

THE COMMON MARKETS FOR EASTERN AND SOUTHERN AFRICA

Background and Structure

The Common Markets for Eastern and Southern Africa is a regional grouping of twenty one sovereign states, Burundi, Comoros, the Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Somalia, Sudan, Eswatini, Tunisia, Uganda, Zambia and Zimbabwe. COMESA was founded in 1993 as a successor to the Preferential Trade Area for Eastern and Southern Africa (PTA). This was in fulfillment of the requirements of the PTA Treaty, which provided for its transformation into a common market.

COMESA is supported by its specialized financial institutions including the Trade and Development Bank for Eastern and Southern Africa (PTA Bank), the COMESA Clearing House and the Reinsurance company.

The Structure of COMESA comprises of:

The Authority of Heads of State and Government:

This is the supreme policy organ of COMESA and comprises of the Heads of State and Government of the Member States. It is responsible for general policy and direction and control of the performance of the executive functions of the common market and the achievement of its aims and objectives.

The Council of Ministers

This comprises of Ministers appointed by respective member governments. The council monitors COMESA activities. It recommends policy direction and development and reports to the Authority.

The Court of Justice

Comprising of seven judges, the court ensures the proper interpretation and application of the provisions of the COMESA Treaty and adjudicates any disputes that may arise among the Member States regarding the interpretation and application of provisions.

The Committee of Governors of Central Banks

This manages the COMESA Clearing House and ensures implementation of monetary and financial cooperation programs.

The Intergovernmental Committee

This is a multi-disciplinary body that comprises of Permanent Secretaries' from the Member States. It is responsible for the development and

management of programs and action-plans in all sectors of cooperation, with exception of the financial and monetary sector.

The Secretariat

This provided technical support and advisory services to the Member States in the implementation of the Treaty.

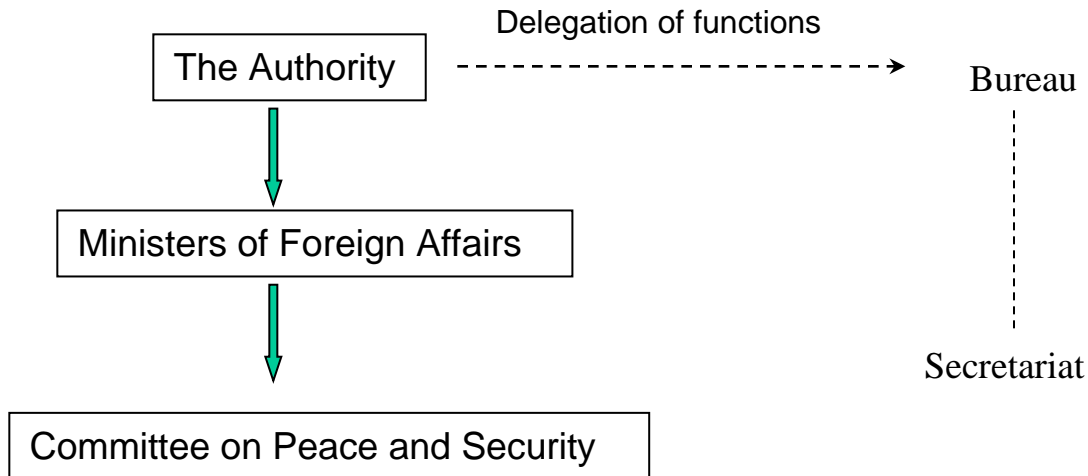
The COMESA Programme for Peace and Security

COMESA started its engagement on peace and security after the 4th Summit of the COMESA Authority of Heads of State and Government, which was held in May 1999. It recognized that peace and security are basic factors in providing achieving economic growth for the region. The decision of the Authority was that the Ministers of Foreign Affairs would meet every year to consider the modalities of promoting peace, security and stability within the framework of the then OAU Mechanism for Conflict Prevention, Management and Resolution.

