008 and early 2010, the African Seed Trade Association (AFSTA), recognizing the challenges and the continuing frustrations of stakeholders involved in the seed sector, facilitated various consultations to provide better and common understanding of underlying issues by stakeholders and to co-create a strategy for beginning to address them. The first set of consultations involved written submissions by national seed stakeholder groups (NSTAs where these exist, or other such formal or informal grouping). Subsequently a regional workshop attended by representatives of seed industry stakeholders from these countries was held in September 2009. In the meantime, AFSTA started discussions with the Common Market for Eastern and Southern Africa (COMESA) to explore collaboration possibilities in tackling the seed industry challenges. It is from these initial consultations that the idea of the Alliance for the Seed Industry in Eastern and Southern African (ASIESA) was born. Subsequently, AFSTA and COMESA have developed a Memorandum of Understanding which defines the collaboration between the two organizations in the context of ASIEA. In March 2010, two more consultation workshops were held—one with donors and another with potential implementing partners. The main objectives of these workshops were to: share information on the emerging ASIESA initiative and obtain stakeholder feedback; Identify stakeholder interests and possible modalities for coordinated engagement; and identify key opportunities and challenges for ASIESA and start to define strategic actions for the initiative. During the dialog, recurring themes of constraints to seed industry development were evident and are listed in the Annex

In 2010, AFSTA was requested by COMESA to spearhead the development of harmonized seed trade regulations for the 19 Member States so as to facilitate quality seed movement within the COMESA region. This was in response to the directive of the COMESA Council of Minister during their meeting held in Seychelles in 2008 as they strategized the challenges facing food insecurity in the COMESA region.

AFSTA worked with COMESA through ACTESA to coordinate activities that involved all seed experts from the 19 Member States to come up with 3 harmonized technical agreements on variety release system, seed certification and phytosanitary measures that would guide the harmonized regulations. In 2011, the 3 technical agreements culminated to a draft COMESA harmonized seed trade regulations that underwent rigorous vetting by the COMESA legal and other seed experts and cleared for adoption by the Agricultural ministers. In September 2013, the COMESA Ministers of Agriculture adopted the draft to a document that would be used by all Member States. The COMESA harmonized seed trade regulations will facilitate intra-seed trade, encourage integration, enhance agricultural growth and ultimately improve food security and communities' livelihood in the region. Seed companies in COMESA, through National Seed Trade Associations and with the African Seed Trade Association (AFSTA) express the key industry constraints listed in Annex 3.

## Seed Industry Constraints in COMESA

During the ASIESA dialog the following were identified as recurring themes across the region constraining the seed sector development

### Member State and Regional Policy Constraints

- Outdated and ambiguous national seed, grain, and biosafety policies, and regulations that limit participation of the private-sector by increasing risk;
- Inconsistent and ambiguous application and/or enforcement of regulations and policies on trade, registration, labelling, fake seed
  - Lack of adequate public resources and staffed seed health labs, field and warehouse inspection capacity, to ensure compliance with regulations by seed companies.
  - Ineffective implementation of policy and regulations for regional harmonization of seed-related agreements and protocols (EAC, COMESA, SADC, ASARECA, etc.).Current lack of regional harmonization of seed regulations and policies to justify investment in the seed sector and promote cross-border seed trade.
  - Multiple parties expressed the need for Member States to comply with international and regional agreements, and terms of memberships to international organizations (e.g. ISTA, OECD, UPOV), including payment of membership fees.
- Governments do not enforce regulations, certification or laws, copyright, IP, and fake seed is prevalent in the market.
  - The need for more government action was suggested in the realm of regulation enforcement.
  - In addition to the education of officials and inspectors, it was also noted that a creation of awareness at a user-level would serve as a catalyst for advocacy and lobbying government for consistent policies and enforcement, including encouraging the use of industry-led monitoring and inspection on behalf of government.
  - Funding systems for voucher programs aren't being utilized properly, contributing to disorganization, mismanagement and underdevelopment.
  - Weak regulation has not only led to poor seed quality, but has also created a favourable market for fake seed.
  - Distributors of fake seed are rarely caught or penalized providing further incentives for them to continue. This creates a poor market environment otherwise, as farmers are discouraged from purchasing improved seed and new seed companies see little benefit in investing in quality seed production. This may also discourage regional or international seed companies from participating in the market.
- Government policy or interventions do not encourage private sector to flourish, and may compete with or undermine private seed sector through controls or subsidized seed supply and/or distribution.
  - Governments should play a significant role in improving the environment for the private seed sector. This could be accomplished in multiple ways.
  - Governments should be encouraged to update laws and plan for their implementation.
  - Additionally, they could implement seed sector support funds or tax incentives, and begin allocating funds within their budgets for seed companies and producers, as well as farmer voucher programs.
  - Again, regulations and accreditations need to be reviewed and strengthened.

- Ongoing engagement with government would greatly benefit the private seed sector and all parties involved, and allow more opportunity for advocacy and lobbying for policy improvement.

### Local and Regional Seed Market Environment

- Unpredictable market conditions, including vast fluctuations in demand for grain and seed;
- Uncompetitive levels of credit access and funding for agribusiness and farmers;
- High transaction costs along the production to market chain, arising from expensive distribution requirements and after-sales' service due 'hidden rules' and poor infrastructure.
- Very low investment by donors, foundations, and the public-sector to support the nascent African seed industry; Majority of funding geared to CSO groups or farmer groups.
- Development donor resources for seed are somewhat skewed toward research, rather than incentivising the deployment and commercialisation of seed products. Donors' priorities are sometimes in conflict with each other, and are 'ad-hoc' with limited consultation to industry associations.
- Potential partnerships with other complementary sectors in the agricultural value-chains remain weak.

### Industry and Company Development

- Difficulties in company access to reliable sources of quality germplasm, breeder and foundation seed;
- Some countries lack of effective industry voice at the national, regional, and international level and few engaged in meaningful developmental dialogue and policy-making;
- The pool of scientific and technical professionals needs to increase at both the public and the private levels in order to promote both higher quality seeds and effective businesses.
- Companies should be encouraged to increase seed production, but many lack technical and business knowledge at a company level. The number of trained personnel in quality storage, handling, transportation, and business management needs to be increased.
  - Lack of up-to-date technical knowledge and capacity of seed companies on seed research, testing, production, processing, packaging, marketing and storage.
    - Poor organizational, fiscal, and management capacity;
    - Poor demand creation, knowledge transfer, sales, and marketing skills
    - Limited knowledge on quality management systems and continual improvement regimens;
    - Poor knowledge on innovation and technology;
    - Poor positioning for collaboration with technology providers and breeding houses;
    - Inadequate branding, communications, and advocacy skills.
  - Lack of specific supply and demand planning expertise, as well as production and sales risk management strategies to ensure reliable availability and proper distribution of quality seed.
- Need national-level support for more well-trained professionals in seed chain (both public and private) at all levels—breeders, production, sales, marketing, admin, distribution, dealers, growers, import-export, quality management, managers, business development, governance.

- Skills are required at all levels in the seed value-chain—the burden for supporting this sector cannot be carried by the emerging private sector alone, at least until a ‘pool’ of talent is accumulated in each Member State..
- The need for skilled seed professionals is important also in dealer and distributor networks, agronomists, as well as for enforcement and inspections.
- Governments should work directly with industry to identify needs and gaps, as well as finding mutually beneficial solutions.
- Poor quality seed has increased not only because of seed faking, but also as a result of poorly-trained seed producers and inspectors with an inadequate awareness of standards.
- Lack of availability or access to grants, soft loans and financing for seed business and value-chain development.
  - More resources need to be placed into smaller companies to help promote them to higher levels.
  - Soft loan access should be made available to support seed production, agro-dealers and farmer development.
  - Private/public partnerships could also be fostered and stimulated at a local level.
  - An allocation of resources by governments for research and collaboration with national seed trade associations would ensure that funding is made available.
  - Venture capital or internationally competitive loans could provide an additional incentive, including the need to protect market and weather risk.
- Even in seed production companies, there is limited infrastructure in terms of laboratory equipment, processing machinery for drying and cleaning, etc.
  - Each existing company would benefit from enhancements in seed processing and storage facilities.
  - Low production and processing capabilities, including lack of reliable contract seed producers with suitable irrigation capacity;
  - In house lab and quality facilities

#### **User (Farmer) Level Constraints**

- Distribution of seeds is weak due to poor infrastructure and poor supplier-retail relationships. Improved road infrastructure and storage facilities would positively impact seed distribution, as well as increasing the capacity of agro-dealers.
- Low farmer productivity and profitability; and effective extension to help farmers make economically sound choices.
  - Unpredictable market value for farmers’ crop harvests;
  - Lack of awareness and understanding among farmers of the value of quality and certified seed.
  - Many farmers lack the knowledge or exposure needed to make informed decisions about quality seed.
  - Inability to differentiate between genuine and fake seed, leaving them discouraged from investing in higher quality products.
  - Lack of knowledge regarding proper agronomic processes, such as the use of fertilizer and pesticides.

- Actions should be taken at Member State level to improve farmer use of improved seed including
  - increase in literacy rates through adult education,
  - availability of sample seed packs through national level programs
  - access to demonstration fields throughout the Member States,
  - development of farmer and extension seed choice manuals and reading materials
  - increased awareness creation on good seed choices by radio talk shows

### Farmer Organizations

COMSHIP will also be implemented within the framework of two regional farmer organisations in Eastern and Southern Africa, who are among Non-State actors, namely the East African Farmers Federation (EAFF) and Southern Africa Confederation of Agricultural Unions (SACAU).

- Each of these farmers federations have two apex farmer organisations in each Member State, one representing co-operatives, the other representing farmers.
- These apex organisations interface with farmers at the grassroots through commodity associations.
- The apex structure is as follows: Farmers Federation (at regional level), farmers association (at national level), and commodity association (district/village level).
- The national coordination units and farmers associations will on a “day to day” basis interface with farmers.
- These will interact with State Actors at national level in the alignment of national seed laws to the COMESA seed laws.

The State actors include the National Seed Authorities (NSAs), National Plant Protection Organisation that will collaborate with Justice Ministry and or Commerce in the enactment of the COMESA seed regulations at national level. Within the Ministry of Justice at national level, the Attorney Generals in close collaboration of the drafters and Parliament officials will be critical in the repeal of the national seed laws through alignment of national laws to the COMESA Seed Trade Harmonisation Regulations.

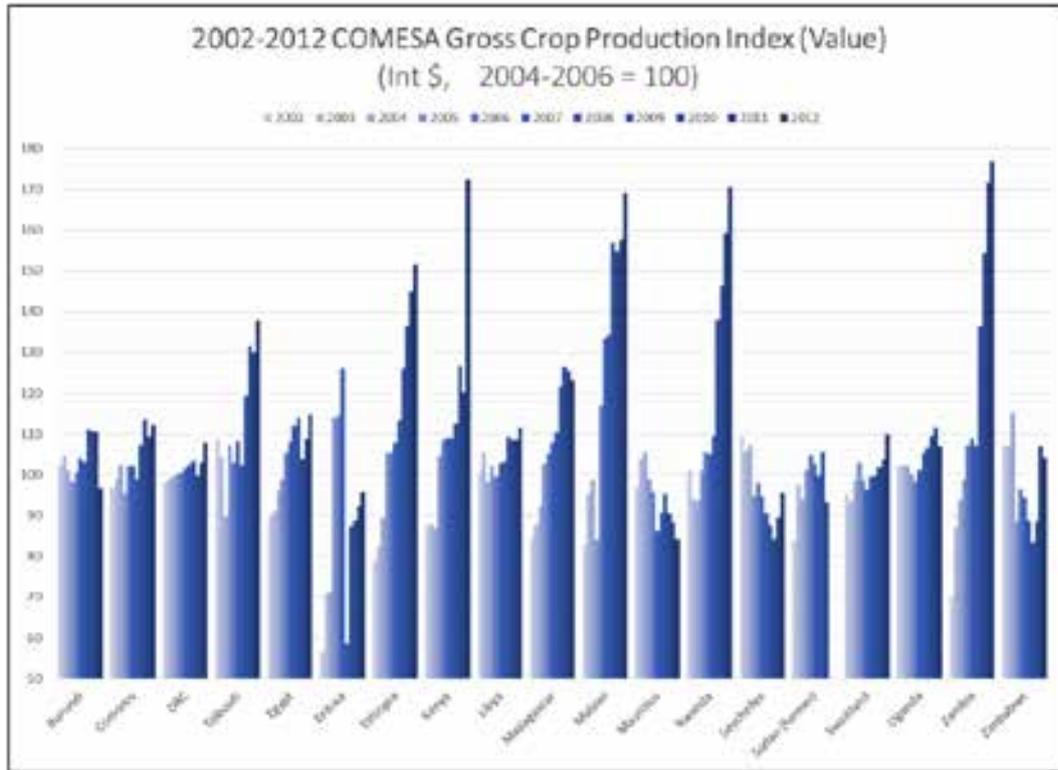
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## Other Seed Stakeholders

### International, Regional and Sub Regional Organizations

- African Agricultural Technology Foundation (AATF)
- Food and Agricultural Organization of the UN (FAO)
- Forum for Agricultural Research in Africa (FARA)
- Global Forum on Agricultural Research (GFAR)
- ASARECA
- IOC
- SADC Seed Centre
- CCARDESA
- SADC
- FANRPAN
- EAC
- Technical Centre for Agricultural and Rural Cooperation ACP-EU (CTA)
- Research Institutions
- National Agricultural Research Institutes in the COMESA Member States
- The Consultative Group for International Agricultural Research (CGIAR)
- Colleges and Universities in COMESA Member States, University of Nairobi
- Civil Society
- Alliance for Food Sovereignty in Africa (AFSA)
- INTERACTION
- Political Bodies
- The African Union Commission (AUC)
- The New Partnership for Africa's Development (NEPAD)

**FIGURE 7: 2002-2012 GROSS CROP PRODUCTION INDEX FOR COMESA STATES (VALUE)**



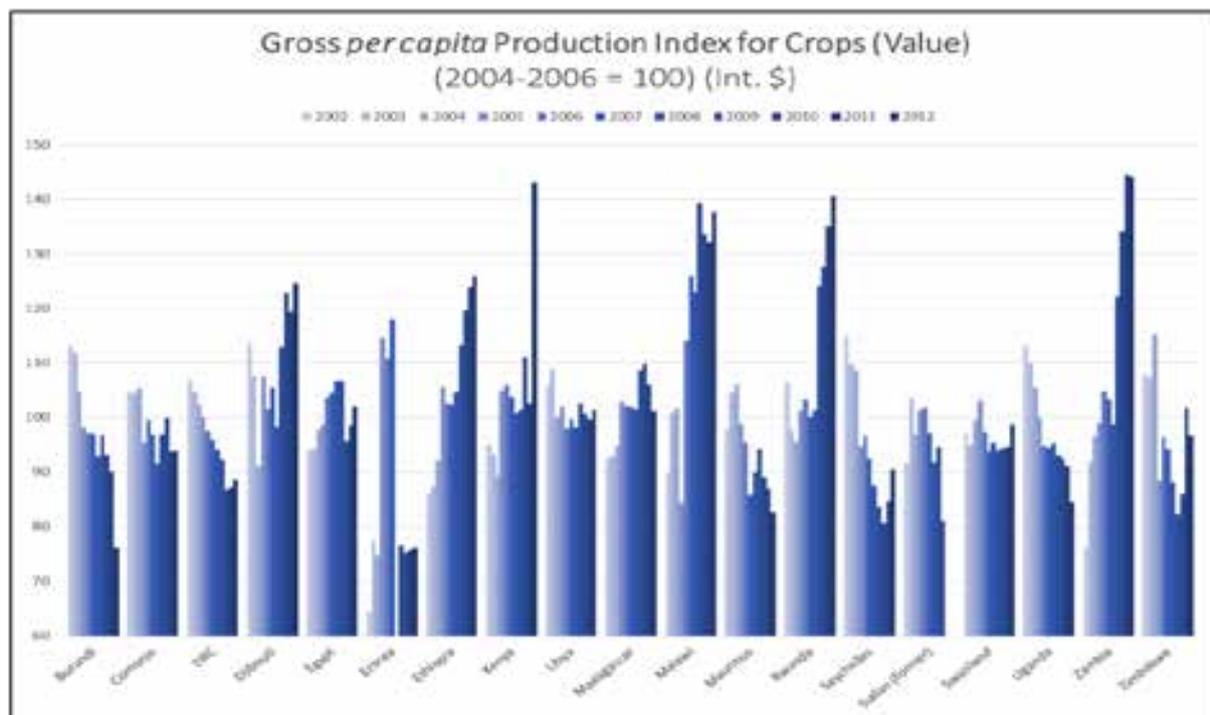
**Agriculture and Food Security in the COMESA Region**

In Africa, food importation amounts to \$35 billion per year with only 5% imported from other African countries. The scenario is mainly due to low crop production in Africa and the situation is similar to the COMESA region. Crops yields for staple crops in much of the COMESA region, are about 30% of the global average. However, as a result of efforts by Member States and development partners, and in line with agricultural budgetary commitments to CAADP, COMESA, ACTESA and instruments such as Member State Investment Plans, there are positive signs in countries across the region. Figure 4 represents a Crop Production Index chart compiled utilising FAO data (FAOSTAT, 2014). 8 out of 19 countries of COMESA have increased their crop productivity by more than 120% from their 2004-06 levels in dollar value terms. These successful countries include those starting from a low base such as Djibouti, and Eritrea, and other larger countries such as Ethiopia, Kenya, Madagascar, Malawi, Rwanda, and Zambia. As can be seen, the majority of the crop productivity trends in each Member State is upward. Kenya, Malawi Rwanda and Zambia have achieved over 170% growth over the 2004-2006 baseline.

Increasing demand for food commodities which includes grain, legumes and vegetables is being driven by population growth, increased consumption, urbanization and bio-fuels. This provides tremendous opportunities for all farmers, and productivity is key to farmer competitiveness in the market. Interventions that directly impact productivity of staple crops have a greater chance of providing sustainable solutions to the food insecurity challenge at the household and Member State levels. However parallel to this is the necessity to improve yields of legumes and other nutritionally valuable crops, including vegetables. This is especially important for small farmers, which make up the majority of farmers in COMESA.

On the other hand, while agricultural productivity has improved in many countries across the region, agriculture is not keeping up with the population growth rate of 3.5 percent per year. As can be seen in Figure 4, compiled from the most recent FAO data, (FAOSTAT, 2014) many countries across the region actually have a downward to flat trend in crop production value on a per capita basis. Notable exceptions include Djibouti, Ethiopia, Kenya, Malawi, Rwanda and Zambia which have seen growth in per capita terms as well as gross production.

**FIGURE 8: 2002-2012 GROSS PER CAPITA PRODUCTION INDEX FOR CROPS IN COMESA STATES (VALUE)**



As in Asia’s economic growth pattern, rapidly rising Member State populations and incomes, especially in COMESA’s urban areas, will continue to drive an ever increasing demand for higher volumes and improved quality of grains and cereals, meat and dairy products, poultry and eggs, and more diverse fruits and vegetables. This increased demand for feed, food and natural resources will continue to put pressure on Member State and regional food security. East and Southern Africa (ESA) region currently imports over US \$50 billion in staple foods annually and this is projected to rise to US\$150 billion by the end of 2014. (COMESA, 2013)

In order to avoid dependence on imports from outside COMESA, and vulnerability to food price shocks, COMESA’s Member States, and the region as a whole, must take bold, urgent and concrete action to make significant farm productivity rate gains in food and feed production, as well as reducing the cost and barriers to internal input, food and feed trade. If COMESA’s farmers, large or small, are to compete with food imports from outside the region, and to respond to climate impacts, they must be able to have all the appropriate inputs and tools at their disposal to increase the pace of farm productivity growth. Better access to improved inputs, technologies, skills and capabilities will enable farmers and Member States to produce optimal and more consistent yields, access higher value markets, and carefully balance yield gains against economic and environmental considerations.

