

The Common Market for Eastern and Southern Africa

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Fact file

Type of agreement

Free trade area

Member states

Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia and Zimbabwe

Year of foundation

1994 (replaced the PTA, established in 1981)

Market size (population)

416 billion (2007)

Market size (gross domestic product) (PPP)

US\$345 billion

Currencies

Burundi franc (BIF), Comorian franc, franc Congolais, Djibouti franc, Egyptian pound, Eritrean nakfa, Ethiopian birr, Kenya shilling, Libyan dinar, Malagasy ariary, Malawi kwacha, Mauritian rupee, Rwandese franc, Seychellois rupee, Sudanese pound, Swaziland lilangeni, Ugandan shilling, Zambian kwacha, Zimbabwean dollar

Official language

English, French and Portuguese

Seat of Secretariat

Lusaka, Zambia

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Questions and answers

Which department is responsible for trade enforcement?

Trade, Customs and Monetary Affairs.

Who is the head of that department?

Dr Francis Mangeni.

How long is their term of office?

Three years from his appointment in 2008.

When is he or she next due for reappointment?

2011.

Which posts within the organisation are political appointments?

Secretary general and assistant secretary general.

How many trade-related staff are employed in the department?

21.

To whom does the head of the department report?

Assistant secretary general (programmes).

Do any industry-specific regulators have trade-related powers?

Yes.

If so, how do these relate to your role?

Jurisdiction is clearly split between sector regulator and enforcers of the general competition law.

Do politicians have any right to overrule or disregard the decisions of the department?

No.

Does the law allow competition policy aims to be considered when taking decisions?

Yes, it is imperative.

Which body hears appeals against the department's decisions?

Competition policy is not enforced by the Department of Trade, it is enforced by the COMESA Competition Commission. The Commission has a secretariat which undertakes investigations and issues initial determinations. Appeals are heard by the Board of Commissioners which is also responsible for overseeing the work of the Commission.

Is there any form of judicial review beyond that mentioned above? If so, which body conducts this?

Yes, appeals can go to the COMESA Court of Justice for final determination.

How often does the enforcement agency find no dumping? No subsidy? And on what grounds?

Dumping and subsidy cases have hitherto been handled by the Department of Trade.

How often does the enforcement authority find no injury (or no threat of injury)? For what reason usually?

There have been very few cases so far.

How often does the enforcement agency settle a case by grey area means?

Not applicable.

Have there ever been any third-country dumping cases in your jurisdiction? Please describe in brief.

None that have been proved, although there have been a lot of allegations.

How independent are the enforcement authorities from political decisions?

Completely independent.

Are decisions always made on the merits?

Yes.

Are there any plans to reform the trade law?

Yes, currently competition law per se is under one piece of legislation while subsidies and dumping are on a different piece of legislation and the two are administered differently. It is proposed to merge the two pieces of legislation and bring all trade defence matters under the jurisdiction of the Competition Commission.

When did the last review of the law occur?

The trade defence regulations were adopted in 2001 while the competition regulations were adopted in 2004. No reviews have been undertaken so far.