The COMESA Programme emphasizes on the following:

- (a) the establishment of a structure for carrying out preventive diplomacy;
- (b) the involvement of COMESA Parliamentarians and non-State actors in conflict prevention and peace building.
- (c) The COMESA strategy also recognises that other regional bodies should complement COMESA's work in CPMR. COMESA's involvement in peace and security issues should be to facilitate its primary objective of enhancing economic integration recognising that peace and security are pre-requisites for economic development and growth
- (d) COMESA should corporate and co-ordinate with other sub-regional groupings such as IGAD and SADC in the area of peace and security so as to avoid duplication
- (e) The COMESA approach to peace and security should be a gradual process taking into account the resource constraints of the member States;
- (f) COMESA member States should utilise existing national institutions for capacity building in the areas of conflict prevention, management and resolution
- (g) In order to consolidate COMESA's economic integration Programme, COMESA should develop its capacity in the following areas:
 - ❑ Early Warning systems
 - ❑ Conflict Management
 - ❑ Conflict Resolution
 - ❑ Post-Conflict Transformation
- (h) Noting the need for COMESA to utilise existing regional institutions, the Ministers observed that the structure established by the Fourth COMESA Authority was sufficient to carry out COMESA's role in

addressing issues of peace and security, the Ministers agreed on a three-tier structure as follows:



The COMESA Authority is the highest decision-making body in matters of peace and security. It has powers to delegate its functions to the Bureau, which in consultation to the central organ of the AU Mechanism for Conflict, Prevention, Management and Resolution and other competent sub-regional organizations will carry out its functions of conflict prevention through preventive diplomacy.

The Ministers of Foreign Affairs, who meet at least once every year to consider modalities for peace and security give their recommendations to the Authority. Below this is the Committee of Peace and Security, which is comprised of high-level officials of the Ministries of Foreign Affairs of the Member States. They make recommendations to the Ministers of Foreign Affairs.

The COMESA Secretariat, under the supervision of the Secretary-General has the responsibility to initiate action for conflict prevention through preventive diplomacy upon an official request from a Member State. The Secretariat also provides administrative, logistical and technical support to the bureau and also convenes the meetings of the Committee on Peace and Security.

**CRITERIA AND RULES OF PROCEDURE FOR
ACCREDITING CIVIL SOCIETY ORGANISATIONS AND THE PRIVATE
SECTOR IN THE COMESA PROGRAMME FOR PEACE AND SECURITY**

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Preamble

The Council of Ministers of the Common Market for Eastern and Southern Africa:

Taking note of the decision of the COMESA Authority, which was held in Mauritius in May 2000 allowing civil society and private sector organizations to have a consultative role in the COMESA Programme on Peace and Security;

Having regard to the powers entrusted in the Council of Ministers of Foreign Affairs by Articles 10, 11 and 181 of the Treaty Establishing the Common Market for Eastern and Southern Africa;

Taking note of Recommendation 19 of the Second Meeting of the COMESA Ministers of Foreign Affairs held in Lusaka, Zambia, on 12 April 2001 that COMESA should involve the civil society, non-governmental organisations and the private sector in forums where issues of peace and security are being considered;

Hereby enact these Criteria and Rules of Procedure for Accrediting Civil Society Organisations and the Private Sector in the COMESA Programme for Peace and Security.

Rule 1 Definitions

For the purposes of these Rules:

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

“Member States” means states that have ratified or acceded to the Treaty Establishing the Common Market for Eastern and Southern Africa

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

“Council” means the Council of Ministers established by Article 9 of the COMESA Treaty;

“Secretary General” means the Secretary General of COMESA established by Article 17 of the COMESA Treaty;

“The Chairman of the Council” means the Chairman of the Council of Ministers established by Article 9 of the COMESA Treaty;

“Programme for Peace and Security” means the programme established under Article 3(d) of the COMESA Treaty;

“Programme” means the COMESA Programme for Peace and Security;

“Civil Society Organisation” means non-governmental organizations, and interest groupings operating at the national, regional or international levels; and includes human rights groups and agencies, grass-roots organizations, women’s associations, youth organizations, child protection organizations, indigenous people’s representatives, environmental movements, farmers’ organizations, consumer associations, religious organizations, development support structures (NGOs, teaching and research establishments), cultural associations, professional associations and the media;

“The Private Sector” means registered organizations working in the business, commercial and trade sectors and which operate nationally, regionally or internationally;

“Accreditation” means accreditation to the COMESA Programme for Peace and Security;

“The Applicant” means a civil society or private sector organisation which has applied for accreditation to the COMESA Programme for Peace and Security.

“Accredited Organisations” means civil society or private sector organizations whose application for accreditation has been approved in terms of Rule 7 of these Rules.

“Corporate Governance” means the promotion of corporate transparency and accountability.

“Good Governance” means a participatory consensus-oriented, transparent, responsive, effective, efficient, equitable, and inclusive process of decision making.

Rule 2

Grant of Accreditation

The Council may grant accreditation to the Programme to any civil society or private sector organisation which is able to make a contribution to the work of the

COMESA Programme on Peace and Security in accordance with the criteria laid out in Rule 6.

