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COMESA Court Rules on the Use of Safeguard Measures

The landmark decision sets a precedent for future trade disputes

Safeguards are an important trade remedy measure under the COMESA Treaty to protect domestic industries. However, they cannot be used arbitrarily or as disguised trade barriers, the COMESA Court of Justice has ruled.

The landmark decision was delivered on 4th February 2025 by the First Instance Division (FID) of the Court in the case of Agiliss Ltd v The Republic of Mauritius and 4 others (Reference No.1 of 2019). The court was sitting in Mauritius.

The case involved the use of safeguard measures as a trade remedy within the Common Market for Eastern and Southern Africa (COMESA). Agiliss Ltd is a Mauritian company that imports basic commodities, including pre-packaged edible oils, from Egypt, another COMESA Member State.

In 2018, the Government of Mauritius, citing the surge of imports in the domestic edible oil industry, invoked Article 61 of the COMESA Treaty on safeguard measures and notified the COMESA Secretariat of its decision to impose a 10% customs duty on imported edible oils from COMESA Member States. The safeguard measure was intended to protect the domestic industry.

Aggrieved by this decision which had not been communicated, Agiliss Ltd engaged the Government in discussions but to no avail. Consequently, Agiliss Ltd filed the Reference before the COMESA Court of Justice, challenging the legality of the safeguard measure and seeking an order to prohibit the Government of Mauritius from imposing any customs duty or other non-tariff barriers on the import of edible oil into the Republic of Mauritius from the COMESA region.

Judges of the First Division of the COMESA Court sitting in Mauritius

This case had been remitted back to the FID by the Appellate Division (AD) of the COMESA Court for the hearing of the main Reference. The AD overturned the decision earlier rendered by the FID declaring that it lacked jurisdiction because Agiliss Ltd had not exhausted local remedies pursuant to Article 26 of the Treaty. The Appellate held that there were exceptional circumstances in Mauritius which relieved Agiliss Ltd from the need to comply with the rule on exhaustion of local remedies.

In its decision the Court found that the Government of Mauritius had violated the Treaty and the COMESA Regulations on Trade Remedy Measures, 2002 (the Regulations) in several key aspects. This included the failure to conduct a proper investigation, lack of stakeholder consultation, and the breach of notification obligations under the Treaty and the Regulations.

The Court emphasised that the notification of the safeguard measure should have been sent to the COMESA Secretary General and to all Member States, and not just to the Secretary General. The Court further highlighted that the process of imposing safeguard measures must comply with the Treaty and the Regulations from the very beginning.

The Court declared that the decision of the Government of Mauritius to impose the safeguard measure and all consequential steps taken thereafter were null and void.

The Court further restrained the Government of Mauritius from implementing the safeguard measure and ordered it to bear half of the costs of the Reference.

This case sets a precedent for future trade disputes within COMESA and highlights the Court's crucial role in maintaining the rule of law and interpreting the Treaty and its subsidiary legislation.

This bulletin is published by the COMESA Secretariat Corporate Communications Unit but does not necessarily represent views of the Secretariat. ***For Feedback: pr@comesa.int***

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'Support RECs to strengthen regional integration,' COMESA urges G20

COMESA was among the Regional Economic Communities (RECs) that participated in the Group of Twenty (G20)'s first meeting to be chaired by an African nation held on 20 – 21 February 2025. Under South Africa's leadership, the inaugural G20 Foreign Ministers' Meeting took place in Johannesburg, attended by ministers from the member countries, representatives from invited nations, international organizations, and RECs.

South Africa assumed the G20 presidency on 1 December 2024, a term that will run until 30 November 2025.

Leading the COMESA delegation was Assistant Secretary General, Ambassador Dr. Mohamed Kadah, who participated in the two- day event. In his remarks, he urged the G20 nations to strengthen regional integration by supporting RECs, fostering a rules-based international trading system, addressing the root causes of conflict, and promoting good governance, democracy, and human rights. He also reaffirmed COMESA's commitment to working closely with South Africa's presidency and the G20 to achieve shared goals.

On the sidelines of the meeting, Ambassador Dr. Kadah engaged in bilateral discussions with key partners, including the Secretary-General of the United Nations Trade and Development Rebeca Grynspan and the Director-General of the African Development Bank Ms. Leila Farah Mokaddem, to explore avenues for enhanced collaboration.