## Components of a Functioning Seed System (FAO)

Adapted from Source: *Strengthening Seed Systems: Gap Analysis of the Seed Sector, CGRFA-13/11/Inf.13, FAO 2011*

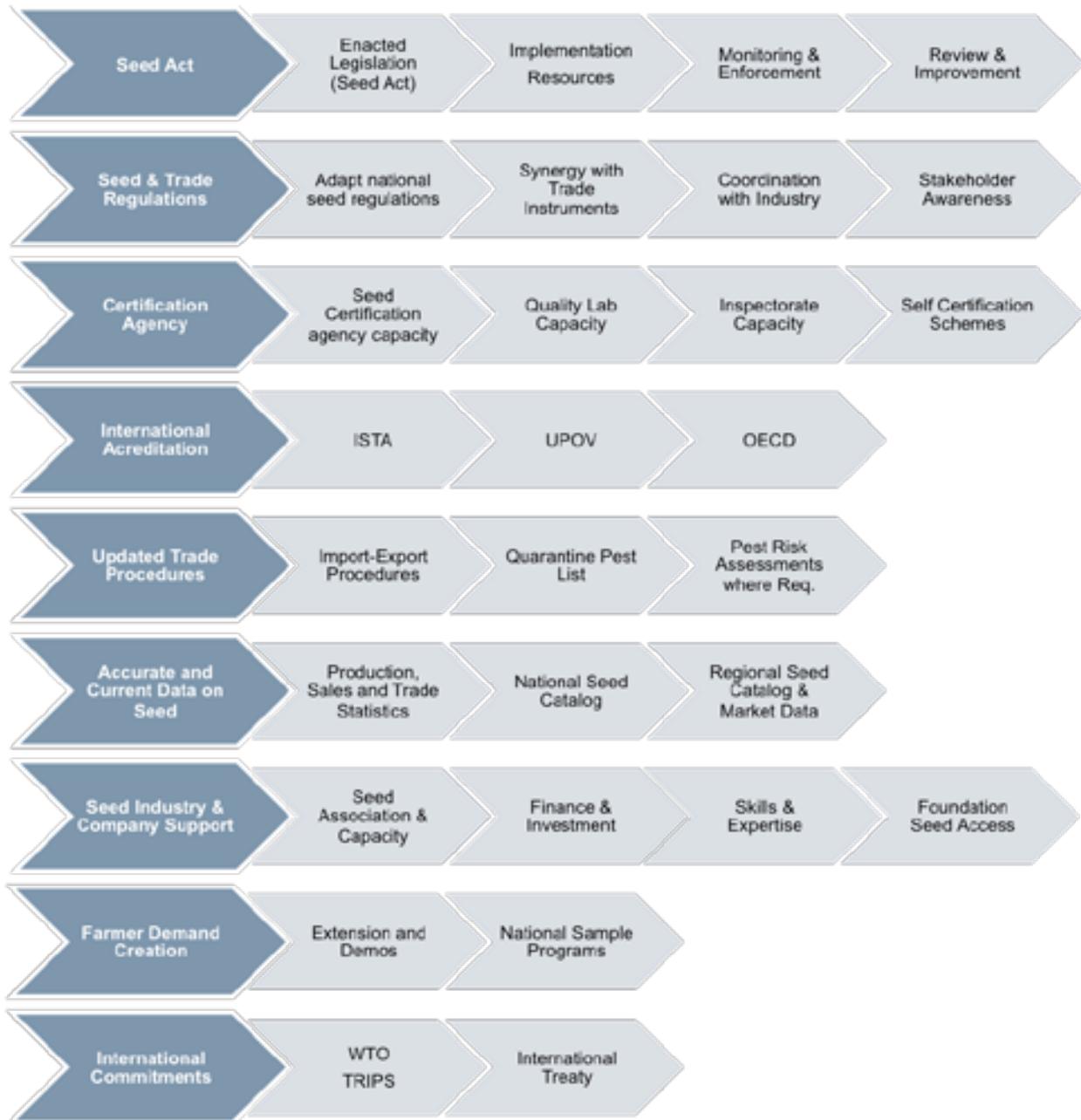
**TABLE 7: FAO STRENGTHENING SEED SYSTEMS: GAP ANALYSIS OF THE SEED SECTOR**

Components of seed program	Possible problems or barriers affecting progress (Lack of....)
<b>1. Seed policy and regulatory framework</b>	Legal instruments Seed policy Phytosanitary Intellectual Property Rights & in particular Plant Breeder's Rights(PBR) Biosafety PGRFA and ABS policies
<b>2. Varietal improvements/development</b>	Lack of Source of materials germplasm materials <ul style="list-style-type: none"> <li>■ Access to/control of germplasm by formal (public &amp; private) &amp; Informal sectors</li> <li>■ Seed regulatory framework</li> </ul> Level of technology <ul style="list-style-type: none"> <li><input type="checkbox"/> Access to expertise in plant breeding</li> <li><input type="checkbox"/> Modern facilities for plant breeding</li> </ul> Partnership for access to private sector germplasm <ul style="list-style-type: none"> <li><input type="checkbox"/> Lack of appropriate partners</li> <li><input type="checkbox"/> Lack of UPOV-compliant legal protection for breeding technology</li> </ul>
<b>3. Variety evaluation, registration and release</b>	Facilities for multi-location varietal demonstration Linkage between farmers (commercial and subsistence) Availability of dynamic variety release mechanism for <ul style="list-style-type: none"> <li><input type="checkbox"/> number of varieties released every year (every five years)</li> <li><input type="checkbox"/> Number of hybrid crops varieties</li> <li><input type="checkbox"/> Number of transgenic crops</li> <li><input type="checkbox"/> Number of OPV crops</li> <li><input type="checkbox"/> Seed intended for the commercial system</li> <li><input type="checkbox"/> Seed for subsistence farmers</li> </ul> Capacity for technical and administrative examinations for variety testing (DUS, VCU) and PBR Existence of national catalogue [and/or regional] Regional harmonization
<b>4. Extension</b>	Technology transfer mechanism Seed extension [and sample programs]

Components of seed program	Possible problems or barriers affecting progress (Lack of....)
<b>5. Seed production, multiplication, processing , storage</b>	Facilities for seed production <ul style="list-style-type: none"> <li><input type="checkbox"/> Appropriate land and equipment (incl. irrigation)</li> <li><input type="checkbox"/> Organizational setup for production of seed classes (breeder, foundation and certified seeds)</li> </ul> Facilities for conditioning <ul style="list-style-type: none"> <li><input type="checkbox"/> (drying) and seed processing equipment</li> <li><input type="checkbox"/> seed storage facility</li> <li><input type="checkbox"/> [company quality labs]</li> </ul>
<b>6. Seed quality control</b>	Seed certification National seed quality system developed <ul style="list-style-type: none"> <li><input type="checkbox"/> Field inspection</li> <li><input type="checkbox"/> Laboratory seed testing</li> </ul> Laboratory facilities Regional harmonization Technical expertise <ul style="list-style-type: none"> <li><input type="checkbox"/> Membership of ISTA</li> <li><input type="checkbox"/> Membership of OECD</li> </ul>
<b>7. Seed marketing and distribution</b>	Availability of National Seed Association (NSA) Membership of regional or global seed association Technical and managerial capacity of local seed enterprises Seed promotion Incentives for use of good quality seed <ul style="list-style-type: none"> <li><input type="checkbox"/> Hidden subsidies (free consultation services by extension)</li> <li><input type="checkbox"/> Differential price incentive for produce of certified seed users</li> <li><input type="checkbox"/> [National sample programs]</li> </ul>
<b>8. Value adding activities at rural level</b>	[Demonstration of value of improved seed—i.e. ‘farming as a business’]

**Effective Seed Systems and Considerations in the Domestication Process**

The diagram below describes some of the key areas requiring attention in effective domestication of the COMESA Seed Trade Regulations and the development of commercial seed systems. The order may not always be the same in each Member State, as different countries are at various stages in their advancement, have different gaps or at different stages of seed system development.



### COMRESA Regional Agro-Inputs Programme (COMRAP)

The details were generated from EU-supported COMRAP Seed Baseline Studies in 2010/11 period, seed stakeholder dialogs led by the seed associations, and USAID supported regional Seed Consultative Workshop conducted in March, 2013.

COMRAP, implemented by ACTESA and funded by the European Commission (EC), was a response to the objectives of the EC Food Facility which are: to encourage food producers to increase supply; to deal directly with the effects of volatile food prices on local populations; and to increase food production capacity. It was designed to respond to the rising food prices by increasing agricultural productivity through enhanced access to finance, fertilizer and seeds.

The COMRAP intervention revolved around rural finance, weather index insurance, agro-dealer capacity building, seed multiplication and seed regulations and frameworks harmonization. The seed component was also intended to provide support to the 19 COMESA Member States through the procurement of seed multiplication and laboratory equipment. The overall objective of COMRAP was thus to contribute to improving rural food security and livelihoods in the COMESA region through training and capacity building of Member State and regional input providers.

COMRAP specifically aimed to:

- To reach farmers in each Member State to improve their sustainable access to agro-inputs and services.
- Train and certify agro dealers.
- Strengthen the human resource capacity in financial markets to deliver credit to smallholders in a cost effective fashion and promote the adoption of weather indexed insurance as a vehicle for hedging against drought and financial risk.

Strengthen the capacity for the improvement of seed quality and provide support for enhancing seed supply.

- Harmonise seed trade regulations throughout the COMESA region building on the harmonisation initiatives that have been undertaken by other regional economic communities.
- During this period, seed stakeholders at a Member State level were extensively consulted. Details at Member State level are available on the African Seed Trade Association (AFSTA) website at <http://afsta.org/media/baseline-studies/>

#### COMRAP Results Financial Services

- 755 people from financial institutions were trained and sensitized out of which 69% were male and 31% female.

#### Weather Index Insurance

- Over 1,700 insurance and bank personnel were trained on weather index insurance, exceeding the target.
- Malawi, Uganda, Rwanda, Zimbabwe

#### Seed Development

While the programme was piloted in eight landlocked countries, namely; Burundi, Ethiopia, Malawi, Rwanda, Swaziland, Uganda, Zambia and Zimbabwe, the seed component covered all the 19 COMESA member States.

- Seed multiplication- Managed to produce about 25,000 metric tons of seed. Data collection is ongoing
- Seed multiplication and laboratory equipment: procurement under way
- Seed regulation harmonization: in the process of legalizing seed policies that have been developed

#### Agro-Dealer Development

- Seven Thousand Five Hundred and two agro-dealers were trained out of which 5,686 were agro-dealers and 1,816 were agents.
- Formation of Interim regional/district associations (cooperatives) commenced in Ethiopia, Rwanda, Zambia and Zimbabwe.

TABLE 8: COMRAP RESULTS

## Plant Variety Protections (PVP) Notes

Group 1: Regional Validation Meeting of COM-SHIP 7th to 11th APRIL, 2014

### Why Plant Variety Protection (PVP)?

- Need to first look at advantages of having a PVP system
  - Every African country has a NARS
  - PBR tool to contribute to NARS sustainability
- Discussion related to new varieties and not landraces

### Proposal under discussion

- Move towards an integrated plant variety protection approach in COMESA
- Managed by ARIPO but linked to UPOV

### Clarifications

- CGIAR varieties can be considered as “public goods”
- If you do not improve varieties then will have nothing to protect
- UPOV 1991 does not restrict reasonable use
- CGIAR does not release varieties
- Seed companies/NARS/Farmers can access CGIAR materials and if they improve them can then claim exclusive rights
- However open access does not mean widespread use (no incentives to produce and market)

### Civil society (AFSA) views

- Detailed concerns on UPOV 1991 submitted to ARIPO
  - Not satisfied with feedback to date
  - Does not serve interest of African farmers
  - Not in the tradition of smallholders to pay royalties on recycled seed
  - However not opposed to PBR in principle
- WTO accepts a sui generis system
  - Why are we rushing to develop a harmonized system?

### Civil Society (AFSA) Concerns

- Where do we start and put resources?
  - Need to go and collect and preserve local materials
- In every country there is a genebank (in situ conservation)
- Materials are publicly available including to farmers
  - Ex situ conservation is important
  - Perception that PVP is resulting in genetic erosion but farmers retain varieties because of their utility value (needs to be scientifically validated)
  - Farmers exist in a political system and this can exert pressures on farmers and their portfolio of varieties
- Agree that farmers have been losing varieties for centuries but the rate of loss has been accelerating?
- How do we sustain public plant breeders?
- African model law
  - Perception that UPOV 1991 gives prominence to breeders and not farmers
- Varieties that breeders work on originate from farmers
- In India PBR and Farmers’ Rights are being separated at the request of UPOV (AFSIA does not agree)

### Proposed Way Forward

- Need to clarify, what will happen when you release a variety?
- We need to support our breeders, both public and private
  - New pests and diseases
  - Climate change creating new challenges
  - More people to feed
- Need to consider protecting varieties we have now as well as those we are going to develop

**COMESA PVP**

- In COMESA concerned with regional seed trade
  - Not concerned with farmer to farmer exchange
  - Royalties are only applied at point where materials enter into the formal market
- Need to make a list of the obstacles to PVP at national level
- At COMESA level talking about varieties that meet DUS/VCU criteria
  - Need to avoid putting everything under the COMESA system (12 crops) but especially widely traded crops like maize
  - What form of protection?
- We are not talking about farmers' rights as this is a separate subject

**Conclusions**

- All agree that PBRs are acceptable
- At the end of the day PBRs are about making money
- COMESA recognizes need to actively retain strengths of traditional systems of selection and preservation

**Group 2: Regional Validation Meeting of COM-SHIP 7th to 11th APRIL, 2014****Discussion on PVP:**

- Separate PVP from Small Holder Farmer's rights
- Define PVP—it's a form of Intellectual Property (IP)
- Under PVP each country must have its own laws
- Need a common law to protect member states for harmonization
- There should be country crop specialization
- Genetic pool is a public good
- PVP has been harmonized at SADAC documents
- Limited access of farmer's material for food security but not for commercialization. This means the farmers interests are covered
- COMESA harmonization enhance PVP at regional level
- Vegetatively propagated plants are easy to protect compared to other crops e.g. Cereals , which are difficulty to replicate
- PVP allows varieties to be used as Genetic Recourses

**Advantages include:**

- Gives authority to access plant variety
- Paying fees/Royalties from using variety to Breeder
- Anyone who wants the variety has to access it under agreement
- Encouraging development of distinct varieties and enhancing innovation (farmers)
- Protect Traditional knowledge
- Farmers able to access and use improved varieties
- Breeder gets values for his work

**Disadvantages**

- Not all countries have the same laws
- Lake of Capacity by member countries in terms of infrastructure
- How to handle the Genetics resources
- How to share the benefits
- Most of Breeding carried out by Public Sector
- Final cost of seed is high for small holder farmers

**Suggestions/Recommendations**

- Kenya and Egypt have experience in PVP and lets use them to learn lessons and guide way foreword
- Need to protect land races in the process

**Civil Society Organisations (CSOs) Concerns**

During the meeting COM-SHIP validation meeting, 7<sup>th</sup> to 11<sup>th</sup> April, 2014 some on concerns by AFSA include:

**Consideration of other international agreements is important—ITPGRFA, TRIPS, CBD etc.**

**There is need to recognize informal seed systems and traditional knowledge**

**GMO regulations should be decided at member state level**

While we agree Plant Breeders Rights / Plant Variety Protection are important, systems should be what COMESA member states themselves decide, not necessarily following Union of protection of Varieties (UPOV) or African Regional Intellectual Property Organisation ARIPO. One size does not fit all: Ecological, agronomic, cultural and market diversity across and within member states.

**Seed is not the only driver of good agricultural practice.**

**Protect land races and indigenous knowledge**

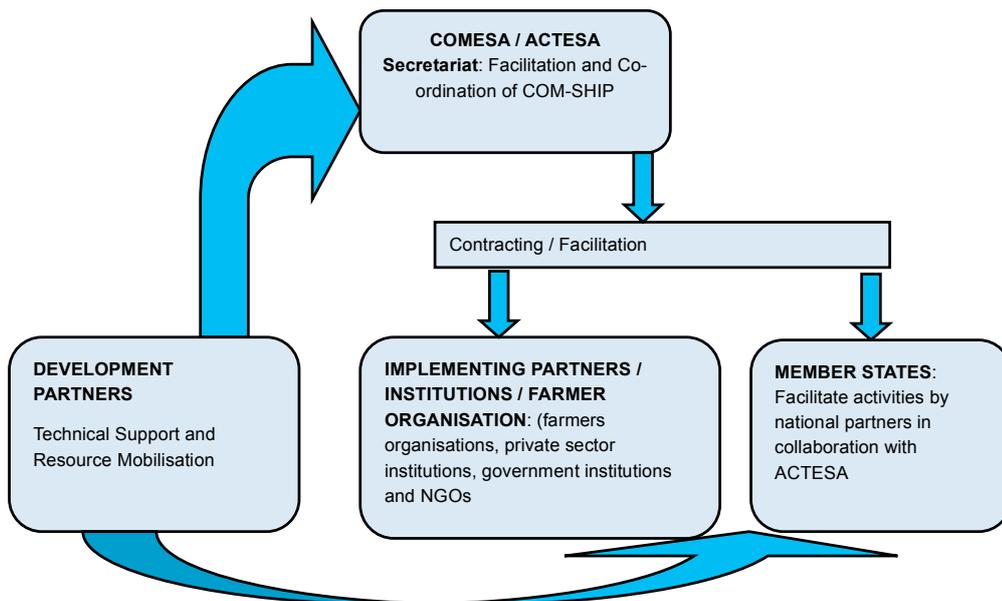
**Allow time for member states to have buy-in on the process, there is no rush.**

**Seed should not be in the hands of just a few interest groups.**

**Public consultations necessary in policy formulations to avoid “Not one size fits all.”**

**Organizational structure of the Alliance Partners within COM-SHIP**

The Implementation partners of ACTESA also known as Alliance Partners will be key in COMSHIP with ACTESA secretariat will play a role of facilitation / co-ordination at regional. The Alliance Partners participates in the ACTESA Stakeholders meetings annually and will also play a role in the review of COMSHIP. Through the Alliance, the partnership is important in linking farmers to national, regional and international markets. The Alliance is the mechanism available to co-ordinate and harmonise actions of various implementers at regional. They key Alliance partners of ACTESA as outlined below in the organizational structure:



## COM/SHIP Logical Framework

Overall Goal:

Within 5-7 years, all 19 COMESA Member States will have completed implementation of the approved COMESA Seed Trade Harmonised Regulations

Actions	Outputs	Objectively Verifiable Indicators (OVIs)
<b>SO1. Prepare for, and support phased domestication.</b>		
<b>A. Seed Certification System and Policy Reforms Activities to Be Implemented At Member State Level</b>		
SO 1.1 Support implementation of Member State seed certification regulations in Comoros, Djibouti, Eritrea, Seychelles and South Sudan	Meeting agendas, minutes, attendees. Recruitment and CVs Legislation reviews	Number of countries that have enacted a law for seed certification Number of countries that have aligned their seed certification regulatory frameworks to the COMESA Seed Trade Harmonisation Regulations
SO 1.2 Review Draft Regulations in Rwanda, Burundi, Mauritius, Seychelles and DR Congo	Legislative submissions Regulatory reviews	Number of stakeholders within the seed sector in using the seed law and regulations
SO 1.3 Review seed act / laws in Egypt, Ethiopia, Kenya, Madagascar, Malawi, Swaziland, Uganda, Zambia and Zimbabwe	Regulatory submissions Regulatory body formation	Number of countries that have had their revised national seed regulatory frameworks passed by parliament or signed by appropriate authorities
SO 1.4 Support formation of a regulatory body in seed certification in Eritrea, Mauritius, Seychelles and South Sudan	Training need analysis HR needs analysis Training certificates	Number of extra analysis/tests carried out in the laboratories Number of staff trained in seed certification
SO 1.5 Provide institutional support for seed certification	Infrastructure needs analysis.	Number of seed certification related structures established and discharging their mandates Number of seed samples
SO 1.6 Support human resource in seed certification in all COMESA Countries.		handled/tested by the laboratories in each country
SO 1.7 Support seed infrastructure in COMESA Member States		

<b>B. Variety Release System and Policy Reforms Activities to Be Implemented At Member State Level</b>		
SO 1.8 Support Member State regulations on variety release in Comoros, Djibouti, Eritrea and South Sudan	Meeting agendas, minutes, attendees.  Recruitment and CVs	Number of countries that have produced revised national seed regulatory frameworks (Law and Regulations) that conform to the COMESA Seed Trade Harmonisation Regulations
SO 1.9 Review draft variety release regulations in Rwanda, Burundi, Mauritius, Seychelles and DR. Congo	Legislation reviews  Legislative submissions  Regulatory reviews	Number of countries that have had their revised national seed regulatory frameworks passed by parliament or signed by appropriate authorities
SO 1.10 Support alignment of the variety release regulations in Egypt, Ethiopia, Kenya, Madagascar, Malawi, Swaziland, Uganda, Zambia and Zimbabwe to the COMESA harmonised regulations	Regulatory submissions  Regulatory body formation  Training need analysis  HR needs analysis	Presence of functional National Variety Release Committee  Number of staff trained in variety release  Number of variety release related structures established and discharging their mandates
SO 1.11 Ensure presence or appoint and support variety release body in Mauritius, South Sudan, Eritrea, Comoros and Djibouti.	Training certificates  Infrastructure needs analysis.	Existence of the Regional COMESA Seed Committee and COMESA Variety Catalogue / Database  Number of improved or releases varieties as a result of established Regional COMESA Seed Committee
SO 1.12 Build institutional capacity in variety release in Burundi, Comoros, Djibouti, DRC, Madagascar, Malawi, Mauritius, Rwanda, Seychelles and South Sudan.		
SO 1.13 Build human capacity in variety release		
SO 1.14 Support seed infra-structure on variety release		
SO 1.15 Establishment of the Regional COMESA Seed Committee and COMESA Variety catalogue / Database		

<b>C. Quarantine and Phytosanitary for Seed Import and Export and Policy Reforms Activities to Be Implemented At Member State Level</b>		
SO 1.16 Develop Member State quarantine / phytosanitary regulations in Comoros, Djibouti and South Sudan	Meeting agendas, minutes, attendees. Recruitment and CVs	Number of countries that have enacted a law for seed quarantine and phytosanitary measures for seed import and export
SO 1.17 Review draft quarantine / phytosanitary regulations in Burundi, DR. Congo, Eritrea and Rwanda	Legislation reviews Legislative submissions	Number of countries that have aligned their quarantine and phytosanitary measures for seed import and export to the COMESA Seed Trade Harmonisation Regulations
SO 1.18 Review seed acts / laws and quarantine / phytosanitary regulations in Egypt, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Swaziland, Uganda, Zambia and Zimbabwe in order to align them to the COMESA Seed Trade Harmonisation Regulations	Regulatory reviews Regulatory submissions Regulatory body formation Training need analysis HR needs analysis Training certificates	Number of countries that have had their revised national seed regulatory frameworks passed by parliament or signed by appropriate authorities Number of extra analysis/tests carried out in the laboratories and Pest Risk Analysis Number of staff trained in Pest Risk Analysis
SO 1.19 Support formation of Member State regulatory bodies on phytosanitary and quarantine services in Comoros, Djibouti and South Sudan	Infrastructure needs analysis.	Number of phytosanitary / quarantine related structures established and discharging their mandates Number of quarantine seed samples handled/ tested by the laboratories in each country
SO 1.20 Build institutional capacity in phytosanitary and quarantine services		
SO 1.21 Build human capacity in phytosanitary and quarantine services		
SO 1.22 Support seed infra-structure in phytosanitary services		
<b>D. Develop Road Map to support harmonization of Plant Variety Protection (PVP) in COMESA Countries</b>		
SO 1.23 Steps to be undertaken to develop a COMESA road map for PVP.	Meeting agendas, minutes, attendees. Recruitment and CVs	Existence of COMESA PVP road map Number of countries that have enacted a law for PVP
SO 1.24 Support PVP domestication with COMESA Member States without PVP in place	Legislation reviews Legislative submissions	Number of countries that have aligned their PVP to the COMESA PVP protocol
SO 1.25 Support PVP domestication in COMESA Member States with draft PVP)	Regulatory reviews Regulatory submissions	Number of countries that have had their revised national PVP aligned to COMESA PVP protocol and passed by parliament or signed by appropriate authorities
SO 1.26 Support PVP domestication in COMESA Member States where PVP is operational	Regulatory body formation Training need analysis HR needs analysis Training certificates Infrastructure needs analysis.	