Rule 3 Purposes of Accreditation

The decision to grant accreditation to any civil society or private sector organization shall be based on the consideration that the purposes for receiving accreditation shall be:

- (a) To establish a formal working partnership for the promotion of peace and security in the region;
- (b) To enable the Programme to obtain information or expert advice from a civil society or private sector organization with special knowledge in a particular sector of the Programme's activities;
- (c) To enable such civil society or private sector organizations whose activities have an important and direct bearing on the work of COMESA to have an input in the proceedings of the Programme.

Rule 4 Principles Applicable to Accreditation

The accreditation of Civil Society Organisations and the Private Sector to the Programme shall be guided by the following principles:

- (a) The promotion of good governance and corporate governance as a way of conflict prevention;
- (b) The promotion of trade based practices of peace-building, and in particular the elimination of the illicit proliferation of small arms and light weapons; the prohibition of trade in mineral and other natural resources for the purpose of financing conflicts; prohibition of dumping of toxic waste and the elimination of drug trafficking;
- (c) The promotion of the ban against the manufacture, transfer, stockpiling, sale, use and removal of existing land mines;
- (d) The participation in development efforts in the COMESA region;
- (e) The promotion of post-conflict reconstruction activities.

Rule 5

Areas of Collaboration between COMESA and Accredited Organisations

Accredited Organisations shall to the greatest extent possible collaborate with the Programme in the following areas inter-alia:

- (a) Information sharing;
- (b) Promotion of a culture of dialogue, peace and tolerance;
- (c) Capacity building;
- (d) Mobilisation of financial and other resources;
- (e) Promotion of trade based practices in peace building as a way of preventing conflicts;
- (f) Provision of peace workers;
- (g) Provision of research and training in conflict management and peace building.

Rule 6

Criteria for Accreditation

Before granting accreditation to any civil society and private sector organization to the Programme, the Council shall first be satisfied with the following conditions:

- (a) The organization accepts the fundamental principles underlying the Common Market for Eastern and Southern Africa as provided for in Article 6 of the COMESA Treaty;
- (b) The purposes of the organization are directly related to the fundamental and operational principles of the Common Market for Eastern and Southern Africa, and are fully in harmony with its spirit and functions;
- (c) The organization can contribute to the strengthening of regional integration in the COMESA region;
- (d) The organization is able to enhance development partnerships;
- (e) The organisation possesses objectives of common interest to Member States as enshrined in Article 3 of the COMESA Treaty;

- (f) The organization has past, current or projected activities which can be reasonably considered to demonstrate the relevance of its work and interests to those of the Programme;
- (g) The organization has at least three (3) years of active operation in the COMESA region.

Rule 7

Applications for Accreditation

1. Any civil society or private sector organization that qualifies under Rules 5 and 6 of these Rules may seek accreditation to the Programme for Peace and Security by applying in writing to the Secretary General.
2. Any organization submitting an application made in accordance with paragraph 1 of this Rule shall:
 - (a) State clearly the reasons for the application;
 - (b) Affirm that it subscribes to the fundamental principles set out in Article 6 of the Treaty;
 - (c) Submit a statement of its objectives, supported by a certified copy of the constituting legal instrument of the organization.
3. Applications for accreditation shall be submitted to the Secretary General who shall circulate the applications of those that comply with the requirements of this Rule to all Member States and inform the organizations whose application have been rejected.

Rule 8

Denial of an Application for Accreditation

1. Accreditation shall not normally be granted to a civil society or private sector organization if that organization already has access to COMESA through another organization. For the purpose of this rule a civil society or private sector organization shall be deemed to have access to COMESA if:
 - (a) It is a member of, affiliated to, or otherwise associated with another organization which enjoys accreditation or consultative status, or has another form of association with COMESA;

(b) The interest or interests it purports to represent are adequately represented in COMESA through another organisation.

2. The application for accreditation of a civil society or a private sector organization whose activities are in conflict with the principles of COMESA shall be denied.

Rule 9 Approval of Applications

1. An application for accreditation shall be included in the agenda of the Council.

2. No application shall be considered by the Council unless it is submitted six months prior to the meeting of the Council.

3. The decision of the Council on an application for accreditation, together with the terms and conditions attached to it shall be communicated in writing to the applicant by the Secretary General.

4. The applicant shall communicate its acceptance of the terms and conditions of the accreditation to the Secretary General within three months of receipt of the decision of the Council.

Rule 10 Relationship of Accredited Organisations to COMESA

1. Accredited Organisations shall:

(a) Enjoy only a consultative role in the Programme.