South Africa's G20 presidency is themed "Solidarity, Equality, Sustainability," reflecting its dedication to addressing global challenges through inclusive and equitable solutions.

Above - COMESA Assistant Secretary General Dr Mohamed Kadah (right) meets UNCTAD SG Ms. Rebeca Grynspan and (below) Ms. Leila Farah Mokaddem of AfDB at the G20 meeting.

COMESA holds Public-Private Dialogue for Border Agencies and Traders at Chirundu

Participants at the Public Private Dialogue at the Mwami-Mchinji Border

COMESA Secretariat in collaboration with the Investment Climate Reform (ICR) Facility conducted a Public-Private Dialogue (PPD) on promoting women's economic empowerment and fostering gender-responsive trade policies at Zambia-Zimbabwe Chirundu Border Post. on Friday 14 February 2025.

In addition to Chirundu, the Secretariat and the ICR Facility will also conduct a series of the PPD at the Zambia-Malawi border, Uganda-Kenya Busia border and the Kasumbalesa border between DR Congo and Zambia.

The workshops aim to foster meaningful dialogue between public and private sector stakeholders to identify and address challenges that women traders face at border crossings, with a focus on developing and implementing gender-responsive policies in line with COMESA's commitment to promoting gender equality and increasing economic opportunities for women in the region.

Ms Jubilee Hamwala, Assistant Commissioner for Customs at the Chirundu border post (Zambia), opened the workshop and thanked COMESA Secretariat for the initiative. She appreciated that cross-border traders were represented in the dialogue, noting that their voices and views were important. She added that in facilitating trade, "We must make sure women are not left behind".

Speaking on behalf of Zimbabwe, Mr Brian Guyo, Deputy Director responsible for Women Economic Empowerment in the Ministry of Women Affairs, Community, Small and Medium Enterprises Development highlighted the powerful role that both the public and private sectors must play in unlocking opportunities for women's economic empowerment.

"Public-private partnerships (PPPs) are critical in addressing the unique challenges women face in accessing resources, markets, and capital. Through dialogue and collaboration between government bodies and private entities, we can create an enabling environment that supports women entrepreneurs, helps them overcome barriers, and enhances their participation in economic activities," Mr Guyo said.

Ms Beatrice Hamusonde, Director for Gender and Social Affairs at the COMESA Secretariat observed that women traders continue to face numerous challenges, including policy and regulatory barriers, inadequate infrastructure, and personal security concerns.

The workshop brought together 30 participants who included key border agencies, policymakers, and representatives of cross border traders' associations and other private sector operators to discuss strategies, share best practices, and collaborate on empowering women to drive regional economic growth.

Presentations and discussions focused on COMESA's gender-responsive policies, gender-based violence prevention and response in cross-border trade as well as risk mitigation strategies.

The ICR Facility is co-funded by the European Union (EU) under the 11th EDF with the German Federal Ministry for Economic Cooperation and Development (BMZ) and the British Council.

Staff at the Eswatini Financial Intelligence Centre

Eswatini to join the Egmont Group of Financial Intelligence Units

COMESA Secretariat through the Governance, Peace and Security Unit (GPS) is supporting the Eswatini Financial Intelligence Centre (EFIC) to join the Egmont Group of Financial Intelligence Units (FIU)s.

Established in 1995, the Egmont Group is a united body comprising of 177 FIUs from across the globe. Its goal is to promote international cooperation in the investigation and prosecution of money laundering and financing of terrorism.

From 17 – 21 February 2025, the EFIC embarked on one of the critical phases in the Egmont application process. The process, which is supported by COMESA, was further facilitated by EFIC sponsors, namely the Malawi Financial Intelligence Authority and the South Africa financial Intelligence Centre. The results of the review in the just ended phase have been submitted to the Egmont Group and a follow-up onsite visit will be conducted during the year to ensure the process is expedited.

Once admitted, Eswatini will enhance its Anti-Money Laundering (AML) and Countering Financing of Terrorism (CFT) effectiveness due to the opportunities availed through the Egmont Group.

With Eswatini having proclaimed a new AML/ CFT omnibus law, the Anti-Money Laundering, Countering of Terrorism and Proliferation Financing (Miscellaneous Amendments) Act, 2024 odds for admission to the Egmont Group are high.

Progress has been achieved in the COMESA region where 11 Member States namely Egypt, Ethiopia, Kenya, Malawi, Mauritius, Seychelles, Sudan, Tunisia, Uganda, Zambia and Zimbabwe have enlisted in the Egmont Group of FIUs. Eswatini will become the 12th COMESA Member State once admitted.