<b>SO2. Strengthen Awareness of COMESA Seed Trade Harmonisation Regulations.</b>		
SO 2.1 Officially Launch COMESA Seed Trade Harmonisation Regulations	Formal Communication and Advocacy Strategy Developed.	Number of awareness information materials produced
SO 2.2 Conduct training and sensitisation workshops with Member State government actors.	FAQ and Q and A developed	Number of awareness workshops/meetings held
SO 2.3 Conduct regulatory awareness and outreach to Member State industry and non-government seed stakeholders.	Target audiences developed with key messages for each audience	Number of radio and TV programmes produced
SO 2.4 Develop communication and outreach strategy, and communication tools harmonisation Regulations	Web and Social Media tools and posts	Number of inter-country learning visits carried out
SO 2.2 Conduct training and sensitisation workshops with Member State government actors.	Data on effectiveness, awareness, web-hits, shares, etc.	Number of male and female farmers benefiting as a result of awareness-creation activities
SO 2.3 Conduct regulatory awareness and outreach to Member State industry and non-government seed stakeholders.	Media material and media briefs.	
SO 2.4 Develop communication and outreach strategy, and communication tools	Number and effectiveness of interviews and briefings.	
	Training materials	
	Trained Member State actors	
	Launch Documents	
<b>SO 3 Monitor and Improvement of COMESA Seed Trade Harmonisation Regulations</b>		
SO 3.1 Conduct annual cross-sectorial review of the status of implementation	Annual Review materials	Number of annual review meetings on status of implementation
SO 3.2 Advisory panel annual review of the status of implementation		

SO4 COMESA Seed Capacity Building and Smallholder Support Programme		
SO 4.1 Conduct baseline study of seed production status and Member State preferred seed	Meeting agendas, minutes, attendees.	Existence of a COMESA overview of Member States preferred seed
SO 4.2 Support regional seed trade association capacity	Recruitment and CVs Legislation reviews	Number of Crop choices available to farmers in each Member State
SO 4.3 Support improved linkages and communication between regional and Member State decision makers with regional and Member State private sector.	Legislative submissions Regulatory reviews Regulatory submissions Regulatory body formation	Number of Seed Varieties per crop to farmers available in each Member State Breeder and Foundation Seed Trade Volumes Local seed production volumes Number of local and regional seed enterprises - producers, distributors, dealers.
SO 4.4 Support local seed company capacity and representation	Training need analysis	Import / Export Volumes from outside COMESA
SO 4.5 Encourage and support seed companies in COMESA to utilise smallholder farmers in at least 10% of their seed production	HR needs analysis Training certificates Infrastructure needs analysis.	Import / Export Volumes from within COMESA Data and Statistical information flows across the region.
SO 4.6 Support production of Member State preferred seed		
SO 4.7 ACTESA support for Member State extension, farmer and seed market support programmes		

**COM-SHIP Provisional Budget**

	Budget (US\$)	Budget (US\$)	Budget (US\$)					
	2014	2015	2016	2017	2018	Total for 5 years	Total per Section	
<b>COM-SHIP Interventions</b>								
Support COMSHIP Implementation at ACTESA / AFSTA Regional Offices, and at Country COMSHIP Liaison Offices	2,022,000.00	1,882,000.00	1,882,000.00	1,882,000.00	,882,000.00	9,550,000.00	<b>9,550,000.00</b>	
<b>SO1. Prepare for, and support phased domestication.</b>								
<b>A. Seed Certification System and Policy Reforms</b>								
SO 1.1	130,000	55,000	55,000	55,000	55,000	350,000		
SO 1.2	128,000	28,000	28,000	28,000	28,000	240,000		
SO 1.3	270,000	135,000	135,000	135,000	135,000	810,000		
SO 1.4	105,000	30,000	30,000	30,000	30,000	225,000		
SO 1.5	961,000	519,000	519,000	519,000	519,000	3,037,000		
SO 1.6	266,000	114,000	114,000	114,000	114,000	722,000		
SO 1.7	5,700,000	-	-	-	-	5,700,000	<b>11,084,000</b>	
<b>B. Variety Release System and Policy Reforms</b>								
SO 1.8	148,000	-	-	-	-	148,000		
SO 1.9	125,000	25,000	25,000	25,000	25,000	225,000		
SO 1.10	429,000	154,000	154,000	154,000	154,000	1,045,000		

COM-SHIP Interventions		Budget (US\$)	Budget (US\$)	Budget (US\$)					
		2014	2015	2016	2017	2018	Total for 5 years	Total per Section	
SO 1.11	Ensure presence or appoint and support variety release body in Mauritius, South Sudan, Eritrea, Comoros and Djibouti.	115,000	-	-	-	-	115,000		
SO 1.12	Build institutional capacity in variety release in Burundi, Comoros, Djibouti, DRC, Madagascar, Malawi, Mauritius, Rwanda, Seychelles and South Sudan.	60,000	-	-	-	-	60,000		
SO 1.13	Build human capacity in variety release	722,000	30,000	30,000	30,000	30,000	842,000		
SO 1.14	Support seed infra-structure on variety release	465,000	91,000	91,000	91,000	91,000	829,000		
SO 1.15	Establishment of the Regional COMESA Seed Committee and COMESA Variety catalogue / Database	120,000	120,000	120,000	120,000	120,000	600,000		<b>3,864,000</b>
<b>C. Quarantine and Phytosanitary for seed import and export</b>									
SO 1.16	Develop Member State quarantine / phytosanitary regulations in Comoros, Djibouti and South Sudan	72,000	15,000	15,000	15,000	15,000	132,000		
SO 1.17	Review draft quarantine / phytosanitary regulations in Burundi, DR. Congo, Eritrea and Rwanda	68,000	-	-	-	-	68,000		
SO 1.18	Review seed acts / laws and quarantine / phytosanitary regulations in Egypt, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Swaziland, Uganda, Zambia and Zimbabwe in order to align them to the comes seed trade harmonisation	260,000	30,000	30,000	30,000	30,000	380,000		
SO 1.19	Support formation of Member State regulatory bodies on phytosanitary and quarantine services in Comoros, Djibouti, and South Sudan	54,000	-	-	-	-	54,000		
SO 1.20	Build institutional capacity in phytosanitary and quarantine services	1,060,000	-	-	-	-	1,060,000		
SO 1.21	Build human capacity in phytosanitary and quarantine services	245,000	-	-	-	-	245,000		

COM-SHIP Interventions		Budget (US\$)	Budget (US\$)	Budget (US\$)					
		2014	2015	2016	2017	2018	Total for 5 years	Total per Section	
SO 1.22	Support seed infra-structure in phytosanitary services	428,000	38,000	38,000	38,000	38,000	580,000	2,519,000	
<b>D. Develop Road Map to support harmonization of Plant Variety Protection (PVP) in COMESA Countries</b>									
SO 1.23	Steps to be undertaken to develop a COMESA road map for PVP.	384,000	-	-	-	-	384,000		
SO 1.24	Support PVP domestication with COMESA Member States without PVP in place	6 1,000	-	-	-	-	51,000		
SO 1.25	Support PVP domestication in COMESA Member States with draft PVP (DR Congo, Eritrea, Sudan and Uganda)	24,000	-	-	-	-	24,000		
SO 1.26	Support PVP domestication in COMESA Member States where PVP is operational (Burundi, Egypt, Ethiopia, Kenya, Madagascar, Rwanda, Zambia and Zimbabwe)	56,000	-	-	-	-	56,000	515,000	
<b>SO2. Strengthen Awareness of COMESA Seed Trade Harmonisation Regulations.</b>									
SO 2.1	Officially Launch COMESA Seed Trade Harmonisation Regulations	\$ 195,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 275,000		
SO 2.2	Conduct training and sensitization workshops with Member State government actors.	85,000	85,000	85,000	85,000	85,000	425,000		
SO 2.3	Conduct regulatory awareness and outreach to Member State industry and non-government seed stakeholders.	38,000	38,000	38,000	38,000	38,000	190,000		
SO 2.4	Develop communication and outreach strategy, and communication tools	120,000	-	-	-	-	120,000	1,010,000	
<b>SO3. Monitor and Improvement of COMESA Seed Trade Harmonisation Regulations</b>									
SO 3.1	Conduct annual cross-sectorial review of the status of implementation	165,000	165,000	165,000	165,000	165,000	825,000		
SO 3.2	Advisory panel annual review of the status of implementation	110,000	110,000	110,000	110,000	110,000	550,000	1,375,000	
<b>SO4. COMESA Seed Capacity Building and Smallholder Support Programme</b>									
SO 4.1	Conduct baseline study of seed production status and Member State preferred seed	100,000	-	-	-	-	100,000		

	COM-SHIP Interventions	Budget (US\$)		Budget (US\$)		Budget (US\$)		Budget (US\$)		Budget (US\$)	
		2014	2015	2016	2017	2018	Total for 5 years	Total per Section			
SO 4.2	Support regional seed trade association capacity	417,000	38,000	38,000	38,000	38,000	569,000				
SO 4.3	Support improved linkages and communication between regional and Member State decision makers with regional and Member State private sector.	90,000	40,000	40,000	40,000	40,000	250,000				
SO 4.4	Support local seed company capacity and representation	1,029,000	200,000	200,000	200,000	200,000	1,829,000				
SO 4.5	Encourage and support seed companies in COMESA to utilise smallholder farmers in at least 10% of their seed production	98,000	-	-	-	-	98,000				
SO 4.6	Support production of Member State preferred seed	326,000	-	-	-	-	326,000				
SO 4.7	ACTESA support for Member State extension, farmer and seed market support programmes	76,000	76,000	76,000	76,000	76,000	380,000	<b>3,552,000</b>			
<b>Totals</b>		<b>17,317,000</b>	<b>4,038,000</b>	<b>4,038,000</b>	<b>4,038,000</b>	<b>4,038,000</b>	<b>33,469,000</b>	<b>33,469,000</b>			

## ANNEXES II

“RULES ON THE DETERMINATION OF  
MERGER NOTIFICATION THRESHHOLDS  
AND METHOD OF CALCULATION.”

## RULES ON THE DETERMINATION OF MERGER NOTIFICATION THRESHOLDS AND METHOD OF CALCULATION

It is hereby notified that the Board of Commissioners, having regard to Articles 15 and 39 of the COMESA Competition Regulations of 2004 and with the approval of the Council, makes the following Rules:

### Rule 1

#### Citation

These Rules may be cited as the Rules on the Determination of Merger Notification Thresholds.

### Rule 2

#### Interpretation

1. In these rules, unless the context provides otherwise:

“**Board**” means the Board of Commissioners as established by Article 12 of the Regulations;

“**COM\$**” means COMESA Dollar;

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

“**GAAP**” means Generally Accepted Accounting Practice;

“**Generally Accepted Accounting Practice**” means the standard framework of guidelines for financial accounting in any given jurisdiction generally known as accounting standards or standard accounting practice;

“**Merger**” means merger as defined in Article 23 of the Regulations; and

“**Regulations**” means the Competition Regulations of 2004.

### Rule 3

#### Purpose and Scope of Application

The purpose of these Rules is to prescribe the threshold and a method of the calculation of the combined annual turnover or the value of assets of parties to a merger in the Common Market in relation to the notification of mergers with a regional dimension.

### Rule 4

#### Notification Thresholds

Any merger, where both the acquiring firm and the target firm, or either the acquiring firm or the target firm, operate in two or more Member States, shall be notifiable if:

- (a) the combined annual turnover or combined value of assets, whichever is higher, in the Common Market of all parties to a merger equals or exceeds COM\$ 50 million; and
- (b) the annual turnover or value of assets, whichever is higher, in the Common Market of each of at least two of the parties to a merger equals or exceeds COM\$ 10 million, unless each of the parties to a merger achieves at least two-thirds of its aggregate turnover or assets in the Common Market within one and the same Member State.

**Rule 5****Method of Calculation of Annual Turnover and Assets****1. Valuation of Assets**

For the purpose of Part 4 of the Regulations:

- (a) the asset value of a firm at any time will be based on the gross value of the firm's assets as recorded on the firm's balance sheet for the end of the immediately previous financial year, in particular :
  - i. the asset value equals the total assets less any amount shown on that balance sheet for depreciation or diminution of value;
  - ii. the assets are to include all assets on the balance sheets of the firm, including any goodwill or intangible assets included in their balance sheets;
  - iii. no deduction may be taken for liabilities or encumbrances of the firm; and
  - iv. assets in the Common Market includes all assets arising from activities in the Common Market;
- (b) if, between the date of the financial statements being used to calculate the asset value of a firm, and the date on which that calculation is being made, the firm has acquired any subsidiary company, associated company or joint venture not shown on those financial statements, or divested itself of any subsidiary company, associated company or joint venture shown on those financial statements, the following items must be added to the calculation of the firm's asset value if these items should in terms of GAAP be included in the firm's asset value:
  - i. the value of those recently acquired assets; and
  - ii. any asset received in exchange for those recently divested assets;
- (c) if, between the date of the financial statements being used to calculate the asset value of a firm, and the date on which that calculation is being made, the firm has divested itself of any subsidiary company, associated company or joint venture shown on those financial statements, the firm shall, in accordance with GAAP, exclude in the calculation of its asset value:
  - i. the value of those recently divested assets at the date of their divestiture; and
  - ii. any asset that was shown on the balance sheet and was subsequently used to acquire the recently acquired asset.

**2. Determination of Annual Turnover**

For the purpose of Part 4 of the Regulations:

- (a) Annual turnover shall comprise the amounts derived by the parties to a merger in the preceding financial year from the sale of products and the provision of services falling within the firms' ordinary activities after deduction of sales rebates and of value added tax and other taxes directly related to turnover:

Provided that:

- i. the annual turnover of a party to a merger shall not include the sale of products or the provision of services between any of the firms referred to in paragraph 3(a); and
- ii. turnover, in the Common Market or in a Member State, shall comprise products sold and services

provided to firms or consumers, in the Common Market or in that Member State as the case may be; and

- (b) by way of derogation from paragraph (a), where a merger consists of the acquisition of parts, whether or not constituted as legal entities, of one or more firms, only the turnover relating to the parts which are the subject of the merger shall be taken into account with regard to the seller or seller:

Provided that, two or more transactions within the meaning of this paragraph which take place within a two-year period between the same persons or firms shall be treated as one and the same merger arising on the date of the last transaction;

- (c) with regard to credit institutions and other financial institutions, turnover shall be the sum of the following income items after deduction of value added tax and other taxes directly related to those items:
  - i. interest income and similar income;
  - ii. income from securities;
  - iii. income from shares and other variable yield securities,
  - iv. income from participating interests,
  - v. income from shares in affiliated firms;
  - vi. commissions receivable;
  - vii. net profit on financial operations; and
  - viii. other operating income:

Provided that the turnover of a credit or financial institution in the Common Market or in a Member State shall comprise the income items, as defined in paragraph (c), which are received by the branch or division of that institution established in the Common Market or in the Member State in question, as the case may be;

- (d) with regard to insurance firms, the value of gross premiums written which shall comprise all amounts received and receivable in respect of insurance contracts issued by or on behalf of the insurance firms, including also outgoing reinsurance premiums, and after deduction of taxes and parafiscal contributions or levies charged, gross premiums received from Common Market residents and from residents of one Member State respectively shall be taken into account.

### **3. Method of Calculation of Annual Turnover and Value of Assets**

For purposes of Part 4 of the Regulations, annual turnover and value of assets of an undertaking shall be calculated as follows:

- (a) annual turnover and value of assets of a party to a merger shall be calculated by adding together, respectively, the turnover or value of assets of the following:
  - i. the party to a merger concerned;
  - ii. its subsidiaries;
  - iii. its parent companies; and
  - iv. other subsidiaries of its parent company not included in (ii);

- (b) where a firm concerned has a State Owned Enterprise as its ultimate parent company, the turnover and assets of the Member State shall not be included for the purposes of paragraph (a) ii. To the extent, but only to such extent, that the merging party or any of its parent companies are subject to coordination, and controlled under the same independent center of decision-making, with other subsidiaries of the Member State, the annual turnover or assets of such subsidiaries shall be included for the purposes of paragraph (a)iii;
- (c) the turnover and assets of a firm shall be calculated in accordance with the Generally Accepted Accounting Practice (“GAAP.”), including:
  - i. standards that apply to the recognition of revenue, depreciation and amortization of assets; and
  - ii. material events or transactions that occurred subsequent to the relevant period or date;
- (d) where an firms financial statements are prepared and audited under a standard applicable to it that is not GAAP, the annual turnover and the value of assets shall also be presented pursuant to its audited financial statements and the necessary adjustments to GAAP shall be shown subject only to the provisions of this Rule; and
- (e) where an undertaking prepares its financial statements in a currency that is not COM\$ or United States dollars, its turnover for a financial year and assets at the end of a financial year shall be converted to COM\$ or United States dollars according to the average, over the twelve months of that financial year, of the foreign exchange rate reported by the Central Bank where such currency is issued.

**Rule 6****Repeal of the Rules on the Determination of****Merger Notification Threshold, 2012**

..... The Rules on the Determination of Merger Notification Threshold, 2012 are hereby repealed.

**Rule 7****Entry into Force**

These Rules shall enter into force upon approval by the Council

Approved by Council at Addis Ababa, Federal Democratic Republic of Ethiopia on the 26<sup>th</sup> of March.2015.

# ANNEXES III

AMENDMENTS TO COMESA  
COMPETITION RULES, 2004

## AMENDMENTS TO COMESA COMPETITION RULES, 2004

(As Adopted By Council in March 2015)

In exercise of the powers conferred by Article 39 of the COMESA Competition Regulations, the Board of Commissioners, with approval of Council, makes the amendments to the COMESA Competition Rules, 2004 as follows:

### Rule 1

#### Citation

These Rules may be cited as the COMESA Competition (Amendment) Rules, 2014.

### Rule 2

#### Amendment of Rule 2 of the COMESA

#### Competition Rules, 2004

The COMESA Competition Rules 2004 (hereinafter referred to as the “principal” Rules) are hereby amended in Rule 2(2) by:

1. deleting paragraph (a) and substituting the paragraph with the following:  
“(a) “acquiring firm” means a firm:
  - i. that as, a result of a merger within the meaning of Article 23 of the Regulations, would directly or indirectly acquire, or establish direct or indirect control over, the whole or part of the business of another firm;
  - ii. that has direct or indirect control over the whole or part of the business of a firm contemplated in paragraph (i); or
  - iii. the whole or part of whose business is directly or indirectly controlled by a firm contemplated in paragraph (i) or (ii);
2. inserting, immediately after paragraph (a) and paragraph (b), the following paragraphs as new paragraph (aa):  
“(aa) “**Committee**” means the Committee responsible for initial determinations established in accordance with Article 13 (4 of the Regulations;”
3. inserting immediately after paragraph (b) the following paragraph as new paragraph (bb):  
“(bb) “**firm**” includes a person, partnership or a trust;”;
4. inserting immediately after paragraph (d), a new paragraph (da) as follows:  
“(da) “**party to a merger**” means any acquiring firm or target firm”;

### Rule 3

#### Replacement of the Rule 55 of the Principal Rules

Rule 55 of the principal Rules is hereby repealed and replaced with the following as new Rule 55:

**“Rule 55**

**Filing a Merger Notification**

1. Notification of a merger shall be made to the Commission by submitting a completed Form 12 as set out in the Schedule to these Rules. The Commission may dispense with some of the information or documents required by Form 12.
2. The Commission shall assign distinctive case numbers to each merger notification made with respect to a merger and shall ensure that every document subsequently filed in respect of the same proceedings is marked with the same case number.
3. Parties to a merger may individually or jointly submit a merger notification to the Commission.
4. Where a notifying party is, or includes, one or more firms, each of such firms shall provide to the Commission the name and addresses of a natural person authorised to communicate with the Commission and take actions on its behalf.
5. Notification of a merger shall be accompanied by a fee calculated at 0.1% of the combined annual turnover or combined value of assets in the Common Market of the parties to a merger, whichever is higher:  
  
Provided that the fee shall not exceed COM\$ 200 000.00.
6. For purposes of calculating the merger notification fees, annual turnover and value of assets shall be calculated as provided in the Rules on the Determination of Merger Notification Threshold.
7. A fee payment shall be deemed received by the Commission on the date that a direct deposit or an electronic transfer of funds in the amount of the fee is credited to the account of the Commission.
8. The Commission may however require parties to a non-notifiable merger to notify the merger to the Commission by submitting a completed Form 12 if it appears to the Commission that the merger is likely to substantially prevent or lessen competition or is likely to be contrary to public interest in the Common Market.
9. In cases where both the acquiring firm and the target firm operate in a single Member State, the Commission shall first consult the relevant Member State before requiring parties to the non-notifiable merger to file the merger notification.
10. No fee shall be payable for filing a merger notification for a non-notifiable merger.”

**Rule 4**

**Replacement of the Rule 9 of the Principal Rules**

Rule 9 of the Principal Rules is hereby repealed and replaced with the following as

**“Rule 9**

**Languages of the Commission and the Board**

The proceedings and publication of the Commission and the Board shall be in the official languages of the Common Market as set forth in the Treaty as English, French, Portuguese and Arabic.”

**Rule 5****Insertion of a Schedule in the Principal Rules**

The following Schedule is hereby inserted in the principal Rules:

**“SCHEDULE FORMS**

Form 12: Notice of Merger [Article 24 of the Regulations and Rule 55]

**FORM 12****NOTICE OF MERGER**

Article 24((3)

COMESA Competition Regulations (2004), Rule 55 of the COMESA Competition Rules, 2004

**NOTIFICATION REQUIREMENTS:**

Under Part 4 of the COMESA Competition Regulations (2004) hereinafter referred to as the “Regulations”, a party to a notifiable merger shall notify the COMESA Competition Commission (the CCC) of the proposed merger in such form and manner as may be prescribed. This Form 12 has been prescribed for the notification of mergers and specifies the information that shall be provided by the notifying parties when submitting a notification to the CCC of a notifiable merger.

➔ **WHO MUST NOTIFY?**

The notification shall be completed jointly by the parties to the merger or in the case of the acquisition of a controlling interest in one firm by another, the acquiring firm shall complete the notification.

In the case of a public bid to acquire a firm, the bidder shall complete the notification.

Each party completing the notification is responsible for the accuracy of the information it provides.

➔ **PERIOD WITHIN WHICH TO SUBMIT THE NOTIFICATION**

Pursuant to Article 24(1) of the COMESA Competition Regulations, the parties to a merger shall notify the merger to the COMESA Competition **Commission as soon as it is practicable but in no event later than 30 days of the merging parties’ decisions to merge**

➔ **The Requirement for a correct and complete notification**

All the information required by this Form 12 must be correct and complete. The information required must be supplied in the appropriate Section of this Form 12. In particular it should be noted that:

- (a) In accordance with Article 25 of the Regulations, the time limits of the Merger Regulation linked to the notification will not begin to run until all the information that has to be supplied with the notification has been received by the Commission. This requirement is to ensure that the Commission is able to assess the notified merger within the time-limits provided by the Regulations.
- (b) The notifying party or parties must verify, in the course of preparing their notification, that

contact names and numbers, and in particular fax numbers and email addresses, provided to the Commission are accurate, relevant and up-to-date.