(b) Participate in proceedings of the Programme only where issues of peace and security are being considered.

2. The coordination of the relationship between COMESA and Accredited Organisations shall be the responsibility of the NGO/Private Sector/Civil Society Desk in the COMESA Secretariat.

Rule 11 Information Sharing between COMESA and Accredited Organisations

An Accredited Organisation may have access to COMESA documents relating to peace and security provided that they:

- (a) Are not confidential;
- (b) Relate to matters considered by the Programme;
- (c) Are of interest to the Accredited Organisation;
- (d) Promote greater collaboration between the Programme and the Accredited Organisation.

Rule 12
Participation of Accredited Organisations in Proceedings of the Programme

1. Accredited Organisations may be invited to be present for the official opening and closing of all meetings of COMESA, and open sessions where issues of peace and security are being considered.
2. Accredited Organisations may be invited to attend meetings of the Programme dealing with subjects in which they are concerned.
3. Accredited Organisations invited to attend meetings of the Programme in accordance with paragraph 2 of this Rule may:
 - (a) With the express authority of the Chairperson, participate in the proceedings of the meeting to which they have been invited;
 - (b) At the request of the Chairperson, make a statement on a matter that concerns them, provided that the text of such a statement shall have been made available to the Chairperson through the Secretary General prior to its delivery.

Rule 13
Voting and Quorum

1. Accredited Organisations shall not have the right to vote in meetings of the Programme to which they have been invited.
2. Accredited organizations shall not affect the constitution of a quorum for the meetings of the Programme.

Rule 14
Periodic Review of Accreditation Status

1. The Council shall review the accreditation status of accredited organizations every two years.
2. Periodic review of accreditation status shall take into account whether, in the opinion of the Council, an accredited organization has made a significant contribution to the work of the Programme.
3. In assessing the contribution of accredited organizations under section 2 of this Rule, account shall be taken of the following:
 - (a) Attendance of the representatives of the accredited organization to the meetings of the Programme;
 - (b) Participation by the representatives of the accredited organisations in the activities of the Programme;

Rule 15
Suspension, Withdrawal and Termination of Accreditation

1. The suspension or withdrawal of accreditation shall be the prerogative of the Council.
2. The Council may decide to suspend for a specific period or withdraw accreditation from an accredited organization if:
 - (a) The accredited organization has failed to observe the principles and criteria of accreditation specified in Rules 4 and 5 of these Rules.
 - (b) Fundamental changes have occurred in the nature, purposes, objectives, membership or activities of such an organization, which make continuance of accreditation inappropriate, or incompatible with the objectives and mandate of COMESA.
 - (c) The accredited organization fails to observe the terms and conditions attached to the grant of accreditation.
3. A six months notice shall be given of the intention of the Council to withdraw accreditation within which the accredited organisation shall exercise its right to be heard.

4. A three months notice shall be given of the intention of the Council to suspend accreditation within which the accredited organisation shall exercise its right to be heard.
5. The Secretary General shall communicate the notice of suspension or withdrawal of accreditation to the accredited organization.
6. An accredited organization may terminate its accreditation by giving six months notice of its intention to do so to the Secretary General.

Rule 16 Amendments of Rules of Procedure

1. Any Member State may submit proposals in writing for the amendment of these Rules.
2. Any proposals for the amendment of these Rules shall be submitted to the Secretary General, who shall within thirty days of receipt communicate it to Member States and accredited organisations in writing.
3. Member States or accredited organisations which wish to comment on the proposals for amendment shall do so within ninety days of the dispatch of the proposals by the Secretary General.
4. After the expiration of the period prescribed under paragraph 3 of this Rule, the Secretary General shall submit the proposals and any comments on them received from Member States and accredited organisations to the Council through the Committee on Legal Affairs.
5. Any amendment to these Rules shall be adopted by the Council, and shall enter into force on the date of their adoption.

Rule 17 Suspension of a Rule of Procedure

A rule of procedure may be suspended by the Council provided that no member state objects to the suspension.

Rule 18 Language and Authenticity

These Rules are done in the English, French and Portuguese languages, each of which shall be equally authentic.

Rule 19
Adoption and Entry into Force

1. These Rules shall be adopted by a decision of the Council in accordance with Article 9(6) of the COMESA Treaty.
2. These Rules shall enter into force on the date they are signed by the Chairperson of the Council.
3. The Secretary General shall inform member states through the COMESA Official Gazette of the date on which these Rules enter into force.

In Witness Whereof the undersigned, being duly authorized, has signed these Rules in Lusaka, on 2004.

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Chairperson
COMESA Council