Agreement Between the Government of the United States of America and the Common Market For Eastern And Southern Africa Concerning the Development of Trade and Investment Relations

The Common Market for Eastern and Southern Africa (COMESA) and the Government of the United States of America, hereinafter referred to as "the Parties,"

1. Desiring to enhance the friendship and spirit of cooperation between them;

2. Highlighting the importance of trade and investment to their economies;

3. Recognizing the need for a stable and transparent environment for international trade and investment;

4. Desiring to develop further their trade and economic relationships;

5. Underscoring the importance of the market economy and private sector initiatives as sources of prosperity, and reaffirming the goal of promoting business relations among their nationals and other activities capable of expanding trade and investment relations between their respective private sectors;

6. Taking into account the participation of the United States of America and themember States of COMESA in the multilateral trade system of the World Trade Organization (WTO) and noting further that this Agreement shall be without prejudice to the rights and obligations of the Parties under the terms of the Marrakech Agreement establishing the World Trade Organization, or under agreements, understandings, and other instruments relating to it or concluded under the aegis thereof;

7. Recognizing that issues related to their trade and investment must be addressed by mutual agreement;

8. Recognizing both the benefits to the Parties derived from international trade and investment and the fact that any obstacles to such trade and investment would deprive the Parties of these benefits;

9. Recognizing the essential role of private investment, both domestic and foreign, infurthering growth, creating jobs, expanding trade, improving technology, andenhancing economic development;

10. Recognizing that foreign direct investment confers benefits on each Party;

11. Recognizing the increased importance of services in their economies and in their bilateral relations;

12. Taking into account the need to eliminate non-tariff barriers in order to facilitate greater access to the markets of both Parties;

13. Recognizing the importance of adequate and effective protection of intellectual property rights;

14. Recognizing the importance for the economic prosperity of the Parties of embarking on a path of compliance with, and promotion of, fundamental, internationally-recognized labor standards;

15. Desiring to ensure the necessary relationship between trade liberalization and general environmental protection policies, in furtherance of sustainable development; and

16. Considering that it would be in the mutual interest of the Parties to establish a mechanism between them for encouraging the liberalization of trade and investment;

Have reached the following Agreement:

Article One.

For the purposes of this Agreement, the following definitions shall apply:

“Council” means the Council on Trade and Investment, established in Chapter III of this Agreement;

“WTO” means the World Trade Organization;

“Secretary General” means the Secretary General of COMESA;

“COMESA” means the Common Market for Eastern and Southern Africa, established by Treaty on 8 December 1994;

“USTR” means the United States Trade Representative.

Article Two.

The Parties affirm their desire to establish cooperation between the member states of COMESA and the United States of America to:

(a) develop and expand trade in products and services;

(b) promote the adoption of appropriate measures to encourage and facilitate trade in goods and services; and

(c) secure favorable conditions for long-term investment, development and diversification of trade.

Article Three.

The Parties agree to establish a Council on Trade and Investment, comprising their representatives. COMESA shall be represented by the Secretary General, assisted, as necessary, by such other officials or persons as may be designated. The Government of the United States of America shall be represented by the Office of the United States Trade Representative (USTR), assisted by officials of other government agencies, as necessary.

Article Four.

The Council shall meet at such times and in such places as agreed by the Parties. The Parties shall endeavor to convene a meeting of the Council at least once a year.

Article Five.

The role of the Council shall be to consult on specific trade- and investment-related issues of special interest to the Parties. The Council shall also be responsible for identifying and working towards the removal of impediments to trade and investment, and to coordinate, as necessary, the Parties’ efforts in fora dealing with subjects of mutual interest.

Article Six.

Each Party may raise for consultation in the Council any bilateral trade or investment matter. Requests for consultation shall be accompanied by a written explanation of the subject to be discussed. Council consultations shall be held within no more than six months of the date on which the request is submitted, unless the Parties decide otherwise.

Article Seven.

For the purposes of further developing their trade and investment, and with a view to achieving a steady increase in the pace of trade in products and services, the Parties may conclude further agreements, particularly in the areas of commerce, taxation, intellectual property, labor, and investment. This Agreement shall be without prejudice to the rights of either Party under its domestic law, its regulations, or any other international legal instrument to which either is a party.

Article Eight.

This Agreement shall not apply as between the United States and any State acceding to COMESA if, at the time of accession, either does not consent to such application.

Article Nine.

Any dispute concerning the interpretation and application of this Agreement shall be settledthrough diplomatic channels or by any other means of settlement agreed upon by the Parties.

Article Ten.

This Agreement shall enter into force on the date of its signature. It may be amended bymutual agreement. It may be terminated either by mutual consent or when one of the Parties terminates it, without prejudice to the continuation of any activities under way. Termination shall take effect six months following written notification of the other Party through diplomatic channels.

IN WITNESS WHEREOF, the undersigned, being duly authorized for such purpose, have signed this Agreement below.

Done at Washington, D.C. on October 29, 2001 in triplicate in the English, French and Portuguese languages, each text being equally authentic.

For the Common Market forEastern and Southern Africa:

Minister of Economy and Foreign Trade of Egypt

Assistant Secretary General of COMESA

For the Government of the United States of America:

United States Trade Representative