- (c) Incorrect or misleading information in the notification, including instances of missing or incomplete contact details, will be considered to be incomplete information.
- (d) If the notification is incomplete, the Commission will inform the notifying parties or their representatives in writing without delay. The notification will only become effective on the date on which the complete and accurate information is received by the Commission.
- (e) Notifying parties who, either intentionally or negligently, supply incorrect or misleading information are liable to penalties specified in the Rules. In addition, the Commission may revoke its decision to approve the notified merger where it is based on incorrect information for which one of the undertakings is responsible.
- (f) The notifying parties may request in writing that the Commission should accept that the notification is complete notwithstanding the failure to provide information required by this Form 12, if such information is not reasonably available to the notifying parties in part or in whole (for example, because of the unavailability of information on a target company during a contested bid). The Commission will consider such a request, provided that the notifying parties give reasons for the unavailability of that information, and provide their best estimates for missing data together with the sources for the estimates. Where possible, indications as to where any of the requested information that is unavailable to the notifying parties could be obtained by the Commission should also be provided.

➤ **Caution:**

- (a) Article 24(2) of the Regulations provides that “Any notifiable merger carried out in contravention of the Regulations shall have no legal effect and no rights or obligations imposed on the participating parties by any agreement in respect of the merger shall be legally enforceable in the Common Market”.
- (b) Article 24(4) of the Regulations provide that the Commission may in addition to the sanction under paragraph (a) above impose a penalty if the parties to a merger fail to notify the merger to the Commission.
- (c) Article 24(5) of the Regulations provide that a penalty imposed in terms of paragraph (b) above may not exceed ten per centum of either or both of the merging parties’ annual turnover in the Common Market as reflected in the accounts of any party concerned for the preceding financial year.

➤ **DECISION OF THE COMESA COMPETITION COMMISSION:**

- (a) The COMESA Competition Commission shall take a decision on the proposed merger **within 120 days** from the date a completed merger notification is received, unless an extension is approved by the Board pursuant to Article 25(2) of the Regulations. If the notification is incomplete, examination period begins on the working day following receipt to complete information; and
- (b) At any time during the merger proceedings, the CCC may request additional information from any party to the merger;

**FORM INSTRUCTIONS**

1. Please fill out all parts of this Form to the best of your knowledge and attach all required documents.
2. One (1) original and all supporting documents must be provided to the CCC. The supporting documents shall be either in originals or certified copies of the originals.
3. If you believe that your interests would be harmed if any of the information you are asked to supply were to be published or otherwise divulged to other parties, submit this information by duly completing Form 2- Request for Confidentiality and submitting it jointly with this Notice. You should also give reasons why this information should not be divulged or published.
4. The submission of this Notice must be accompanied by the payment of a prescribed fee. For payment instructions and interpretation on the calculation of the notification fee, see Fee Payment Instructions and the Notice on the Interpretation of the Merger Notification Fee under Rule 55 of the COMESA Competition Rules on the CCC website (<http://www.comesacompetition.org/>).
5. All references to provisions of law contained in this Form 12 are to the relevant articles of the Regulations, unless otherwise stated.

**I. UNDERTAKING REPORTING THE MERGER**

Name:	Website:	
Address:		
Phone:	Fax:	Email:

**II. NOTICE**

We are hereby notifying the COMESA Competition Commission of a proposed merger, as defined in Art. 23 of the COMESA Competition Regulations (2004), involving \_\_\_\_\_ as the acquiring firm and \_\_\_\_\_ as the target firm.

**III. MERGER COUNTER PARTY INFORMATION**

Name:	Website:	
Address:		
Phone:	Fax:	Email:

**IV. OTHER PARTY INFORMATION**

*Please provide the name, address and contact information of all other acquiring and/or target parties and of their legal representatives/advisors:*

*If you need more space, please attach extra sheets to his document.*

**V. COMESA COUNTRIES AFFECTED BY THE MERGER**

*Please under this Section you are required to complete Annex I to this Form without fail. Failure to complete Annex I amounts to submitting incomplete information*

**VI. OTHER NOTIFICATIONS**

*Please list all countries outside the Common Market which have been/will be notified of the proposed merger:*

**VII. EXECUTIVE SUMMARY OF MERGER INFORMATION**

Provide an executive summary (up to 500 words) of the transaction specifying the parties to the merger, the nature of the transaction, the areas of activity of the notifying parties, the markets on which the transaction will have an impact and the strategic economic rationale for the transaction.

N.B: This summary will be published on the Commission website at the date of notification. The summary should not contain confidential information or business secrets.

**VIII. STATEMENT OF MERGER**

The details of the proposed merger should be set forth in the attached Statement of Merger Information, which forms part of this Notice.

**IX. SERVICE OF DOCUMENTS**

The name, address and contact information of the person to whom documents pertaining to this merger procedure should be served is:

**STATEMENT OF MERGER INFORMATION**

**I. FIRM(S) DIRECTLY AND/OR INDIRECTLY**

**CONTROLLING THE FIRM FILING THIS NOTICE**

Provide the following information for all firms directly and/or indirectly controlling the

firms filing this Notice:

1. Name of Firm:		Website:	
Address:			
Phone:		Fax:	Email:
Controlling the Applicant:		Directly	Indirectly
2. Name of Firm:		Website:	
Address:			
Phone:		Fax:	Email:
Controlling the Applicant:		Directly	Indirectly
If you need to list additional firms or provide additional information, please attach extra sheet(s) to this Notice.			

**II. FIRM(S) DIRECTLY AND/OR INDIRECTLY****CONTROLLED BY THE FIRM(S) LISTED IN SECTION 1 OF THIS STATEMENT**

Provide the following information for all firms directly and/or indirectly controlled by the firm(s) listed in section 1 of this Statement:

1. Name of Firm:	Website:	
Address:		
Phone:	Fax:	Email:
Controlled:      Directly	Indirectly	
2. Name of Firm:	Website:	
Address:		
Phone:	Fax:	Email:
Controlled :      Directly	Indirectly	
<i>If you need to list additional firms or provide additional information, please attach extra sheet(s) to this Notice.</i>		

**III. UNDERTAKING(S) DIRECTLY AND/OR INDIRECTLY****CONTROLLED BY THE FIRM FILING THIS NOTICE**

Provide the following information for all firms directly and/or indirectly controlled by the

*firm filing this Notice:*

1. Name of Firm:	Website:	
Address:		
Phone:	Fax:	Email:
Controlled:      Directly	Indirectly	
2. Name of Firm:	Website:	
Address:		
Phone:	Fax:	Email:
Controlled:      Directly	Indirectly	
<i>If you need to list additional firms or provide additional information, please attach extra sheet(s) to this Notice.</i>		

**IV. INFORMATION ABOUT THE FIRMS FILING THIS NOTICE**

*Specify the asset value or turnover derived in each Member State where the parties operate. Please under this Part you are required to complete Annex II to this Form without fail. Failure to complete Annex II amounts to submitting incomplete information.*

*Also specify the trading name of each of the parties to a merger in each Member State where it has operations. Please under this Part you are required to complete Annex III to this Form without fail. Failure to complete Annex III amounts to submitting incomplete information.*

In this merger, the firm filing this Notice is:

Acquiring assets    Selling assets    Acquiring and selling assets    Other

The merger involves:

Foreign direct investment

Management buy-out

Buy-back of shares

Other

In a separate document, entitled "Exhibit A, please describe in detail the proposed merger, including:

1. The parties to the transaction;
2. The assets, shares or other interests being acquired;
3. Whether the shares or other interests are being purchased, leased, combined or otherwise transferred;
4. The consideration;
5. The contemplated timing for any major events required to bring the completion of the transaction;
6. The intended structure of ownership and control after the completion of the merger; and
7. Pre-merger structure of ownership and control of your undertaking.

**V. RELEVANT MARKET INFORMATION**

In a separate document, entitled "Exhibit B", please provide the following information to the best of your knowledge:

1. A list of all markets in which the parties to this transaction sell their products and/or services;
2. For each market listed in paragraph 1, provide:
  - a. The estimated market share of the merging parties;
  - b. The estimated market shares of the merging parties' competitors;
  - c. A description of existing barriers to market entry (e.g., regulatory requirements, capital requirements, sunk costs, etc.);
  - d. An estimate of the time it will take potential competitor(s) to enter the market;
  - e. The name and contact details of each entrant to the market during the last three (3) years;
  - f. An estimate of the value and volume of the COMESA market as a whole (i.e., production less exports and plus imports);
  - g. An estimate of the capital expenditure required to enter the market on a scale necessary to gain a significant market share (say five (5) percent or more), both as a new entrant and as a Company which already has the necessary technology and expertise;
  - h. An estimate of the scale of annual expenditure on advertising/promotion relative to sales required to enter the market on a scale equivalent to your main competitor(s);
  - i. An assessment of the ease of exit from the market. Please indicate any trends in both market entry and exit over the last five (5) years;
  - j. An assessment of any effects the merger may have at regional level. Describe the nature of national and regional competition and give details of any localities where competition may be reduced as a result of the merger; and
  - k. A brief assessment of any other features of the market that the Commission should take into account in considering the effect of the merger.

**FAILING FIRMS**

Is the Primary Acquiring Party or the Primary Target Party a failing firm? Yes

No

*If no, skip to Section VII; otherwise provide the following:*

1. Financial information demonstrating that the failing firm will not be able to meet its obligations;
2. Information concerning efforts taken by the failing firm to elicit reasonable alternative offers; and
3. Information indicating that the failing firm would reasonably be expected to exit the market unless the merger is implemented.

**VII. PRODUCT INFORMATION**

1. Please identify each product and/or service that you and all other acquiring/target parties sell. In addition, please identify all substitute products and/or services, if any. Use the 5-digit Standard Industrial Classification (SIC) Codes to identify the product(s) and/or service(s):

Product/Service	SIC Code	Substitutes(s)	Geographic Region Sold

*If you need more space, please attach extra sheet(s) to this Notice.*

2. For each product /or service identified in paragraph 1 of this Section, please provide contact details for the producers and/providers in each and identified geographic area with the largest estimated turnover and their estimated market share during the last 12 months

Product/Service	Company Name & Full Address	Geographic Region	Turnover	Market Share

*If you need more space, please attach extra sheet(s) to this Notice.*

3. For each product and/or service identified in paragraph 1 of this Section, please provide your turn over in each geographic area within last 12 months:

Company Name	Product/Service	Turnover	Geographic Area

*If you need more space, please attach extra sheet(s) to this Notice.*

4. For each product and/or service identified in paragraph 1 of this Section, please provide contact details for five (5) of your customers in each identified geographic areas with the largest aggregate purchases in value within the last 12 months.

Product/Service	Customer Name & Full Address	Geographic Region	Purchases

*If you need more space, please attach extra sheet(s) to this Notice.*

**VIII. BUSINESS RELATIONSHIPS AMONG MERGING PARTIES**

State the name of any other acquiring or target party that sells to you and identify each product and/or services old and the value of that product/service during your preceding fiscal year.

Company Name and Full Address	Product/Service	Value

*If you need more space, please attach extra sheet(s) to this Notice.*

## IX. DOCUMENTS TO BE SUBMITTED BY THE MERGING PARTIES

1. Please attach certified copies of the following documents and submit them with this Notice:
  - a. Annual reports of your firm for the last three (3) years;
  - b. Financial statements of your firm for the last three(3) fiscal years;
  - c. Current list of shareholders of your firm and their nationality;
  - d. Current list of directors of your firm and their nationality;
  - e. The merger agreement;
  - f. Internal memoranda analyzing the proposed merger;
  - g. Board resolutions appointing company representatives for the purposes of this merger and the letter appointing legal representatives for the purposes of this transaction;
  - h. In a public bid, a copy of the offer document; if it is unavailable at the time of the notification, a copy of the most recent document demonstrating the intention to launch a public bid must be provided and a copy of the offer document must be submitted as soon as possible and no later than when it is posted to shareholders;
2. Copies of all the documents prepared by, or for, or received by any member(s) of the board of management, the board of directors, or the supervisory board, as applicable in the light of the corporate governance structure, or the other person(s) exercising similar functions (or to whom such functions have been delegated or entrusted), or the shareholders' meeting, in particular copies of technical reports relating to:
  - a. Presentations analyzing different options for acquisitions, including but not limited to the notified merger;
  - b. Analyses, reports, studies, surveys and any comparable documents for the purpose of assessing or analyzing the merger with respect to its rationale, market shares, competitive conditions, competitors (actual and potential), potential for sales growth or expansion into other product or geographic markets;
  - c. Any other document which may assist the COMESA Competition Commission in making a decision on the proposed merger;

Provide a list of the above documents, indicating for each document the date of preparation and the name and title of the addressee(s).

**Annex I to the Merger Notification**

For each Member State, specify whether the merger is or is not capable of being reviewed under its national competition law.

You must tick one box ('Yes' or 'No') for each and every Member State. Failure to indicate 'Yes' or 'No' for any Member State shall be deemed to constitute an indication of 'Yes' for that Member State.

Country	Yes	No
Burundi		
Comoros		
Democratic Republic of Congo		
Djibouti		
Egypt		
Eritrea		
Ethiopia		
Kenya		
Libya		
Madagascar		
Malawi		
Mauritius		
Rwanda		
Seychelles		
Sudan		
Swaziland		
Uganda		
Zambia		
Zimbabwe		

**Annex II to the Merger Notification**

Specify the Asset Value or Turnover Derived in each Member State where the parties operate. If there are more than two parties to the Merger, please add a column for each additional undertaking.

Country	Turnover Value (US\$)	Asset Value (US\$)	Turnover Value (US\$)	Asset Value (US\$)
	Firm 1	Firm 1	Firm 2	Firm 2
Burundi				
Comoros				
Democratic Republic of Congo				
Djibouti				
Egypt				
Eritrea				
Ethiopia				
Kenya				
Libya				
Madagascar				
Malawi				
Mauritius				
Rwanda				
Seychelles				
Sudan				
Swaziland				
Uganda				
Zambia				
Zimbabwe				
<b>Total</b>				

**Annex III to the Merger Notification**

Specify under which trade name each of the parties to the transaction is trading in each Member State. If there are more than two parties to the merger, please add a column for each additional undertaking.

Country	Firm 1	Firm 2
Burundi		
Comoros		
Democratic Republic of Congo		
Djibouti		
Egypt		
Eritrea		
Ethiopia		
Kenya		

Libya		
Madagascar		
Malawi		
Mauritius		
Rwanda		
Seychelles		
Sudan		
Swaziland		
Uganda		
Zambia		
Zimbabwe		
<b>Total</b>		

**X. DECLARATION**

I \_\_\_\_\_ being the authorized representative of \_\_\_\_\_  
 \_\_\_\_\_ (*insert the names of the merging parties*) declare that to the best  
 of my knowledge, the information given/supplied by me to the COMESA Competition Commission in this notice  
 is true, correct and complete, that true and complete copies of documents required by Form 12 have been sup-  
 plied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all  
 opinions expressed are sincere.

Signature: \_\_\_\_\_

Office Use Only	
<b>Received By Registrar</b>	
Print Name:	Signature:
Date Received:	Assigned Case Number:
<b>Case Officer</b>	
Print Name:	Signature:
Department/Section:	
Position:	

**END OF FORM**

# ANNEXES IV

COMESA INDUSTRIALISATION  
POLICY 2015-2030

**COMESA INDUSTRIALISATION POLICY 2015-2030****LIST OF ABBREVIATIONS AND ACRONYMS**

ACTESA	Alliance for Commodity Trade in Eastern and Southern Africa
ACTIF	African Cotton and Textile Industries Federation
AFD	Agence Française de Développement (French Development Agency)
AIDA	Accelerated Industrial Development for Africa
ATI	African Trade Insurance Agency
AU	African Union
BIAT	Boosting Intra-African Trade
CAADP	Comprehensive Africa Agriculture Development Programme
CAF	COMESA Adjustment Facility
CBC	COMESA Business Council
COMESA	Common Market for Eastern and Southern Africa
DPSI	Document for Industrial Policy and Strategy (DRC)
EAC	East African Community
ECOWASE	conomic Community for Western African States
EEZ	Exclusive Economic Zone
FDI	Foreign Direct Investment
FEMCOM	Federation of National Associations of Women in Business
FTA	Free Trade Area
GATS	General Agreements on Trade in Services
GDP	Gross Domestic Product
GVC	Global Value Chains
IFAD	International Fund for Agricultural Development
IRSI	International Recommendations for Industrial Statistics
ITC	International Trade Centre
LLPI	Leather and Leather Products Institute
MFN	Most Favoured Nation
MoU	Memorandum of Understanding
MSME	Micro, Small and Medium Enterprises
NDP	New Product Development
NTB	Non-Tariff Barriers
PPP	Public Private Partnership
PTA	Preferential Trade Area

RIA	COMESA Regional Investment Agency
RISM	Regional Integration Support Mechanism
SADC	Southern African Development Community
SEZ	Special Economic Zone
SME	Small and Medium Enterprise
TFTA	Tripartite Free Trade Area
UNCTAD	United Nations Conference on Trade and Development
UNECA	United Nations Economic Commission for Africa
UNIDO	United Nations Industrial Development Organisation
WTO	World Trade Organisation

**Foreword**

Africa has persistently been characterised by high poverty levels, unemployment and food and nutrition insecurity. This is despite the robust growth rates that have been recorded in recent years. For example, the World Bank estimates that Sub-Saharan Africa has been recording annual GDP growth rates of 4.5% between 2000 and 2013, compared to around 2% for the previous 20 years.

However, this robust growth rates have not been able to address the problems of unemployment and poverty, widening income inequalities between rich and poor. In addition, Africa is still experience an overdependence on principal commodity exports and increased vulnerability to external shocks on the above commodity export.

African needs a structural economic transformation through an inclusive and sustainable industrialisation. Industrialisation has to be driven by exploiting the comparative advantages endowed in each nation or region. Labour intensive industries are most critical to address the chronic unemployment in the region especially amongst the youth and women, who constitute the majority of the workforce in export oriented industries.

COMESA should speed up implementation of industrialisation bearing in mind the gender dimension, in key priorities sectors such as agro-processing, energy, textile and garments, leather and leather products while fostering stronger trade linkage through infrastructure development. Such industrialisation needs to be driven by proper policies and strategies at the same time as benefitting from regional economic complementarities.

The COMESA industrialisation policy is tool that will guide the region toward self sustained and balance growth and improve the competitiveness of the industrial sector in the region.

**Sindiso Ngwenya**

**Secretary General**

**March 2015**

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## 1 Introduction

The COMESA Council of Ministers, at their meeting in Kinshasa, Democratic Republic of Congo, on 24<sup>th</sup> February 2014, directed the COMESA Secretariat to prepare a COMESA Industrial Policy.

COMESA has the advantage of developing its Industrial policy after other Regional Economic Communities, including SADC and EAC, who are, with COMESA, members of the COMESA-EAC-SADC Tripartite. COMESA can use the experiences of its sister RECs to develop an Industrial Policy that builds on their successes as well as take advantage of the rapid progress that is being witnessed in the technology sector that allows countries and firms to leapfrog into the modern era instead of following a linear progression on industrialisation.

The COMESA Industrial Policy experience can also build on the experiences of the successes of other recently industrialised countries such as India, Brazil and South Korea.

The COMESA Industrial Policy has also benefitted from the work done by the United Nations Economic Commission for Africa and the African Union Commission, especially their 2014 Economic Report on Africa that was themed as *“Dynamic industrial policy in Africa: innovative institutions, effective processes and flexible mechanisms.”* The report outlines the need for African countries to introduce credible industrial policies and promote effective industrial policy organisations to enhance the structural transformation of the continent. Valuable lessons can also be learned from failures to industrialise in Africa as a result of the use of industrial blueprints characterised by lack of dynamism and high level coordination, as well as inadequate consultations with stakeholders and ignoring the policy processes and institutions governing industrial policy in Africa or the impact of their inherent weaknesses on industrialisation. One of the findings of the report is that weak institutional structures and poor policy design have been at the root of Africa’s industrial policy problem throughout its post-independence history.

The report recommends that top-level coordination of the industrial policy framework is required to deal with potential problems that could undermine the efficiency of industrial policy. Making provision for dialogues between public sector and private stakeholders allows governments and the industrial policy organisations to be adaptable to the changing needs of industry.

There is growing recognition that if Africa is to develop in such a way as to create employment for its rapidly expanding and young population then the model of economic growth that is based on export of raw materials and primary products needs to be replaced with a growth model that is based on value addition in Africa itself. Value can be added where raw materials and primary products are processed, and substantial transformation takes place, close to the location of extraction/harvest and before export. It can also occur in service sectors where, for example, a computer application is developed locally to add value to an e-banking service or where national/regional internet access is used to improve farming techniques or link small farmers to markets.

The COMESA Industrial Policy is based on Pillars, delivered through a number of channels, which will be implanted through existing COMESA Institutions and driven through an Incentive Framework.

## 2 COMESA Treaty Provisions

Industrial development is at the core of the developmental integration agenda of COMESA. Article 3 (Aims and Objectives) of the COMESA Treaty refers to industrialisation and Chapter 12 of the Treaty is titled “Cooperation in Industrial Development”.

Article 99 (Scope of Cooperation in Industrial Development) addresses the objectives of co-operation in industrial development which are to: promote self-sustained and balanced growth; increase the availability of industrial goods and services for intra-Common Market trade; improve the competitiveness of the industrial sector; and develop industrialists that would acquire ownership and management of the industries.

Article 100 of the Treaty addresses the strategy to be followed by COMESA to implement the COMESA Industrial Policy.

Article 101 (Multinational Industrial Enterprises) of the Treaty addresses the promotion of and establishment of multilateral industrial enterprises for the benefit, and in compliance with the laws, of the COMESA member states and the region.

Chapter 12 Article 102 of the COMESA Treaty also addresses Industrial Manpower Development, Training, management, Consultancy Services, Industrial Research and Development, Acquisition of Modern Technology and a Mechanism for the Promotion of Industrial Development.

### 3 Situational Analysis

#### 3.1 Continental Context

The COMESA Industrial Policy is built on, amongst others, the following initiatives: The Plan of Action for the Accelerated Industrial Development (AIDA) (2008) and the Mining vision and its Plan of Action.