The COMESA Member States in the Egmont Group belong to different Financial Action Task Force-Style Regional Bodies (FSRBs) including eight which are member countries of the Eastern and Southern Africa Anti-Money laundering Group (ESAAMLG) and three (Egypt, Sudan and Tunisia) which are member countries of the Middle East and North Africa Financial Action Task Force (MENAFATF).

“With half of COMESA member States having joined the Group, COMESA has high hopes that all remaining Member States will also follow suit in the near future,” said Conflict Early Warning Expert in the GPS Unit Tapera Chinemhute.

Egmont group has an elaborate platform for the secure, seamless, lawful and mutually beneficial exchange of financial intelligence and expertise relating to money laundering and terrorist financing to enhance FIUs’ strategic and operational effectiveness.

L-R: H.E. Hüseyin Barbaros Dicle, H.E. Ms. Mayada Essam Abdelrahman, Secretary General Chileshe Mpundu Kapwepwe and H.E. Mr. Thomas Rossigno at the presentation of credentials

Egypt, Turkey, France Ambassadors Accredited to COMESA

Egypt, Turkey, and France Ambassadors to Zambia have been accredited as representatives of their respective countries to COMESA. In a brief ceremony at the COMESA Secretariat in Lusaka Monday, February 10, 2025, the three presented their letters of credence to Secretary General Chileshe Mpundu Kapwepwe, marking a new chapter in international cooperation.

H.E. Ms. Mayada Essam Abdelrahman was accredited as Permanent Representative of Egypt to COMESA, as her country is a Member State of the regio al bloc. H.E. Hüseyin Barbaros Dicle of Turkey and H.E. Mr. Thomas Rossignol were accredited as Special Representatives of their respective countries.

The ceremony highlighted the commitment of these nations to strengthen ties with COMESA in areas such as trade, investment, culture, peace, and security. Ambassador Rossignol said that the French government will continue to pursue collaborative initiatives with COMESA in various sectors emphasizing the importance of regional integration.

"As a French person, issues surrounding regional integration and the free movement of people are very close to my heart," he said.

Ambassador Abdelrahman commended COMESA's regional integration initiatives, stating, "Egypt has always supported the COMESA Secretariat in its quest to implement integration programs aimed at uplifting living standards of the people in the region."

Ambassador Dicle highlighted Turkey's commitment to empowering women-led businesses, a vision supported by Turkey's First Lady.

"We will focus on expert exchanges, institutional capacity building, and addressing gender issues in collaboration with the COMESA team," he noted.

Secretary General Kapwepwe acknowledged the valuable partnerships COMESA has built with these nations. She stated that France, in particular, has been a significant supporter through the European Union, which has funded numerous COMESA programs.

"Each year, France provides funding to enhance the use of French, one of our official languages. We hope to further strengthen this relationship," she explained.

On the cooperation front with Egypt, Ms. Kapwepwe praised the country as a strong advocate for regional integration, noting its impressive export growth within COMESA—rising to 24.1% of trade in 2022 from 22.2% the previous year.

"Egypt's leadership in facilitating intra-COMESA trade is commendable," she remarked.

Turning to Turkey, the Secretary General highlighted its emerging role as a vital partner for Africa. She expressed optimism regarding Turkey's engagement with the continent, citing initiatives like the Turkey-Africa Economic and Business Forum that pave the way for collaboration.

"Turkey's expertise in agriculture, health, and tourism can offer immense benefits to our region," she asserted.

The Secretary General further emphasized COMESA's commitment to nurturing and expanding its partnerships, and cooperation with Egypt, Turkey, and France which will result in enhanced socio-economic landscape of the region.

CMI Trains Banks' Staff on Financial Crisis Management

The complexities of managing a financial crisis are often heightened by external shocks, such as commodity price fluctuations, particularly in countries heavily reliant on these resources. These challenges underscore the importance of implementing best practices to prevent financial crises and enhancing crisis management tools to mitigate their negative impacts. This is especially relevant for low-income countries, including those in the COMESA region.

To address this, the COMESA Monetary Institute (CMI) has embarked on a training program aimed at equipping financial sector professionals with the necessary tools and strategies to effectively manage banking and financial crises in their jurisdictions.