Following independence, most COMESA countries adopted highly interventionist import substitution industrialisation policies, characterised by growth of the public sector and protection of domestic industries. This was followed, in most COMESA countries, by an era of structural adjustment that led to a decline in public sector employment opportunities and a failure by the formal private sector to grow sufficiently to absorb the large majority of the working population in the agriculture and urban informal sectors. The combined impacts of these policies have resulted in:

- i. Jobless growth, reflected in a decline in formal jobs measured as a percentage of the labour force;
- ii. Widening income inequalities between rich and poor; an overdependence on principal commodity exports, either in minerals, agriculture or natural resources, for generating revenues;
- iii. Increased vulnerability to external shocks (mainly volatile fluctuations in commodity prices; and
- iv. Increased reliance on export-led growth often requiring access to outside skills, capital and technology.

Despite the above observations the COMESA region has experienced economic growth averaging 5.4%. This has been above the world average of 2.2%. However, this robust growth rate has not addressed the problems of unemployment, poverty and widening income inequalities within the region. This means that the regional economic growth has not translated into job creation and inclusive growth. The main factor driving this observation is that COMESA is still characterized by low industrialization especially in key sectors where the region has a comparative advantage. According to the latest COMESA trade statistics of 2013, fuel exports from the region accounted for 43% of total exports while exports of ores and metals accounted for 14% in value terms. These ores and metals are mostly traded unprocessed within the region and with the Rest of the World (ROW). Food exports accounted for 15% and these included products like tobacco, vegetables, sugars, molasses, honey, coffee, tea, and fruits and nuts. These products are mainly sold raw or semi-processed, which lowers their regional income multiplier. Exports of manufactured products from the COMESA region were dominated by printed material, fertilizers, and articles of apparels of textile fabrics, inorganic chemical elements, oxides and halogen salts.

Tables 1 and 2 below show trade statistics for selected Value Added Products in the COMESA region for the years 2012 and 2013. These selected trade figures for example, show evidence of regional scope for development in high end products like footwear and gaiters; articles of cement, concrete and artificial stones; and tubes of pipe fittings of iron and steel. There is also a huge potential to develop the pharmaceutical sector in general. Most of the sectors that show scope for expansion have also been prioritized by the COMESA Industrial Development Policy. From the trade statistics, the COMESA region appears competitive in articles of apparels and clothing accessories, knitted and crocheted materials. However, such conclusion needs to be analyzed carefully. This is because the region imports most of the raw materials for this sector. In this case, issues of rules of origin need to be analyzed

and applied in such data.

**Table 1: Intra-COMESA Imports and Imports from the ROW of Selected Value Added Products (Millions US\$) in 2012 and 2013**

	Intra-COMESA Imports		COMESA Imports from ROW	
	2012	2013	2012	2013
Frozen Fish Livers and Roe	0	0	1.04	23.00
Wheat of Meslin Flour	94.15	70.62	316.64	280.31
Anthracite	0.10	0.27	67.24	43.18
Ores, Slag and Ash	1832.94	2497.88	1036.80	1562.36
Articles of apparels and clothing accessories, knitted or crocheted	11.68	9.78	677.04	693.51
Footwear and gaiters	47.62	33.28	646.31	705.02
Pharmaceutical Products	108.40	128.91	4370.90	4703.91
Articles of Cement, Concrete and Artificial Stones	22.03	4.78	46.19	44.38
Tubes of pipe fittings of iron and steel	11.87	2.98	285.43	390.42

Source: COMESA Trade Statistics, 2014

**Table 2: Intra-COMESA Exports and COMESA Exports to the ROW for Selected Value Added Products (Millions US\$) in 2012 and 2013**

	Intra-COMESA Exports		COMESA Exports to ROW	
	2012	2013	2012	2013
Frozen Fish Livers and Roe	0.48	0	0.49	0.01
Wheat of Meslin Flour	80.54	60.70	109.84	91.95
Anthracite	0.09	0.24	60.14	42.20
Ores, Slag and Ash	933.29	1429.88	2421.73	2806.53
Articles of apparels and clothing accessories, knitted or crocheted	15.41	14.64	1158.40	1188.22
Footwear and gaiters	42.74	57.81	75.64	107.55
Pharmaceutical Products	113.08	105.79	411.44	418.24
Articles of Cement, Concrete and Artificial Stones	20.25	3.97	26.60	13.26
Tubes of pipe fittings of iron and steel	10.01	2.16	13.95	6.95

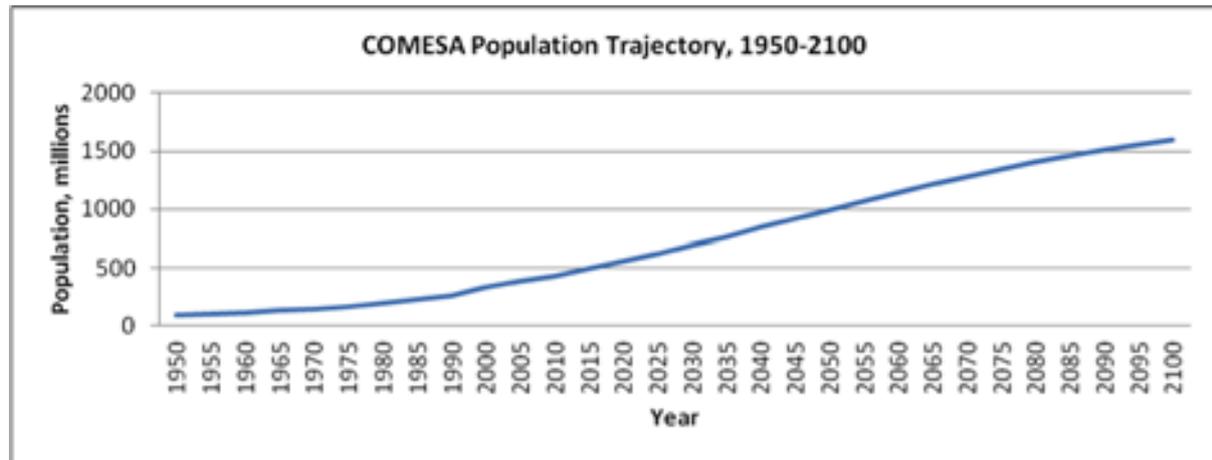
Source: COMESA Trade Statistics, 2014

Besides the limited regional industrial development, there are other related regional problems that dampen efforts towards regional integration. Some of these include high transport costs, which are amongst the highest in the world, poor infrastructure, rigid and poorly harmonized border regulations and poor information systems. These negatively affect the region's ability to attract FDI.

Looking to the future, the need to create jobs gets more and more critical for Africa and COMESA.

The Graph 1 shows the population projection in the COMESA region to 2100.

**Graph 1: COMESA Population Trajectory, 1950-2100**



Source: UN Department of Economic and Social Affairs: Population Division (2012)

The population figures alone do not, however, show the full picture of what is happening in COMESA countries in terms of employment opportunities. Within the rising population there is a significant rise in the young cohorts, putting pressure on employment and there are also high levels of under-employment. In the absence of adequate social safety nets, young people are compelled to take any job that is available even if they are over-qualified and over-experienced for that job, just to survive. The AFD-World Bank Publication “*Youth Employment in Sub-Saharan Africa*” gives evidence to the effect that the Sub-Saharan African labour force is expected to increase by 11 million people per year over the next 10 years. According to the study, most of this increase will be new entrants seeking their first job and, while the younger generation is better educated than their parents, they often lack the means to translate that education into productive employment.

If a large proportion of Africa’s young population is not able to find gainful employment this may well lead to social and political unrest and this will have consequences well beyond the continental borders. There is, therefore a strong rationale for African governments to create conducive environments in which production, through industrialisation, can take place and employment can be generated and to take advantage of the growing regional markets through processes which deepen integration and unify markets.

### 3.2 Regional Industrial Policies

At the Regional level, the following initiatives are ongoing: The tripartite COMESA-EAC-SADC FTA in which industrialisation is one of the key pillars of the framework.

Others include the following:

- \* SADC Industrial Development Policy Framework (2013-2018)
- \* EAC Industrialization Policy(2012 – 2032)
- \* ECOWAS industrial policy
- \* Signed MoU between COMESA and Western Australia with among other intervention areas of mineral beneficiation.

### 3.3 National Industrial Policies

The following COMESA countries have national Industrial policies which need to be taken into account in a COMESA Industrial Policy:

- i. Egypt: The Industrial Development strategy that aims, amongst other things, to ensure that by the year 2025, Egypt will be a leading industrial nation in the MENA region in terms of industrial performance as well as a main export hub for medium-technology manufactured products.
- ii. Rwanda: The National Industrial Policy of April 2011 is part of the country's Vision 2020. For Rwanda to meet the Vision 2020 targets it requires the share of industry to increase to 26% of GDP which means that the industry sector will need to grow by about 12% per annum. The Policy is based on the two pillars of domestic production and export competitiveness, the role being to foster economic growth, value addition and expansion into new areas of comparative advantage where market failures would otherwise prevent or slow development.
- iii. Zimbabwe: The Industrial Development Policy is for the period 2012 to 2016 and lists the following sectors as priorities: agri-business; clothing and textiles; leather and footwear; wood and timber; fertilizer and chemicals; pharmaceuticals; and metals and electrical.
- iv. Uganda: The national industry policy of 2008 as a ten year framework for Uganda's transformation, competitiveness and prosperity focuses mainly on exploitation and development of natural domestic resource-based industries; agro-processing, knowledge based industries and engineering for capital goods, agricultural implements, construction materials and fabrication within informal sector.
- v. Kenya: The national industrialisation policy framework of December 2012 for the period 2012 to 2030 is geared towards transforming the country into a middle income, rapidly industrialising nation as part of Kenya's vision of 2030. The objective of the policy is to enable the industrial sector to attain and sustain annual growth rates of 15% hence become the engine of economic growth. In line with the policy, Kenya has designed and is implementing an industrialisation roadmap which is a five year plan to accelerate development of critical industries.
- vi. DR Congo: The industrial strategy was developed following the large consultations with all the stakeholders including public, private partners and civil society with the support of the cooperating partners among which UNIDO and the World Bank. The strategy is included in the Industrial Policy and the Strategy Document (DPSI). The key priority sectors contained in the DPSI are as follows: Agro industry especially food industries, Construction materials, mining beneficiation and metallurgy, packaging, coke making and fabrication of refined petroleum products.
- vii. Zambia: Zambia has developed industrial policies related to (i) The Commercial, Trade and Industrial Policy in 2010 aiming at facilitating the growth of trade and industry in Zambia: (ii) The Small Medium and Enterprise Development Policy in 2009 to facilitate the creation and development of viable MSMEs and (iii) The National Quality Policy in 2011 to address issues of commitment, responsibilities, interventions, as well as the implementation and operational frameworks required for an effective National Quality Infrastructure.
- viii. Madagascar: The Madagascar industrial policy is export based aiming at the structural economic transformation with the view of increasing the weight of the industrial sector in the national economy and to improve competitiveness.

There are also a number of country industrialisation policies and strategies and export strategies such as the Industrial and SME Strategic Plan 2010 -2013 of Mauritius. Another Industry Development Strategy is that of Ethiopia, with the primarily focus being on the promotion of agricultural-led industrialisation, export-led development, and expansion of labour intensive industries.

## 4 Vision, Mission, Objectives and Key Guiding Principles

### 4.1 Vision

The Vision of this Policy is, "To be a region with globally competitive and sustainable industrial sectors capable of creating sufficient quality jobs and wealth in COMESA."

### 4.2 Mission

The Mission of this Policy is, "To establish a diversified industrial base for economic transformation, supported by an institutional regulatory environment that is favourable to industrial enterprises."

### 4.3 Objectives

The enabling set of policies needed for the successful implementation of the COMESA Industrial Policy should be based on the following factors:

- i. Building productive capacity;
- ii. Promoting advances in research, technology and innovation;
- iii. Acting as a catalyst for the construction of the necessary supporting trade and logistics and energy infrastructure;
- iv. Promoting the development of the services sectors that are needed to support the implementation of a regional industrial policy and especially the provision of improved access to finance at affordable terms and promotes re-investment; and
- v. Creating a social safety net that improves labour productivity and at the same time ensures that labour is not exploited and there is a fair wages for fair work environment.
- vi. Advancing Skilled human resource development

The objectives of this policy include the following as stated in Article 100 of the COMESA Treaty:

- i. Promoting linkages among industries through specialisation and complementarity;
- ii. Facilitating the development of small-and-medium scale industries basic capital and intermediate goods industries; and food and agro industries;
- iii. Making full use of established industries so as to promote efficiency in production;
- iv. Promoting industrial research and development, the transfer, adaptation and development of technology, training, management and consultancy services;
- v. Promoting linkages between the industrial sector and other sectors of the regional economy;
- vi. Granting investment incentives to industries particularly those that use local materials and labour;
- vii. Disseminating and exchanging industrial and technological information;
- viii. Improving the investment climate for both national and foreign investors and encourage national savings and re-investment;
- ix. Developing human resources;
- x. Increasing participation of the private sector in project development, promotion and implementation;

- xi. Rehabilitating, maintaining and upgrading agro-industries and the metallurgical, engineering, chemical and building materials industries;
- xii. Developing and promoting integrated inter-State resource-based core and basic industries;
- xiii. Promoting multinational projects with the aim of increasing added value to raw materials in the Member States for export; and
- xiv. Jointly exploiting and utilising shared resources.

Within the above overall factors the COMESA Industrial Strategy will be guided by the key principles as outlined in the next section.

#### **4.4 Key Guiding Principles**

The COMESA industrial policy will be guided by the following:

##### **4.4.1 A Regional Approach**

The COMESA Industrial Policy will take advantage of the COMESA FTA, the trade facilitation measures in place and the COMESA Adjustment Facility. These instruments, working in unison, have the effect of reducing the costs of intra-COMESA trade and so enhance the comparative and competitive advantage of COMESA as a region. Despite regional integration being of special importance in Africa, COMESA countries still trade around 90% with other parts of the world. One of the main reasons for this low level of intra-regional and intra-COMESA trade can be attributed to a lack of industrial diversification and products' complementarity, together with poor logistics between countries and companies.

##### **4.4.2 A Harmonized Approach**

The COMESA Industrial Policy, and the accompanying strategy or strategies, will be harmonised with the Industrial Policies of the East African Community and the Southern African Development Community so as not to put COMESA Member States that are members of these Regional Economic Communities into conflict with the COMESA Industrial Policy.

The COMESA Industrial Policy will also be harmonised with other COMESA Policies and Strategies to ensure coherence between policies. The Industrial Policy will, in particular, be aligned with the COMESA Free Trade Area; the Regional Integration Support Mechanism; and the COMESA trade facilitation programmes, including customs modernisation and harmonisation, the COMESA Virtual Trade Facilitation System, transit and transport facilitation, removal of NTBs, harmonised standards and sanitary and phyto-sanitary provisions.

The COMESA Industrial Policy also takes into account the work that has been done to promote a COMESA-EAC-SADC Tripartite Industrial Policy

##### **4.4.3 Supply Chain Networks**

The COMESA industrial policy is encouraging the strengthening of linkages between industries and other sectors. Further, the policy aims to foster stronger linkages between SMEs and larger industries.

COMESA's Industrial Policy and subsequent strategy build on the comparative and competitive advantages<sup>1</sup> of COMESA member States and of the region as a whole.

Sectors in which COMESA has competitive and/or comparative advantages could include the following: agro-food processing; fisheries; forestry (wood and wood products); textiles and garments; leather and leather products;

<sup>1</sup> Comparative and competitive advantages are different terms that mainly refer to what informs the decision behind the choice of what to produce in a competitive market. Comparative advantage occurs when a company or country can produce something at a relatively cheaper rate than can the competition or other countries. Competitive advantage occurs when a company emerges as a leader in its market sector due to the ability to produce goods or deliver services at higher profits than the competition and at a lower cost to the consumers.

mineral beneficiation (up-stream and down-stream); pharmaceuticals; chemicals (including fertilisers); light engineering products; and the Blue Economy. Complementary service sectors that would support the industrial sectors (but which are not industrial sectors) include telecommunications, energy, insurance, transport, logistics and banking and finance.

#### 4.4.4 **Equitable and Balanced Development**

For a regional Industrial Policy to work it is important that the benefits emanating from the implementation of the policy are equitably distributed amongst the Member States of COMESA for balanced industrial development. The policy should also allow all nationals of COMESA Member States to take advantage of industrialisation through equitable and balanced access to employment and investment opportunities.

#### 4.4.5 **Human Resource Development**

Successful industrialisation will depend on building necessary human skills development for industrial transformation and employment. This will entail the development of policy frameworks that will enhance collaboration between the business community and the academic sector on the basis of a partnership between private and public sectors.

#### 4.4.6 **Research and Development**

Successful industrialisation will depend on creating and strengthening the region's capacity for innovation and effective application of science and technology in industry. Member States need to invest in innovation and technology capabilities to enable them to upgrade and expand their manufacturing base. As part of this approach COMESA will consider developing regional Centres of Excellence to promote innovation, technology development and technology transfer within the region. Important issues that also need to be addressed related to research and innovation involve intellectual property rights as enshrined in the WTO trade agreements, of which all COMESA Member States are signatories.

### 5 **Enabling Environment and Incentives Framework**

For the COMESA Industrial Policy to be effective in terms of implementation there is a need to have supporting policies, legal and regulatory framework and institutions in place.

#### 5.1 **Trade Policy and Trade Facilitation**

##### 5.1.1 **COMESA Free Trade Area**

Fourteen of COMESA's nineteen Member States are members of the COMESA Free Trade Area, meaning that they provide duty-free and quota free market access to all goods that are considered to have originated in the COMESA region. Given that COMESA's Rules of Origin are one of the most liberal systems of any Regional Economic Community in Africa and are getting more liberal over time as COMESA Member States adjust the Rules of Origin to make it easier to trade with each other, members of the COMESA FTA are at a particular advantage to benefit from the implementation of an industrial policy that promotes regional value chains and trade in intermediate goods.

Members of the COMESA FTA, and Member States of COMESA in general, also stand to benefit from trade with other COMESA Member States through the use of the Non-tariff Barrier Monitoring and Elimination Scheme and the various Trade Facilitation measures in place and in particular the COMESA Virtual Trade Facilitation System.

##### 5.1.2 **COMESA-EAC-SADC Tripartite FTA**

The COMESA-EAC-SADC Tripartite Free Trade Area (TFTA) with a combined population of about 600 million people and a Gross Domestic Product of about US\$1 trillion covers half of the member states of the African Union and is intended to boost intra-regional trade, increase investment and promote the development of cross-regional infrastructure. The Tripartite FTA constitutes a large unified market that a COMESA Industrial Strategy will be able to take advantage of.

##### 5.1.3 **Continental FTA and BIAT**

The African Union Commission, working with the United Nations Economic Commission for Africa (UNECA) is working towards the design and implementation of a Continental free Trade Area and a programme aimed at Boosting Intra-African Trade (BIAT). The first group of issues and priorities addressed under the BIAT Programme are:

- i) Broadening Africa's economic and market space by fast-tracking the establishment of a Continental Free Trade Area;
- ii) Addressing supply-side constraints and weak productive capacities;
- iii) Addressing infrastructural bottlenecks;
- iv) Eliminating trade barriers through improved trade facilitation;
- v) Enhancing opportunities for intra-African trade through trade information networks;
- vi) Addressing financial needs of traders and economic operators through improved trade finance; and
- vii) Addressing adjustment costs associated with FTAs and trade liberalisation to ensure equitable outcomes for Member States.

The second group of issues and priorities addressed under the BIAT Programme are:

- i. Addressing multiplicity and inconvertibility of currencies adding to business transaction costs;
- ii. Promoting free movement of people as an important ingredient of cross-border trade;
- iii. Enhancing trade in services as an emerging opportunity for intra-African trade; and
- iv. Addressing other important crosscutting issues that have a bearing on intra-African trade.

Although all of these programmes are trade-related as opposed to industry-related, they do have a strong effect on industry as they improve market size, market access and trading efficiencies.

#### 5.1.4 **Creating an enabling legal, regulatory and institutional environment**

For the implementation of the COMESA industrial policy Member States should improve legal, regulatory and institutional frameworks for a friendly business climate for the ease of doing business.

#### 5.1.5 **Cooperation in Combating Illicit Trade and Counterfeiting**

COMESA Member States are experiencing relatively high levels of counterfeits and imports of sub-standard products which results in revenue loss, both to government as well as local manufacturers; unfair competition; and possible damage to human health and safety. Various factors contribute to illicit trade, including; porous borders, corruption, high tax regimes, poor transit controls, illegal distribution networks and weak buying power of the people resulting in a high demand for cheap goods Member states should cooperate with each other in combating illicit trade and counterfeiting.

#### 5.1.6 **Strengthening of Standardisation and Quality Assurance**

One of the key major challenges that industries in Member States face regarding participation in global value chains and enhancing exports is the lack of adherence to systematic and internationally acceptable quality standards and the use of associated conformity assessment technology to provide quality assurance for COMESA manufactured products. Standards and quality assurance are an integral part of New Product Development (NPD) and value addition. In order to manufacture quality value added products as well as exploit opportunities in regional and global markets, the industrial sector needs to have access to an internationally recognised, but supportive regional quality infrastructure that can provide the required independent evidence of product compliance.

The region needs to reengineer and upgrade the quality infrastructure in Member States, enhance the technical regulation regime and harmonise the relationship between the two. These issues need to be addressed in a holistic manner taking into account that they cut across many agencies and stakeholders.

One of the primary objectives of the regional industry policy is to ensure that goods and services emanating from or traded by COMESA Member States are designed, manufactured, produced and supplied in a manner that match the needs, expectations and requirements of the purchasers and consumers as well as those of the regulatory authorities in the local, domestic, regional and international markets.

## **5.2 Investment Policy**

The Investment Agreement for the COMESA Common Investment Area, adopted by the COMESA Heads of State and Government in May 2007 and the COMESA Regional Investment Agency provide the regulatory and institutional framework for inward investments into the COMESA Region. The Investment Agreement provides for Most Favoured Nation and National Treatment as well as a dispute settlement and arbitration mechanism and protection of investors and their investments against expropriation and nationalization and other measures with similar effects. The overall objective of the COMESA Investment Agreement is to improve COMESA Member States' business climate by reducing or eliminating regulations which impede investment flows; increase the number of Double Taxation Agreements; develop capacity building programmes for COMESA Investment Promotion Agencies; increase the transparency of COMESA Member States' investment rules, regulations, policies and procedures; promote public-private partnerships; open up investment regimes by eliminating investment barriers; and harmonising company registration procedures, which would allow for streamlined company registration and recognition as a COMESA company.

## **5.3 Monetary and Fiscal Policies**

COMESA has established a monetary institution to spearhead the COMESA monetary cooperation programme which will address the regional monetary and fiscal issues with a view to facilitating trade and industrial development.