From February 17–21, 2025, CMI organized a virtual training session titled: "Financial Crisis Management and Resolution Framework for Banks and Non-Banking Financial Institutions (NBFIs)." The program attracted 69 delegates from 11 COMESA member countries' central banks, including Burundi, Comoros, DR Congo, Egypt, Ethiopia, Eswatini, Kenya, Malawi, Rwanda, Zambia, and Zimbabwe.

CMI Director, Dr. Lucas Njoroge, emphasized that the training was designed to equip participants with the knowledge and skills to identify, prevent, and manage financial crises—particularly in economies with underdeveloped financial markets and weak legal and institutional frameworks required to facilitate bank resolution. He highlighted that the acquired knowledge would be directly applicable to their roles while also providing a platform for experience-sharing on crisis management and resolution strategies.

A financial crisis can have severe consequences, including job losses, reduced access to credit, large fiscal deficits, rising sovereign debt, and slowed economic growth. By strengthening crisis management capabilities, CMI continues to play a crucial role in enhancing financial stability across the COMESA region.
The training aligns with the 2025 Work Plan for CMI, which was approved by the COMESA Committee of Governors of Central Banks in November 2024.

Final Scorecard as RECAMP Programme Concludes

Delegates at the 5th RECAMP Programme Steering Committee meeting

The Regional Enterprise Competitiveness and Access to Markets Programme (RECAMP) has successfully concluded after a four-year implementation period. Funded by the 11th European Development Fund, the €8 million programme aimed to enhance the competitiveness of small and medium-sized enterprises (SMEs) in the agro-processing, horticulture, and leather value chains across the COMESA region.
RECAMP's impact has been significant, with notable accomplishments including supporting over 500 SMEs to access new markets and improve competitiveness, implementing the leather value chains traceability systems in 14 member states and facilitating the adoption of regional standards and harmonized regulatory frameworks in Sanitary and Phyto Sanitary (SPS) measures.

Further, RECAMP is credited with

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Delegates at the 5th RECAMP Programme Steering Committee meeting

Final Scorecard for RECAMP...

enhancing the capacity of business support organizations and trade promotion agencies including implementation of the investor tracking system and COMESA investment map. It has fostered regional integration through the promotion of intra-regional trade and investment through the COMESA investment map and investor tracking system

The final RECAMP scorecard was presented during the 5th Steering Committee Meeting held on 12–13 February 2025 in Mbabane, Eswatini. The meeting, chaired by COMESA Assistant Secretary General for Programmes, Dr. Mohamed Kadah, brought together government officials from 19 Member States alongside representatives from the EU to COMESA and Zambia.
Dr. Kadah commended the RECAMP team and its partners for their dedication and hard work over the past 4 years of implementation.

“The RECAMP programme has demonstrated the power of regional cooperation and collaboration in promoting economic development and integration, despite challenges posed by the COVID-19 pandemic.”

He assured Member States that RECAMP’s impact will be sustained through the commitment of regional governments and private sector stakeholders, who have pledged to integrate its activities into national development initiatives.

Dr. Kadah also expressed appreciation to the EU for its continued support, particularly through the upcoming Africa Trade Competitiveness and Access to Markets Programme (ATCMAP), which aims to build on RECAMP’s achievements. Ms. Cebile Nhlabatsi, Acting Principal Secretary of Eswatini’s Ministry of Commerce, Industry, and Trade, highlighted RECAMP’s role in empowering SMEs and integrating them into regional and global value chains.

“The Kingdom benefited from several training and capacity-building activities under RECAMP, including support from the Technical Assistance Facility (TAF),” she said. “Through this initiative, Eswatini received EUR 150,000 for a beef lot project, empowering over 60 women-led SMEs.”

Meanwhile, EU Representative to Zambia and COMESA, Mr. Shimukunku Manchishi, reaffirmed the EU’s long-term commitment to supporting COMESA’s regional integration agenda. He noted that support would extend beyond the European Development Fund (EDF) framework, through the Neighbourhood, Development, and International Cooperation Instrument (NDICI) Framework.

RECAMP was implemented by the COMESA Secretariat in collaboration with its institutions, including COMESA Federation of Women in Business (COMFWB), Africa Leather and Leather Products Institute (ALLPI), Alliance for Commodity Trade in East and Southern Africa (ACTESA) and COMESA Regional Investment Agency (RIA).

As RECAMP concludes, its achievements provide a strong foundation for future initiatives aimed at strengthening enterprise competitiveness and regional trade in COMESA.