COMESA Member States should put in place monetary and fiscal policies in line with the COMESA aforesaid programme to facilitate industrial development in the region.

## **5.4 Competition Policy**

The COMESA Competition Regulations and the COMESA Competition Commission provides a regulatory and institutional framework that promotes and encourages competition by preventing restrictive business practices and other restrictions that deter the efficient operation of markets, thereby enhancing the welfare of the consumers in the Common Market, and protecting consumers against offensive conduct by market actors.

## **5.5 Public Procurement Policy**

Legal Notice Number 3 of 2009 on the COMESA Public Procurement Regulations published in the COMESA Official Gazette and the COMESA Court of Justice provide a regulatory and institutional framework governing regional public procurement. Member States should domesticate the COMESA Public Procurement Regulations to support procurement of products manufactured in the region.

## **5.6 Public Private Partnership Policy**

The cooperation between the public and the private sectors is key to a successful implementation of the industrial policy. Such partnerships are particularly important in supporting infrastructure development. In this regard, COMESA is cognisant of the various initiatives taken by Member States to craft Public Private Partnership policies. At the regional level, COMESA should assist member states with the guideline on Public Private Partnership (PPPs) built on lessons learnt (success and failure) in the implementation of the aforesaid PPPs. The aim is to deliver infrastructure and support joint ventures for improved services and better value for money.

## **5.7 Infrastructure Development**

There is a clear infrastructure deficit in the COMESA Region and, although efforts are being made to address this deficit mainly through the Programme for Infrastructure Development in Africa (PIDA), it is clear that there will be an infrastructure deficit for a number of years to come. It is, therefore, of utmost importance to ensure that infrastructure projects are prioritised in such a way that the infrastructure projects that are implemented first have the maximum return on investment. If an impact on industrialisation parameter could be added to the prioritisation process this would help to kick-start the implementation of the Industrial Policy.

## **5.8 Cross-Cutting Issues**

### **5.8.1 Promotion of Women and Youth Entrepreneurship**

The COMESA Federation of National Associations of Women in Business (FEMCOM) has been established with the main objective of promoting programmes that integrate women into the trade and development activities in Eastern and Southern Africa. It also serves as a representative body and link between women and the COMESA Policy Organs. FEMCOM therefore provides a framework to address gender cross-cutting issues as they relate to the COMESA Industrial Policy. The policy will also put in place measures to promote youth entrepreneurship through training and skills development through business development services.

### **5.8.2 Environment and Climate Change**

COMESA has developed a comprehensive approach and programme initiative to address climate change, the specific objectives of which are to:

- i. Consolidate a shared vision for Africa on climate change and a common and informed voice for the continent in the Post Kyoto Climate Change negotiations and beyond;
- ii. Foster regional and national cooperation to address climate change and its impacts;
- iii. Promote integration of climate change considerations into regional, national policies, sectoral planning and development and budgeting;
- iv. Enhance human and institutional capacities of COMESA Secretariat, specialised institutions and Member States to effectively address the challenges of climate change;
- v. Mobilise African and international scientific and technical communities to increase knowledge base and its management to support informed decision making processes;
- vi. Promote and enhance collaboration, synergy, partnerships and effective participation of Governments, business community, civil society and other stakeholders in climate change matters;
- vii. Provide a framework for the establishment of an African BioCarbon Facility that combines market-based offsets, public and private funds and;
- viii. Encourage efficient resources management with the view to meet the needs of the current generation without compromising the needs of the future generations.

### **5.8.3 Special Economic Zones/Export Processing Zones/ Agro-Industrial Parks**

Special Economic Zones (SEZ) is commonly used as a generic term to refer to any modern economic zone, including Export Processing Zones and Agro-Industrial Parks. In these zones business and trade laws differ from those in the rest of the country. To encourage businesses to set up in the zone various incentives, such as attractive investment criteria, reduced taxation and tax holidays, duty free quotas, low electricity tariffs, and liberal labour regulations may be offered. The purpose of setting up Special Economic Zones is usually to attract foreign direct investment by creating an enabling environment in which the investor can compete in global and regional markets.

Special Economic Zones create net benefits to the country providing the tax breaks and the less stringent labour

regulations that go with Special Economic Zones and it is important to have a common COMESA approach to SEZs as well as closely monitor performance.

#### 5.8.4 Statistics and Monitoring Indicators

COMESA is currently implementing the 2014-2017 Statistics Strategy. Underpinning the implementation of this Strategy are core policy strategies for which timely, reliable and relevant statistics are needed. Specifically through the identified pillars in the industrialization Policy, sectoral industrial statistics will be needed to monitor performance, competitiveness and production in each COMESA Member States and in the COMESA as a region. Some of the broad measures to be undertaken in order to achieve this objective include:

- \* Capacity building of Member States and Secretariat on international recommendations for industrial statistics taking into consideration gender disaggregated data sets. To this effect the International Recommendations on Industrial Statistics (IRSI,2008) and its successor frameworks will form the basis for this capacity building
- \* Technical assistance to Member States on the implementation of the IRIS, 2008 framework.
- \* Promotion of collaboration on data sharing and capacity building with the EAC and SADC
- \* Publication of knowledge products showcasing industrial sector performance and production from different social groups including women and youth in Member States.

## 6 Implementation Channels

### 6.1 Institutional Governance Framework

Implementation of the COMESA Industrial Policy will be the responsibility of the COMESA Secretariat, COMESA Member States, COMESA Institutions, the COMESA Business Council and other stakeholders in the private sector.

#### 6.1.1 COMESA Secretariat

The role of the Secretariat will be to develop implementation strategies, in conjunction with other stakeholders especially the representatives of the private sector, for the Industrial Policy. This will involve:

- i. Coordinating with COMESA Member States on a continuous basis through the various focal points of member states duly appointed by each member state;
- ii. Keeping the COMESA Policy Organs (sectoral committees, the Inter-governmental Committee, the Committee of Ministers and Summit) and COMESA Institutions informed and engaged at all stages;
- iii. Coordinating with the African Union Commission and other Regional Organisations; and
- iv. Coordinating with relevant international organisations including the United Nations (particularly UNECA, UNCTAD and UNIDO) and the International Trade Centre (ITC).

#### 6.1.2 COMESA Institutions and Relevant Programmes

COMESA has a number of existing institutions that should play a part in preparing an industrial strategy through which the COMESA Industrial Policy will be implemented. The COMESA Institutions that would be responsible for design of the strategy and implementation would be:

##### (i) COMESA Business Council (CBC)

Clearly the COMESA Industrial Policy needs the full support and involvement of the private sector. In the case of COMESA the Private Sector and Business is represented by the COMESA Business Council (CBC). Chapters 23v and 24 of the COMESA Treaty mandate COMESA Member States to develop private sector and enhance the visibility and participation of women in business and policy dialogue. The COMESA Treaty recognises that the private sector

is the backbone of a vibrant economy and the engine of steady and consistent growth. As part of the regional agenda to become a Private Sector driven economy, Members of the CBC promote the expansion of businesses across borders and regionally and tackle the challenges of cross-border investment, capacity building, competition and industrialisation. The COMESA Business Council, as the representative of the business private sector, will play a major role in the development and implementation of the COMESA industrial strategy.

(ii) **COMESA Regional Investment Agency (RIA)**

The COMESA Regional Investment Agency (COMESA RIA) promotes the COMESA region as a Common Investment Area and builds a positive image of the region, and COMESA Member States, to a worldwide audience.

COMESA RIA will support the COMESA Industrial Policy by assisting to attract investment to develop the region's industries through high-level International COMESA investment forums and Ministerial road shows; participation at key events and support to Member States' events; development of an investor portal; production of country-level and regional investors' guides and other promotional tools; promotion of specific investment opportunities and projects as well as the dissemination of positive news and information about facilities, regulatory frameworks, incentives, and procedures.

(iii) **COMESA Competition Commission**

The COMESA Competition Commission assists to provide the framework for the COMESA Industrial Policy by ensuring that industrialisation is not done in an anti-competitive way. The COMESA Competition Commission promotes and encourages competition by preventing restrictive business practices and other restrictions that deter the efficient operation of markets, thereby enhancing the welfare of the consumers in the Common Market, and protecting consumers against offensive conduct by market actors. The Commission, therefore, plays an important facilitation role in the implementation of the COMESA Industrial Policy.

(iv) **African Trade Insurance Agency (ATI)**

The African Trade Insurance Agency (ATI) was established by COMESA in 2001 with the assistance of the World Bank. It has an investment grade rating of 'A' from Standard & Poor's, and provides political risk and trade credit risk insurance products with the objective of reducing the business risk and cost of doing business in Africa. ATI's main goal is to help increase investments into African member countries and two-way trade flows between Africa and the world. ATI facilitates exports, foreign direct investment into and trade flows within the continent. As an agency that provides political and trade credit risk insurance ATI can play a catalytic role in implementing the COMESA Industrial Policy.

(v) **Eastern and Southern African Trade and Development Bank (PTA Bank)**

The PTA Bank's mandate, in the main, is to finance and foster trade, socio-economic development and regional economic integration across its Member States. The Bank's Charter also provides for the establishment and administration of special purpose funds in the region, given its role as a specialised and autonomous regional financial institution. The Bank implements its mandate by supplementing the activities of national development agencies of Member States and by cooperating with other institutions and organisations, public and private, national and international, which are interested in the economic and social development of the Member States, including industrialisation.

The Bank's exposure is distributed across public and private sector entities and project and Infrastructure financing is a key priority sector for the Bank. The PTA Bank can play a key role in implementing the COMESA Industrial Policy through financing projects which will further the industrialisation of the COMESA region.

(vi) **Leather and Leather Products Institute (LLPI)**

At the 2014 COMESA Summit meeting the COMESA Leather and Leather Product Institute (LLPI) was directed to assist COMESA Member States to formulate National Leather Value Chain Strategies that were to be aligned at the regional level. The principal objective was to revitalise the regional leather sector by enhancing value addition at Member State level. To achieve this, LLPI adopted the Triple Helix Approach.

The Triple Helix Approach promotes a three-pronged relationship between academia, the private sector and government. The approach involves the formulation of strategies by these partners on an equal basis and with the partners taking equal responsibilities in the implementation of the strategies developed by them.

Under the COMESA Industrial policy LLPI is responsible for the design and implementation of national and regional strategies so that as much value is added to leather in the region and done so in a way which generates the maximum amount of employment in the sector.

(vi) **Regional Integration Support Mechanism (RISM)**

The primary objective of the Regional integration Support Mechanism (RISM) programme is the improved implementation of commitments undertaken under COMESA at Member State level. The commitments are defined through a set of indicators against which Member States provide targets. The achievement of the targets is the basis for approval of allocations to Member States from the COMESA Adjustment Facility (CAF). This means that from the outset, the programme indicators are the focus of implementation and are what form the basis for achieving the objective of RISM.

The COMESA Adjustment Facility is one of COMESA's main facilities to assist Member States to both comply with COMESA Treaty Provisions and Summit Decisions and to take advantage of COMESA instruments that reduce the costs of trade, increase the capacity of COMESA Member States to trade, and build the regional market through deepening regional integration. The COMESA Adjustment Facility would be an important component in the implementation of the COMESA Industrial Policy.

(vii) **Alliance for Commodity Trade in Eastern and Southern Africa (ACTESA)**

The Alliance for Commodity Trade in Eastern and Southern Africa (ACTESA) is a regional Alliance organisation and a Specialised Agency of COMESA with a mandate to coordinate public and private investments and multiple interventions by Member States, Development Partners and Implementing Agencies, in the agricultural sector and under the guidance of the Comprehensive African Agricultural Development Program (CAADP). ACTESA focuses on common agricultural trade issues that include learning, capacity building, harmonisation and coordination which require a regional institution and are expected to have impact on all COMESA, EAC and SADC Member States. The role of ACTESA in the Industrial Policy implementation will be to assist to develop, design and implement regional and global value chains in the agricultural and agro-processing sectors.

(viii) **COMESA Monetary Institute**

The COMESA Monetary Institute was established to fast-track the COMESA Monetary Cooperation Programme, addresses regional monetary and fiscal issues. The objective of the Monetary Cooperation Programme is the establishment of a Monetary Union by 2018 (changed from 2025 by the COMESA Council of Ministers in 2006).

### 6.1.3 Member States and Other Stakeholders

Member States are responsible for the implementation of the COMESA Industrial policy by aligning the national industrial policies and other related policies to the regional one. Member States should also create the conditions that facilitate and support the industrialisation development through among others appropriate tax incentives and other incentives as needed.

The private sector should take advantage of the benefits of the industrial policy to invest in key manufacturing sectors according to their respective comparative advantages.

(i) **Value Chains**

Globalisation of markets has changed the way industry operates in that the modern method of manufacturing involves assembly of component parts manufactured by specialist manufacturers. For example, a manufacturer of a motor vehicle or aircraft used to build all of the component parts and then outsource a few specialist parts such

as tyres and specialist electrical components and, in the case of aircraft manufacturers, the engines. A modern vehicle manufacturer will now outsource almost all component manufacture and assemble the vehicle from these outsourced component parts.

The value chain approach seeks to understand the firms that operate within an industry, from input suppliers to market buyers; the support markets that provide technical, business and financial services to the industry; and the business environment in which the industry operates.

In the large economic blocs, such as the European Union, most trade taking place within the economic bloc is trade between firms, this being trade in intermediate goods. In the case of COMESA most trade within the COMESA FTA is in finished goods, implying that regional value chains are rare.

The COMESA Industrial Policy will promote both regional and global value chains and, in doing so, will promote industrialisation through strong regional linkages which will, in turn, promote regional economic transformation and employment creation.

#### (ii) **Growth Poles**

An instrument that is increasingly being used by African governments is a 'Growth Pole' approach to industrial development, notably to accelerate the development of production linkages, both forward (processing commodities) and backward (producing inputs) and so provide a path to industrialisation. Growth poles are simultaneous, coordinated investments in many sectors to support self-sustaining industrialisation in a country. They usually combine public and private investments and are specifically built around an already-existing resource at a specific location in an economy. In particular, they could focus on how infrastructure can be developed within an existing private investment in a manner that will encourage spill over effects into other sectors. A growth pole traditionally will have an existing resource that serves as an inherent revenue producer.

Growth poles also open opportunities for upstream and downstream development in agro-processing value chains. A good example of this is the soybean-to-poultry value chain includes activities in which the poor is heavily involved, thereby creating significant potential for integration of SMEs and smallholders in the regional value chain. In Malawi and Zambia, soybean production encompasses the participation of around 160,000 and 124,000 smallholders, respectively. Together with animal feed manufacturing and broiler production and processing, the entire value chain can open important opportunities for poverty reduction and job creation.

Finally, the growth pole approach also emphasises the importance of inserting local competitive advantage into global value-chains (GVCs), notably for soft commodities like coffee, tea, cotton, leather, fish, sugar and spices, which are all produced in the region.

#### (iii) **Regional and National Cleaner Production Centers**

There is tremendous reservoir of efficiency improvements in industries in Africa and in COMESA Member States that can be tapped for the cleaner production approach. Cleaner production is the continuous application of an integrated preventive environment strategy for sustainable production and consumption. It is applied to process, products and services to increase eco-efficiency, resource utilisation and reduces risks to human and the environment.

COMESA Secretariat with Member States may initiate concerted efforts to invest and strengthen the regional or national cleaner production centres as well as financing cleaner production investments.

#### (iv) **SMEs and Industrial Linkages**

Member States should strengthen industrial linkages between large and micro, small and medium enterprises (MSMEs) nationally and regionally, and linking up with global markets and value chains.

COMESA has a Draft Policy for Micro, Small and Medium size Enterprises (MSMEs) development with the goal being to stimulate economic development, accelerate job-creation, create wealth and rapidly reduce poverty in

the COMESA Region. The policy objectives are to create and maintain an enabling environment for sustainable growth of MSMEs in the COMESA Region, through building competitive productive capacities to expand the supply of value added goods and services to regional and global markets. Service Sector Support

Successful industrialisation is dependent on a supportive services sector, with telecommunications, finance and banking, energy, transport and logistics being considered to be of paramount importance. The tourism sector also has important backward and forward linkages to industry. The COMESA Council of Ministers have adopted the COMESA Services Regulations and COMESA has a Trade in Services programme that aims to liberalise trade in services through eliminating barriers to trade in services to promote growth and development; Enhance cooperation among Member States to improve the efficiency and competitiveness of the markets; and to increase, improve and develop the exports of services. The Framework for liberalising Trade in Services in COMESA was developed and adopted by Council in June 2009 and comprise the Regulations on Trade in Services and an Annex on the temporary movement of persons. The Regulations are anchored on the General Agreement on Trade in Services (GATS), the main provisions of which are: MFN; market access; National Treatment; and progressive liberalisation.

## 6 Key Priority Sectors

COMESA's natural comparative advantages lie in its natural resources endowment as well as in its potential, particularly in: agro-processing; energy; textiles and garments; leather and leather products; mineral beneficiation (up-stream and down-stream); pharmaceuticals; chemicals (including fertilisers); light engineering products; and the Blue Economy. The challenge for the COMESA Industrial Policy and Strategy is to transform these comparative advantages into sustainable competitive advantages.

### 6.1 Agro-Processing

Agriculture and industry have traditionally been viewed as two separate sectors both in terms of their characteristics and their role in economic growth. This view is no longer appropriate as, at least in COMESA, agriculture contributes to the industrialisation process as well as being a form of industrialisation itself. Agro-processing, or substantially transforming products originating from agriculture, forestry and fisheries, ranges from simple preservation (such as sun drying) and operations closely related to harvesting to the production, by modern, capital-intensive methods, of such articles as textiles, pulp and paper and use of bio-technology. Agro-processing covers the food industries (where agro-processing is primarily involved in preserving) and non-food industries. Almost all non-food agricultural products require a high degree of processing.

The COMESA region has a large number and variety of climatic zones, geology/soils and topography and has the potential to produce a large variety and quantity of agricultural products. COMESA has a huge potential land area for rain-fed crops; for irrigated crops; and of forests. There is also a large potential for plantation forestry, particularly for those regions of COMESA that lie between the tropics. However, if the COMESA region is to meet its true agricultural production potential then it will need to significantly increase yield per unit area levels and this can only be done through improved farm management practices, most probably, through use of fertilizers, and through improved storage, marketing and distribution systems. In addition, producers in the agricultural and animal husbandry sectors in the COMESA region need to add more value, up-stream and down-stream, in the region.

### 6.2 Energy

The COMESA region's energy resources are substantial, comprising coal reserves, hydro-power, hydrocarbons, nuclear minerals and renewable energy (solar, wind, wave and geothermal energy).

COMESA has recently launched a comprehensive Energy Programme, the main thrust of which is to promote regional cooperation in energy development, trade and capacity building. The programme aims to harmonise energy policy and regulatory frameworks through the preparation of model policy and regulatory guidelines for energy and establish a Regional Association of Energy Regulators for Eastern and Southern Africa. The programme

also facilitates trade in energy services and promotes the development of regional energy infrastructure. As part of this programme COMESA has developed a model energy policy framework that provides the COMESA Member States with guidelines to facilitate energy policy harmonisation to improve efficiency and increased investment.

### 6.3 Textiles and Garments

COMESA has a Regional Strategy for the Cotton-to-Clothing Value Chain that was produced in 2009 in collaboration with the International Trade Centre (ITC) and African Cotton and Textiles Industries Federation (ACTIF).

Member States should take advantage of the COMESA Regional Strategy for the Cotton to Clothing Value Chain in line with their comparative advantages.

### 6.4 Leather and Leather Products

COMESA has a Regional Strategy for the Leather Value Chain (2012-2016) that was developed with International Trade Centre (ITC).

Member States should take advantage of regional strategy for the leather value chain by using the technical support from the COMESA Leather and Leather Products Institute (LLPI).

### 6.5 Mineral Beneficiation

COMESA Member states are richly endowed with mineral resources such as iron, copper, nickel, chromium, vanadium, manganese and cobalt. Its resources of ferrous ores, combined with its reductants (coal, gas) and energy resources could provide it with abundant industrial feed-stock and iron and steel and its fossil fuel resources (hydrocarbons and coal) could provide the critical polymer feed-stocks essential to modern industrialisation. However, almost all of COMESA's mineral wealth is currently exported as ores, concentrates, alloys or metals with very little transformation into fabricated products.

The Secretariat and Member States should use technical support from the African Mining Development Centre (AMDC) and other existing institutions to build required national capacity for natural resource beneficiation programme. They should also take advantage of the existing MOU, signed in January 2014 between COMESA Secretariat and Western Australia in which mining beneficiation is one of the key intervention areas.

### 6.6 Pharmaceuticals

Given the fact that the sector offers great opportunity for regional development, COMESA and Member States should develop a regional and national strategy respectively for the development of the pharmaceutical sector.

### 6.7 Chemicals and Agro-Chemicals

The COMESA Region is well endowed with natural resources for fertiliser and agro-chemicals production including deposits of phosphate rock, natural gas and deposits of coal that can be used to produce nitrogen fertilisers, and potash deposits. Egypt has substantial resources of phosphate rock and natural gas. The COMESA secretariat should come up with a specific strategy, which encourage more investment in this sector.

### 6.8 Light Engineering

Light engineering, or light industry, is usually less polluting and uses less raw materials and resources than heavy engineering. A number of COMESA countries are embarking on light engineering projects such as assembly of motor vehicles, refrigerators, computers among others. The COMESA secretariat will encourage member states to promote light engineering.

### 6.9 The Blue Economy

The majority of COMESA Member States have access to coastlines, large rivers and large lakes and Exclusive Economic Zones (EEZ) and have comparative and competitive advantages that need to be developed as part of COMESA's Industrial Policy under the Blue Economy framework.

The Blue Economy that focuses on areas such as: fishing; shipping and maritime transport; coastal tourism; marine energy (fossil and renewable); pharmaceutical and cosmetic industries, genetic resources and general sea-based products; and blue carbon trading opportunities. The Blue Economy approach provides a prospect of sustained, environmentally sound, but also socially inclusive, economic growth based on COMESA countries' strengths in coastal and marine sectors as well as freshwater inland rivers, lakes and economic zones

#### 6.10 Construction Materials

Infrastructure is a major factor to regional development. Rehabilitation and construction of infrastructure requires construction material. It is important for the region to develop its construction material production capacity for sustainable development of the region and the appropriate implementation of the industrial policy proposed.

### 7. Resource Mobilization

The implementation of this industrialisation policy will require resources. Raising funds is therefore critical. The Secretariat should develop a resource mobilisation plan and coordinate the common funding mechanisms.

Among funding sources targeted are the following;

- i. International development partners
- ii. COMESA Member States Investments
- iii. Remittances from the diaspora
- iv. Regional and national financial support institutions
- v. Public-Private Sector Partnerships

### 8 Conclusion

COMESA's Industrial Policy will be geared to take advantage of COMESA's regional comparative and competitive advantages and to promote industries that create sustainable employment. COMESA's population is young and growing rapidly. This can be seen both as an opportunity as well as a challenge.

The rationale for the COMESA Industrial Policy lies in the need to reverse the trend of jobless growth and to transform the regional economy through industrialisation within the context of deepening globalisation and regional integration and enhancing south-south cooperation while taking advantage of the new markets within COMESA itself. To this effect COMESA Member states should develop means to attract the labour intensive industries by among other granting appropriate incentives to those industries. In the context of the implementation of the policy there is a need of:

- i. coordinated national, regional and continental efforts to promote value chains at all levels
- ii. creation of new and strengthening existing institutions at both national and regional level that will spearhead success in the implementation of the industrial policy

This policy is designed for a period of 15 years, to be reviewed every 5 years as necessary.

COMESA Secretariat will develop a detailed strategy and implementation plan with a matrix defining the responsibility and time frame.

# ANNEXES V

## COMESA MONITORING AND EVALUATION POLICY AND GUIDELINES

**FOREWORD**

1. COMESA was established as the successor to the Preferential Trade Area for Eastern and Southern Africa (PTA), which had been in existence since 1981, as part of the framework of the Lagos Plan of Action and the Final Act of Lagos of the Organization of African Unity (OAU). The regional bloc currently comprises 19 member States. COMESA's principal focus is promoting regional integration through trade development, investment promotion and sustainable utilization of natural resources for the mutual benefit of all the citizens of the region. It has an estimated population of over 490 million and a combined GDP of over US \$525 billion (potentially one of the largest markets in the world).
2. The COMESA Monitoring and Evaluation Policy endeavours to implement Article 173 of the COMESA Treaty on Implementation and Monitoring Arrangements. The article defines the Scope of Co-operation between Member States and the COMESA Secretariat, and provides that "Subject to Provisions of this Treaty, the Secretariat shall be responsible for following up and monitoring the implementation by the Member States of the provisions of the Treaty and the regulations made, directives issued, recommendations made and decisions taken and opinions delivered by the Council".
3. Particularly Article 10 on Regulations, Directives, Decisions, Recommendations and Opinions of Council provides that Council may, in accordance with the provisions of this Treaty, make regulations, issue directives, take decisions, make recommendations or deliver opinions. Article 12 on "Entry into Force of Regulations, Directives and Decisions of Council provide that:
  - i). Regulations shall be published in the Official Gazette of the Common Market and shall enter into force on the date of their publication or such later date as may be specified in the Regulations;
  - ii). Directives and Decisions shall be notified to those to whom they are addressed and shall take effect upon the receipt of such notification or such dates as may be specified in the directives or decisions;
4. It is recognized that one of the major limits to the effectiveness of integration is that too often policy directives and regulations emanating from regional integration organizations or institutions do not trickle down into the national policies and national plans of Member States for implementation. COMESA places a lot of importance on strengthening the capacity of Member States to oversee the implementation of programmes at national level. It is against this background that the Council of Ministers in 2010 directed that Member States should set up or strengthen National Regional Integration Coordinating Committees (NRICC) and other relevant stake holder consultative forums to oversee implementation of COMESA Regional Integration Programmes.
5. In 2009, Council during its Twenty Sixth Meeting of the Council of Ministers (2-4th June 2009), Council Decision CS/CM/XXV/3(a), Para. 210 directed that "the Programming, Budgeting and Accounting and Reporting of the COMESA Court of Justice, Regional Investment Agency (RIA) and COMESA Leather and Leather Products Institute (LLPI) be harmonized with those of the COMESA Secretariat. Secondly, Council also directed that COMESA streamlines the implementation of a Performance Management System".
6. Further, the Sixteenth Summit of the COMESA Authority of 24th November, 2012 instructed the Council of Ministers to institute and effect an appropriate performance management appraisal system on an annual basis for the Executive Management that includes the Secretary General, Assistant Secretary General (Programmes) and Assistant Secretary General (Administration and Finance); and directed Council to undertake the annual appraisal of Executive Management through the outgoing Bureau of Council of Ministers.
7. The Africa-wide Capacity Development Strategic Framework (CDSF) endorsed by the 14th AU Assembly of February 2010 aims at among other things to develop essential capacities and capable institutions in support of Africa's reform agenda. This was reiterated during the High Level Durban Retreat which brought

together the African Union (AU) Chair and Chief Executives of Regional Economic Communities (RECs) on 28-29 March 2013. Under the Auspices of the AU Multi-Agency Capacity Development Support Programme for Africa's Regional Economic Communities (RECs), COMESA is grateful to United Nations Development Programme (UNDP) who provided Technical and Financial Support to develop this COMESA Monitoring and Evaluation (M&E) Policy.

8. The policy in addition responds to the Busan Partnership on Effective Development (2011); Paris Declaration (2005) for making aid more effective and the Accra Agenda for Action (AAA, 2008).
9. The Busan Declaration made by Heads of State, Ministers and representatives of developing and developed countries, Heads of multilateral and bilateral institutions, representatives of different types of public, civil society, private, parliamentary, local and regional organizations recognized that we are united by a new partnership that is broader and more inclusive than ever before, founded on shared principles, common goals and differential commitments for effective international development. These shared principles of ownership of development priorities by developing countries, focus on results, inclusive development partnerships, transparency and accountability to each other; form the foundation of co-operation for effective development. To achieve transparency and accountability as well as enhance focus on results there is need to have an effective monitoring and evaluation policy framework in place.
10. This policy therefore comes at a very opportune time to operationalize the above initiatives in order to enhance implementation of Regional Integration programmes and also conform to international best practice. An effective M&E policy will enhance transparency and accountability to our respective citizens, organizations, constituents and shareholders. It will also enhance better managing for results, monitoring, evaluating and communicating progress.
11. In my capacity as the current Chair Person of COMESA, I congratulate the COMESA Secretary General, COMESA Secretariat Staff and the M&E policy task team which was coordinated by the M & E Unit for a job well done. I also commend our development partners UNDP and AU/NEPAD who provided the support to make this work possible. I am privileged to roll out the M&E Policy Framework and I therefore urge all leaders to sustain high-level advocacy for the policy in order to ensure that the commitments made here are fully implemented. I am confident that the benefits that will accrue from the effective implementation of the M & E policy will go a long way in improving the livelihoods of COMESA citizens.

#### **CHAIRPERSON OF THE COMESA AUTHORITY**

##### **EXECUTIVE SUMMARY**

12. The COMESA Vision is to achieve a fully integrated, internationally competitive regional economic community within which there is economic prosperity and peace as evidenced by political and social stability and high standards of living for its people, while its mission is to achieve sustainable economic and social progress in all member States through increased co-operation and integration in all fields of development, particularly in trade, customs and monetary affairs; transport, communication and information; technology, industry and energy; gender, agriculture, environment and natural resources.
13. COMESA's work is guided by plans that have 3 time horizons namely:
  - i). Long term - Vision and strategy (10years and above)
  - i). Medium term - Strategic plans (5 years) and,
  - i). Short term - Work plans (1 year).
14. The current Medium Term Strategic Plan (2011-2015) was approved by Council in 2010 in Swaziland and has six strategic priority areas (i) Removing Barriers to Factor Mobility; (ii) Building Productive Capacity for

Global Competitiveness; (iii) Addressing Supply Side Constraints related to Infrastructure; (iv) Peace and Security; (v) Cross cutting issues and (vi) Institutional Development.

15. The COMESA's approach to regional integration is the classical stage by stage progression from a Preferential Trade Area (PTA) to a Free Trade Area (FTA), a Customs Union (CU), a Common Market (CM), a Monetary Union (MU) and eventually into the African Economic Community (AEC) envisioned in the Lagos Plan of Action and the Final Act of Lagos of 1980, Abuja Treaty of 1991. COMESA, over the medium to the long term, has set itself the following key milestones:
  - i). Customs Union - 2012 (Launched June 2009)
  - i). Common Market - 2015
  - i). Monetary Union - 2018
  - i). Economic Community - 2025
16. Although COMESA has already moved from a PTA to an FTA, it has been facing many constraints in achieving the CU which was launched in 2009 and should have been operational by 2012. The numerous challenges that hinder the full realization of the Customs Union and the COMESA integration agenda are the: (i) weak capacity of key institutions at Member State's level to domesticate regional commitments; (ii) weak follow-up, monitoring, implementation, progress tracking and reporting systems at Member states' level; and (iii) inadequate resources at national level for implementation.
17. Transposition involves giving force by a Member State to a Regional Commitment by passing appropriate Implementation, Application and means of Enforcement by ensuring that policy and administrative measures are put in place to implement regional agreements, decisions, and protocols at national level.
18. One of the major limitations to the effectiveness of integration is that sometimes policy directives and regulations emanating from regional integration organizations or institutions are not transposed into national policies and plans of Member States for implementation. Currently, the COMESA Coordinating Ministries oversee the domestication of the Council decisions at national level.
19. There is limited coordination of COMESA projects between line ministries responsible for implementing specific regional integration programmes and the coordinating ministry; weak linkages between coordinating ministries and key stockholders like civil society and the private sector. When capacity is limited, domestication of regional commitments is delayed and hence implementation and the benefits resulting from it.
20. COMESA recognizes that effective institutions and policies are essential for sustainable development and places a lot of importance on strengthening the capacity of Member States to oversee transposition of COMESA legal instruments, protocols and implementation of Regional Integration programmes. The current Medium Term Strategic Plan (2011-2015) emphasizes the need to strengthen capacity and institutional support to Member States in order to improve the integration of policies and decisions of COMESA Policy Organs as well as enhance implementation at national level.
21. It is against this background that the Council of Ministers in 2010 directed that Member States should strengthen National Regional Integration Coordination mechanisms and stakeholder consultations in order to effectively implement the COMESA Regional Integration Agenda. Member states were urged to set up NRICC comprising line ministries, civil society and the private sector. The NIRCC are now in place. The main challenge is to operationalize them and hence make them more effective.
22. Transposition of regional integration commitments is without doubt an important exercise towards the success of regional integration. Monitoring and evaluating the degree of success of mainstreaming of

regional integration and cooperation commitments at national levels is therefore a key aspect of informed decision making. Effective monitoring will be done at four levels:

- i). **Legal and regulatory** framework level - the degree of actual transposition of commitments into the national legal and regulatory frameworks required for their implementation.
  - i). Strategic Policy Level - the degree of integration of the commitments into the national policy frameworks, such as national plans, PRSP, sector strategies etc.
  - i). Planning Level - the degree of concrete transposition into the national planning tools such as Public Investment Programme and Budgetary Frameworks.
  - i). Operational Implementation Level - the existence of a monitoring mechanism, and the degree of actual implementation of the various commitments against an agreed roadmap and monitoring benchmarks, and including corrective measures.
23. COMESA's regional integration strategy is based on the setting up of regional policies aimed at transforming the region into a single market and facilitating the integration of its Member States into the world economy. It also subscribes to international principles of "effective aid to co-operation for effective development" as signatories to the Busan declaration.
  24. To this end COMESA, has continued to improve structures, processes and procedures for planning, implementing, monitoring and evaluation. We are collaborating with AU/NEPAD under the auspices of the African Union (AU)/NEPAD Capacity Development Strategic Framework (CDSF) programme to strengthen the M&E function within COMESA through amongst other initiatives, development of a relevant M&E Policy Framework and Guidelines; and, integrating knowledge management functions for improving programme implementation and operations.
  25. COMESA set up an M&E Unit in 2007 whose mandate is to develop system and capacity for monitoring and evaluating regional integration. The unit has developed the COMESA 24/7 M&E Online System as a key achievement towards making this a reality. Member states can use the system to report on implementation of Regional Integration Programmes, the Secretariat and COMESA Institutions can use the system to prepare work programmes and budget, balanced score cards and also reports on the status of implementation of programmes. However, the M & E Unit still faces constraints in form of inadequate capacity to deliver on its mandate.
  26. This document represents a first attempt to put in place a comprehensive M&E Policy Framework to guide monitoring and evaluation of COMESA regional integration programmes. A Technical Working Group (TWG) comprising representatives from the COMESA Secretariat and COMESA Member States (MS) was constituted to develop the draft M&E Policy Framework. A regional M&E policy validation workshop was held in April 2014 with COMESA MS through a participatory approach. I therefore wish to acknowledge the TWG's contribution to the development of this Policy document.
  27. As highlighted by the Chair of COMESA Authority, I reiterate my commitment of ensuring that this M&E Policy Framework is implemented to reinforce the Implementation procedures earlier issued, institutionalize and strengthen the functions of the M&E Unit and the National Regional Integration Coordinating Committees. It is my pleasure to roll-out this M & E Policy Framework and I urge all stakeholders to embrace and support its implementation as one of the tools to enable COMESA realize its vision.

**SINDISO NGWENYA**

**SECRETARY GENERAL**

## ORGANIZATION OF THE DOCUMENT

28. This M&E Policy Framework document is organized into eight sections as follows:

### Foreword

29. The Foreword attempts to put into context the events and discussions leading up to the development of the M&E Policy Framework document. It is signed by the Chairperson of the COMESA Authority.

### Executive Summary

30. This section summarizes the progress made towards achieving regional integration. Responsibility for planning and implementation of programmes and progress made towards institutionalization of the monitoring and evaluation function in COMESA. It is signed by the COMESA Secretary General.

### Section One: Introduction

31. Section one presents a general overview of the COMESA M&E policy. A situational analysis is presented in this section to contextualize and rationalize the Policy's intended purpose and operating environment, for enhanced relevance and utilization.

### Section Two: Policy Goal and Principles

32. Section two presents the COMESA M&E Policy's goal and principles. The anchoring of the Policy on a results based management approach to development management, is geared towards promoting a culture of internal review, reflection as well as learning and informed decision making based on factual information and evidence. The core principles guiding the M&E Policy document are presented and expounded upon, so as to promote appreciation for the existing environment within which this policy is to be operationalized.

### Section Three: M&E Approach, Roles and Responsibilities

33. Section three is concerned with defining the proposed roles and responsibilities of COMESA MS, CI and CS in ensuring delivery on M&E commitments according to the COMESA Treaty provisions on which this policy is anchored.

### Section Four: Knowledge Management and Reporting

34. Section four presents the minimum M&E requirements as stipulated by the COMESA Treaty obligations. The linkage between timely M&E actions, knowledge management (including data capture, storage and information sharing), effective communication, learning from review and reflection and informed, evidence based decision making is highlighted. Specific reference to key reporting obligations of COMESA together with a proposed methodology for communication of programmatic findings is made. In addition, incentives for compliance with disincentives for noncompliance are discussed with the aim of encouraging COMESA MS, CI, and CS to abide by the Treaty provisions with regard to M&E.

### Section Five: Capacity Development in M&E

35. Section five offers a summary of internationally accepted M&E standards. The main thrust of this section is the promotion of high quality M&E practice within COMESA regional integration programmes and projects in line with accepted international M&E standards. The section also revisits the important element of capacity development in M&E within COMESA MS, CI and CS which is referenced in the foreword section above. As earlier discussed, capacity development needs in M&E were identified through the UNDP/NEPAD Scoping Mission in 2010, prompting the recruitment of a consultant to undertake the preparation of an M&E Policy document in addition to other capacity development tasks. Various types of M&E capacity development initiatives are discussed in this section, including technical, managerial and institutional capacities.

**Section Six: Institutional Framework and Standards for M&E**

36. Section seven suggests structures, for operationalising the M&E policy, with specific roles and responsibilities of COMESA programme managers and implementers. These structures are proposed based on the structures identified in similar policy documents and aimed at ensuring responsibility for and clarification about the specific tasks required

**Section Seven: Reference Documents**

37. The final section of the COMESA M&E policy document contains the reference documents. This section includes supporting documents such as the COMESA M&E Framework, sample reporting formats and other reference material.

**SECTION ONE: INTRODUCTION****Overview**

38. This Policy document supports COMESA's efforts in tracking, documenting and sharing lessons learned on the progress and achievements of its regional integration programmes. The policy promotes 'best practice' in development management, inculcating an organizational culture incorporating periodic review, and continuous reflection and learning for evidence -based decision making.
39. The COMESA Secretariat shall coordinate and oversee the implementation of this Policy which is embedded in a results based management (RBM) approach to development programming and operations. The Policy recognizes the importance of management for and by results, with transparency, accountability, ownership, collaboration, utilisation focus, objectivity and independence as fundamental principles. The Policy is supportive of efficient and effective resource application and use within COMESA for the sustainability of its programmes.
40. By embracing an RBM approach the M&E Policy and its support system together form an important instrument for delivering on COMESA regional integration programme results. National Inter-Ministerial Coordinating Committees (NIMCC), COMESA Institutions and the COMESA Secretariat involved in the implementation of development programmes play an important role by tying the producers and users of regional integration, trade development, investment promotion and sustainable utilization of natural resource data and information together in a coherent system. Overall, the M&E Policy sets precedence for good governance according to the COMESA Treaty and its provisions through periodic appraisals, reporting as well as continuous learning and sharing of programmatic implementation lessons and results for informed decision making by Council and the Authority.
41. COMESA Member States (MS), COMESA Institutions (CIs) and COMESA Secretariat. (CS) involved in the implementation of regional integration programmes play an eminent role by linking data, producers and users. A situational analysis conducted at the COMESA Secretariat identified a number of factors which may influence the effective implementation of the M&E policy.

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42. The findings from the situational analysis are contained in table 1 below.

**Rationale for the M&E Policy**

43. The M&E policy framework is an instrument for supporting achievement of the COMESA integration agenda. The COMESA M&E Policy will complement other COMESA MS policies that are focused on promoting timely information flows and periodic assessments identified as risk factors in the Situational Analysis. It further proposes incentives for compliance and disincentives for non-compliance.
44. This is necessary for evidence-based decision making aimed at achieving COMESA Treaty objectives. Quality and timely information and data collected and analyzed will play a critical role in policy formulation and implementation within COMESA MS, COMESA Secretariat and COMESA Institutions.
45. The Policy provides a framework for planning, budgeting and implementing M&E functions of COMESA within accepted international quality standards. These include ensuring consistency of information about COMESA regional integration programmes through periodic and comprehensive assessments of their effectiveness and impacts.

**SECTION TWO: POLICY GOALS AND PRINCIPLES****Situational Analysis for COMESA M&E Policy****Strengths**

- i. Substantive knowledge and expertise in regional integration agenda within COMESA Secretariat..
- ii. Strong working relations between COMESA Secretariat, and with COMESA MS, COMESA Institutions in line with the COMESA Treaty.
- iii. COMESA Secretariat is strategic partner with a number of development partners
- iv. COMESA Secretariat is a strategic partner of MS for purposes of technical advice and programming support as well as information sharing through working documents presented at policy organs meetings.
- v. A legal framework is provided for in the Treaty.
- vi. There exists commitment at the highest level at COMESA Secretariat for the Policy implementation.
- vii. On- going capacity development within COMESA provides conducive environment for delivering M&E programmes and activities.
- viii. There exists M&E Unit at COMESA Secretariat.
- ix. There exists NIMCC/NRICC to embrace and effect the M&E Policy.

**Opportunities**

- i. Secretary General can influence and advocate for M&E due to the Treaty obligations that require MS to report on results and achievements against programme objectives.
- ii. There exists tripartite framework for supporting COMESA programmes.
- iii. Development partners can enhance financial support to COMESA programmes through a standardized and harmonized M&E Policy that promotes confidence by ensuring transparency, accountability and RBM.
- iv. The M&E policy provide a framework for capacity building and professional development.
- v. The opportunity to have a 'one stop shop' M&E system that merges RECs information systems will help to host infrastructure document and monitor information development.
- vi. The M&E Policy provides opportunity for enhancing the Council of Ministers' recommendations to adopt performance management system within COMESA.
- vii. The AU/NEPAD agenda's recognises the need for capacity development.

**Challenges**

- i. Limited capacity of COMESA MS, COMESA Institutions and COMESA Secretariat to undertake M&E of COMESA programmes and projects.
- ii. M&E-weak mechanism to ensure reporting by COMESA MS on programme status according to Treaty obligations.
- iii. Insufficient access to and use of ICTs (internet, e-government portals, and e-learning platforms for information sharing in some MS).
- iv. Negotiating within the context of tripartite agreement with international bodies with their own vested interests is a challenge.
- v. Inadequate visibility of COMESA programs partially due to low utilization of data and information flows.
- vi. Multiple M&E systems in COMESA MS may pose a challenge for the M&E Policy.

**Risks**

- i. Ownership and acceptance at COMESA MS level may pose a risk to the implementation of the M&E Policy.
- ii. Delayed or inadequate participation in policy implementation.
- iii. Lack of effective amalgamation of various divisions' at COMESA Secretariat.
- iv. Weak data and information security systems may compromise efficient implementation of the policy
- v. Changing environments may contribute to the M&E policy becoming irrelevant or obsolete
- vi. Lack of continuous capacity building may contribute to gaps in knowledge and learning.
- vii. Overreliance on external donor funding for the COMESA Secretariat
- viii. The lack of establishment of M&E in the structure of COMESA Secretariat.

### Overall Policy Goal

46. The overall goal of the COMESA M&E policy is to articulate a clear mechanism and framework for effective and efficient monitoring, evaluation and reporting on the progress and achievements of COMESA's regional integration agenda.

### Aim of the M&E Policy

47. This M&E Policy aims to establish structures and processes and procedures for tracking, assessing and sharing progress and outcomes of COMESA regional integration programmes and projects.

### Policy objectives

48. The following are the policy objectives:
- a) To promote a culture and practice of M&E for evidence-based decision making at all levels within COMESA.
  - b) To help guide alignment of COMESA M&E budgets with best practice in resource allocation according to international standards.
  - c) To strengthen Monitoring, Evaluation and Reporting and enhance accountability for improved performance of COMESA regional integration programmes.
  - d) To clarify and strengthen the role of the NIMCCs/NRICCs in implementation, monitoring and evaluation of COMESA regional integration programmes.

### Policy Principles

49. The following principles underpin the COMESA M&E policy:
- a) **Accountability and learning** – a balanced approach to M&E with focus on accountability for results (outcomes and impacts) on one hand and promoting learning and knowledge sharing on the other. **Transparency**– consultation and engagement with stakeholders at all levels of COMESA is essential for the credibility and utility of the M&E outputs. **Ownership**–M&E to be guided by the COMESA Treaty obligations, regional priorities and ownership by COMESA policy organs.
  - b) **Results Based Management** – This applies to effective utilisation of resources through planning and budgeting for results for all COMESA programmes and projects.
  - c) **Partnerships and collaboration** – This applies to harnessing of synergies and complementarities within COMESA and between COMESA and other RECs and at multi-sectoral level in COMESA MS through the NIMCCs/NRICCs.
  - d) **Human development** – a people-centred approach to development which enhances capabilities, choices and rights for all will guide implementation of the COMESA M&E policy.
  - e) **Utilization focus** - to enhance the value in terms of use and application of the M&E findings and recommendations, the scope, design and plans of M&E initiatives within COMESA should be relevant, timely and responsive to the information needs of users.
  - f) **Impartiality and Independence** - minimizing bias while maximizing objectivity and independence in the conduct of M&E tasks is critical for ensuring the credibility of M&E outputs for decision making.
  - g) **Ethics** - professional conduct and integrity while conducting M&E activities and dissemination of findings.

- h) Disclosure** - Lessons learned from M&E actions within COMESA will be disseminated in accordance with guidelines and standards to be developed by COMESA Secretariat.

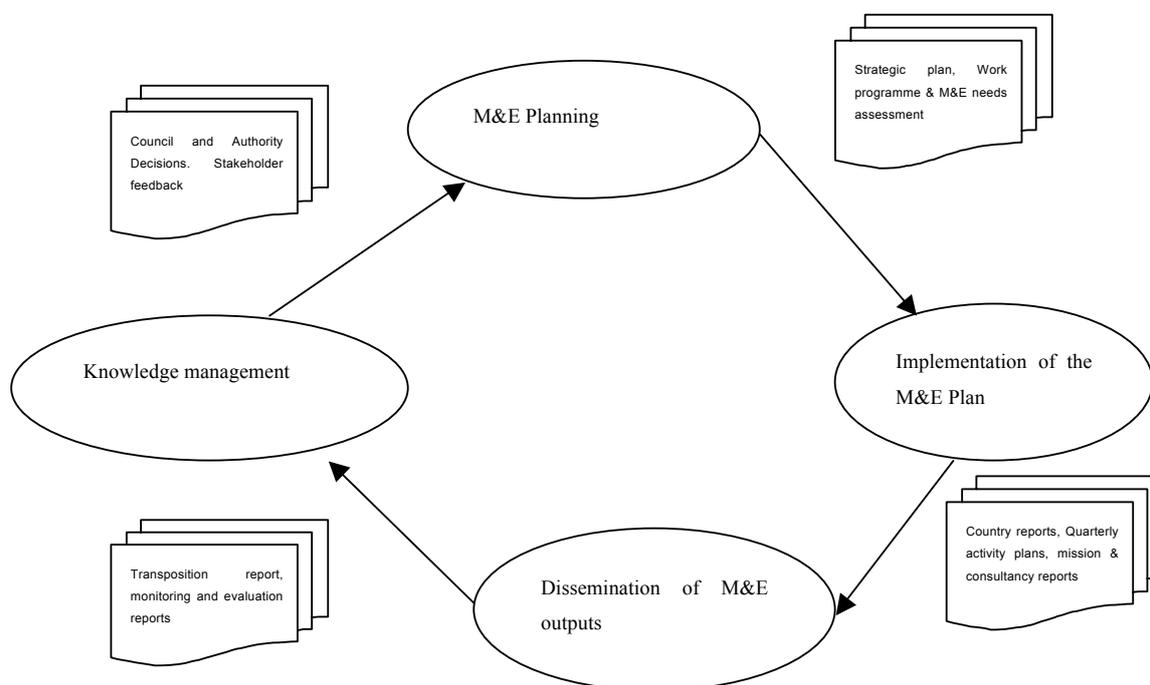
### SECTION THREE: M&E APPROACH, ROLES AND RESPONSIBILITIES

50. This section outlines the M&E approach, roles and responsibilities at all levels of COMESA as shown in the M&E conceptual framework below
51. The M & E function shall be carried out at all levels where COMESA programmes and projects are implemented, this includes at the COMESA Secretariat, COMESA institutions and Member States. The M & E function at the COMESA Secretariat will be led by the M&E Unit with the oversight role of the Secretary General. The Unit shall be accorded the necessary human and technical resources to undertake its work in line with COMESA Treaty provisions on implementation and monitoring arrangements.
52. The COMESA M&E Unit will in addition spearhead the implementation of the M&E policy in the COMESA Institutions and Member States. The COMESA institutions will harmonise their programming, budgeting, accounting and reporting with those of COMESA secretariat. COMESA institutions are obligated under the COMESA Treaty to submit annual reports as well as monitoring reports with relevant data and information on COMESA programme implementation and outcomes in the region, in order to facilitate the work of COMESA Secretariat reporting to the COMESA Council.
53. The COMESA Secretary General (SG) signs the annual performance contract incorporating the Balanced Score Card with the Chairman of the Council and sets the overall and specific strategic priorities for COMESA in line with the decisions of Policy Organs and priorities for the year. Decisions by Council on whether or not to proceed with follow up programmes is based on the findings of reports submitted by the COMESA Secretariat as well as decisions of Council (IGC). The SG is therefore obligated to submit to Council a comprehensive, measureable implementation programme with clear targets.
54. The National Regional Integration Coordinating Committee set up according to Council directive will produce/prepare country reports in COMESA format or similar documents for presentation to Secretariat and Policy Organ meetings. These reports will clearly outline the progress of implementation of various COMESA programmes as well as the level of domestication of regional policies. Reports will be produced twice a year and will be endorsed by the Permanent Secretary of the COMESA Coordinating Ministry before they are presented to the Secretariat and Policy Organ meetings
55. Effective implementation of the M&E Policy requires provision of adequate financial resources. Consequently, M&E shall be an explicit component of planning and budgeting at the strategic, project and annual work programme level. In addition each project or programme will be required to set aside adequate funds to support the required M&E requirements according to best practice. This will include any additional financial implications of addressing the requirements and responsibilities of this Policy.
56. The COMESA 24/7 shall be used by member States, COMESA Institutions and secretariat to document and report all M&E functions. The M&E Unit will undertake internal Review of Programmes according to the set out guidelines.
57. External Evaluations shall be conducted by external consultants according the set out guidelines.

## SECTION FOUR: KNOWLEDGE MANAGEMENT AND REPORTING

### INTRODUCTION

58. This policy envisages various inputs to support the performance of M&E functions at all levels in COMESA.



These include:

- a) Council of Ministers Reports
- b) Bureau Reports
- c) Inter-Governmental Committee Reports
- d) Ministerial Meetings Reports
- e) Technical Committees Reports
- f) Country Reports
- g) COMESA Institutions Reports
- h) Report on the Status of implementation of COMESA Programmes
- i) COMESA Annual work programme and Budget
- j) Annual Report
- k) Transposition Report
- l) Log frames
- m) Operational plans

59. Reports emanating from the policy organs will be posted on the COMESA website within the specified period

in all three official languages of COMESA namely English, French and Arabic.

- 60. These Reports will be produced according to the set out guidelines and recommended formats within the time frames specified for translation and transmission to Member States to inform member States of the expected deliverables of the planned period.
- 61. The COMESA Secretariat shall prepare comprehensive M&E biannual and annual performance reports that facilitate vertical (from MS to COMESA Authority) and horizontal (between and amongst MS, NIMCCs, COMESA Institutions and the COMESA Secretariat) reporting.
- 62. The responsible offices shall be required to submit reports in a timely manner in line with approved reporting standards. For effective monitoring and evaluation, the M&E online system shall be used for efficient reporting and information sharing through web based interactive programmes that allow updating by the NIMCC/NRICs and the COMESA Secretariat. The COMESA M&E Unit shall establish a databank of reports and regularly analyze the information in the domain to provide guidance for policy interventions.
- 63. A peer review mechanism will be carried out at the Inter-Governmental Committee meeting level to share, review and assess regional integration results and challenges.
- 64. Reporting Structures

Figure 1: shows information flow between Member State and COMESA

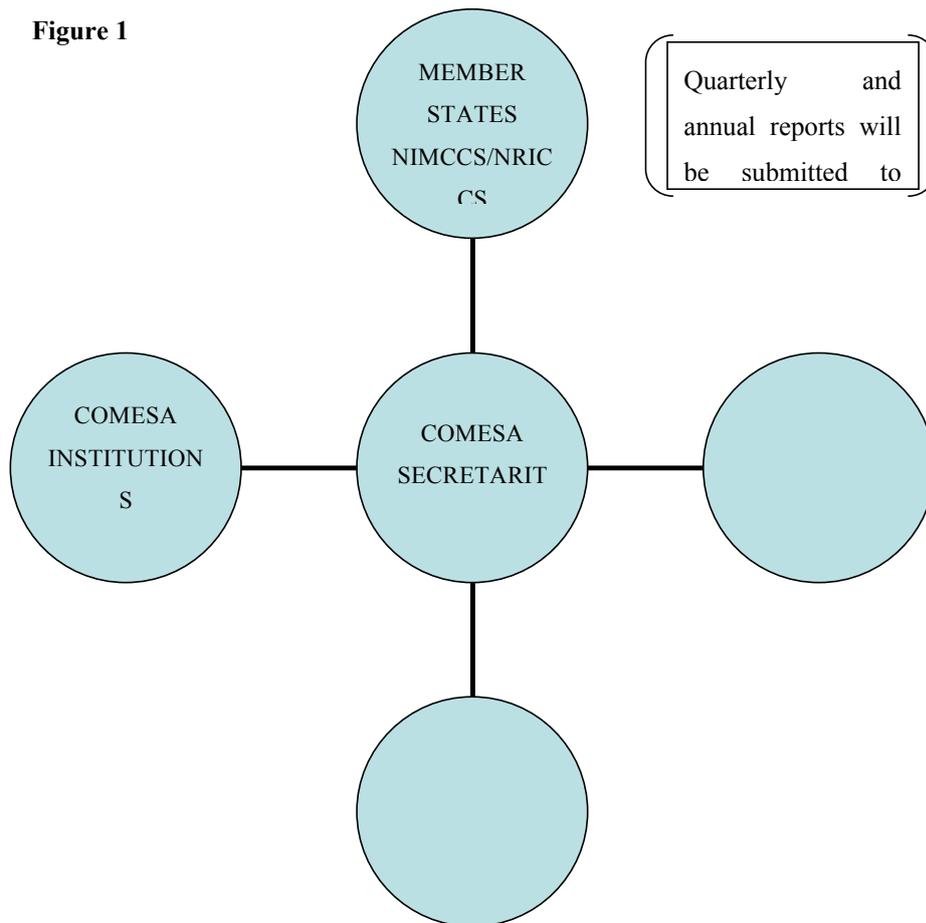


Figure 2: Proposed M&E Reporting Structure within COMESA as per this Policy

**Knowledge management**

65. Monitoring and evaluation forms a key pillar for knowledge management for organizational improvement and sustainability. For purposes of this policy, knowledge management shall be considered as a process by which COMESA generates value and improves on programme performance by gaining insights and understanding from experience, and by applying this knowledge to improve programmes' and projects' planning and delivery.
66. Knowledge management is linked to performance enhancement and management for development results. The main purposes of knowledge management are to:
  - a) promote a culture of learning;
  - b) promote application of lessons learned and evidence-based decision-making at all levels through sharing of findings;
  - c) ensure institutional memory through proper documentation and storage of information.
67. M&E reports shall form a key function of sharing and learning from implementation and evaluation. COMESA M&E Unit shall facilitate the preparation, and validation of M&E reports to promote knowledge by COMESA. Final evaluation reports shall be widely shared with MS and other stakeholders for informing policy, decision making and future programme planning by COMESA on its programmes. Reporting systems and tools shall be used to document information in a harmonized manner as far as possible.
68. The M&E reports will showcase performance of all COMESA regional integration programmes and projects. Recognition will be given where the set guidelines and standards have been met. Where the set guidelines and standards are consistently not met, disincentives in form of sanctions as prescribed by Article 171 of the COMESA Treaty may be applied.

**Policy Review**

69. This Policy establishes the first framework for monitoring and evaluation in implementing agencies of COMESA. The practice, approach and tools for M&E will continue to evolve with time. As such the M&E Policy will be reviewed periodically through a participatory process consistent to the COMESA programming cycle, country needs and changes in the environment.

**Communication Strategy**

70. This Policy shall be communicated to the relevant stakeholders through a communication strategy. The Communication Strategy shall include feedback mechanisms to articulate COMESA perceptions of the progress made and the quality of programmes. As such, the Strategy will include dissemination of information at all levels within COMESA. Simplified versions of M&E policy messages shall be prepared and shared in various COMESA Languages through multimedia. The Communications Strategy shall specifically:
  - a) Identify user-friendly strategies for responsive dissemination of M&E Framework data and information;
  - b) Popularize M&E Products;
  - c) Monitor information dissemination and coverage by media and other hosts of published information;
  - d) Convene M&E stakeholder forums;
  - e) Build the M&E Practice through advocacy and sensitization;

f) Coordinate Knowledge sharing activities.

71. Communications under the Framework shall be promoted through the COMESA website.

## SECTION FIVE: CAPACITY DEVELOPMENT IN MONITORING & EVALUATION

### Introduction

72. M&E capacity and needs assessment will inform the development of M&E infrastructure and human capital at all levels. The M&E unit shall continuously coordinate the assessment of M&E needs at the Secretariat, MS and COMESA Institutions. The M&E Unit shall also identify other capacity needs that may hinder implementation of COMESA integration programmes. M&E budgets at the strategic planning, projects and work programmes levels shall provide for the development of M&E infrastructure and human capital
73. The COMESA Secretariat in collaboration with member States and other relevant stakeholders shall develop capacities at all levels to ensure effective implementation of the M&E Policy. This is in line with promoting a culture of Results Based Management, learning and reflection on programmatic processes and achievements. Capacity development programmes shall be designed and implemented based on specific needs identified at all levels.

### Technical and Managerial Capacity

74. The COMESA Secretariat shall put in place mechanisms to ensure that the M&E staff are equipped with adequate skills and capacities to perform their functions effectively so that they can develop system and capacity for Monitoring and Evaluating Regional Integration programmes.
75. An M&E capacity development programme for COMESA Secretariat, COMESA Institutions and COMESA Member States shall be developed and implemented.

### Institutional Capacity

76. The responsibility of M&E in member States will be undertaken by the NRICC. The NRICC shall be supported to perform its duties effectively through capacity development initiatives.

**SECTION SIX: INSTITUTIONAL FRAMEWORK AND STANDARDS FOR M&E**

77. This section sets out the institutional framework, through which the COMESA M&E Policy will be implemented and the M & E standards to be applied at all levels in COMESA.
78. All COMESA projects and programmes within COMESA shall include a budgeted M&E plan prior to approval.
79. COMESA Secretariat shall develop standards to guide the implementation of all M &E activities and the preparation of reports. All stakeholders shall adhere to these standards.
80. Evaluation of COMESA integration programmes shall be conducted by an external service provider.

**COMESA Secretariat**

81. The COMESA Secretariat shall be responsible for steering the M&E policy through providing technical and professional advisory services to COMESA MS and, COMESA institutions.
82. There shall be a Monitoring and Evaluation Policy Technical Oversight Committee (TOC) composed of Directors and Unit Heads and chaired by the Assistant Secretary General/Programmes

**National Regional Integration Coordinating Committees**

83. In regards to the M&E function, the National Inter-ministerial Coordinating Committees (NIMCC)/National Regional Integration Coordinating Committees (NRICC) in each COMESA Member State shall implement the M&E policy in the Member States according to their Terms of Reference summarized below:
  - a) Quantitative and Qualitative Data Gathering on COMESA programme outputs and outcomes;
  - b) Consolidation and Reporting on programme processes and achievements using the electronic system;
  - c) Identification of Capacity Gaps in M&E amongst NIMCC membership and sharing of information with the COMESA M&E Unit;
  - d) Monitoring of M&E Policy Implementation at MS level.

**Legal Framework**

84. The legal framework for this policy is provided for by the COMESA Treaty under Articles 173 and 175

## **SECTION SEVEN: REFERENCE DOCUMENTS**

Monitoring and Evaluation Performance Framework

COMESA Strategic Plan

Terms of Reference National Regional Integration Coordinating Committee

Standardized Templates and Formats

Country Report Format

Work programme and Budgeting Formats

Quarterly Aide Memoire Format

Aide Memoire Format

Quarterly Activity Plan Format

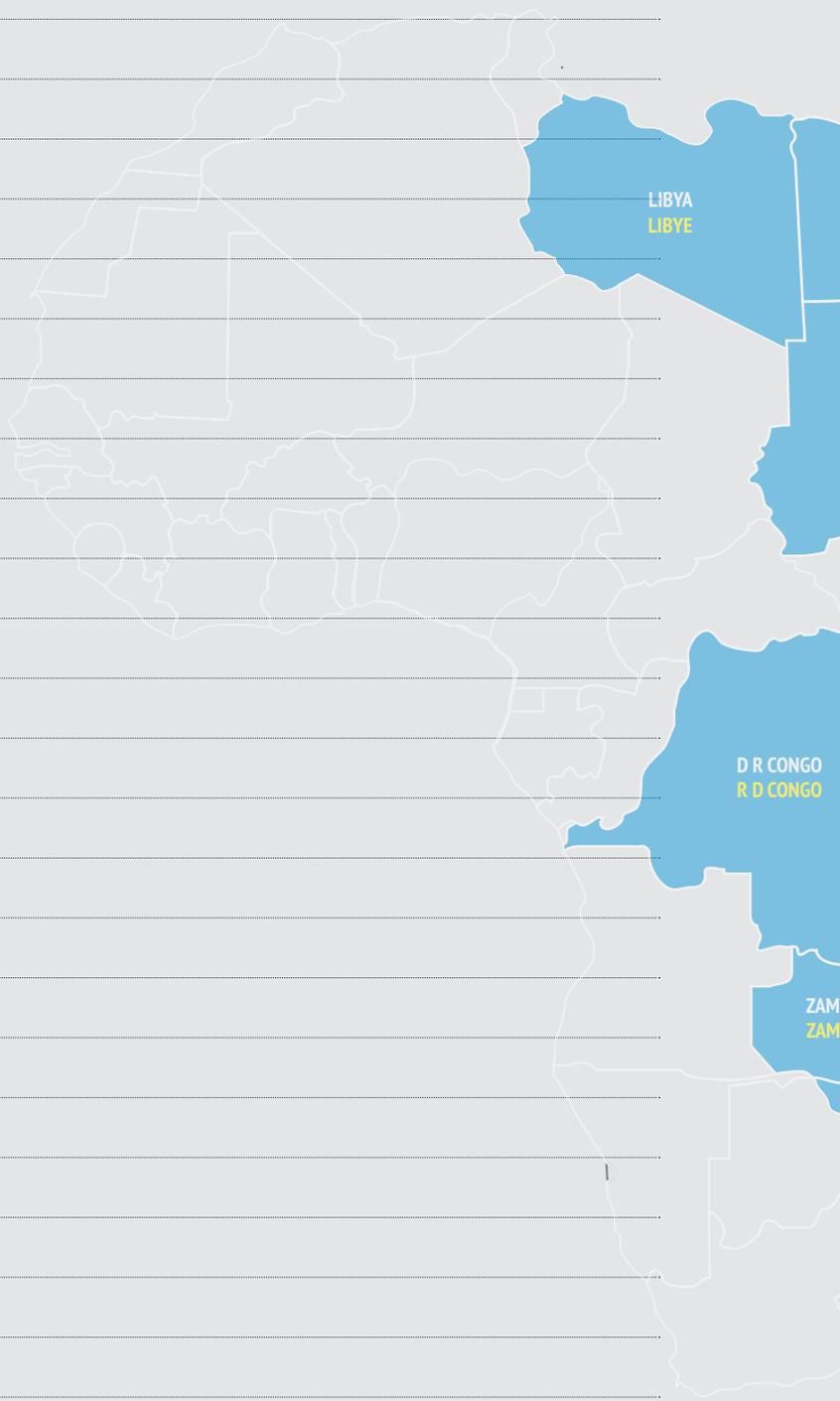
Quarterly Activity Report Format

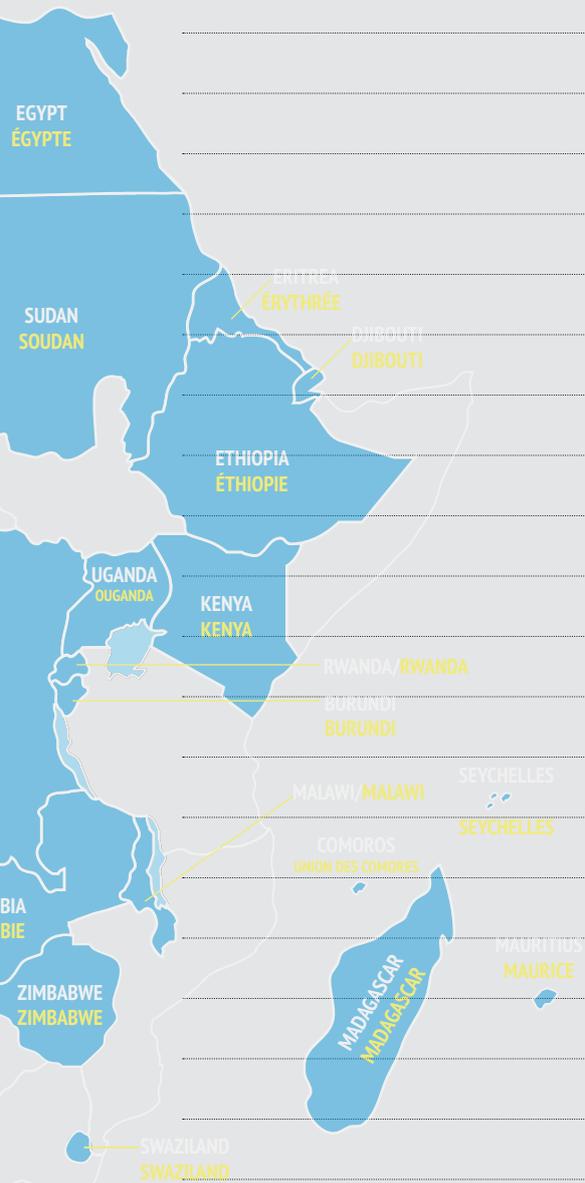
Annual Report Format

Travel Authorization Format

Mission Report Format

Project Summary Sheet











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