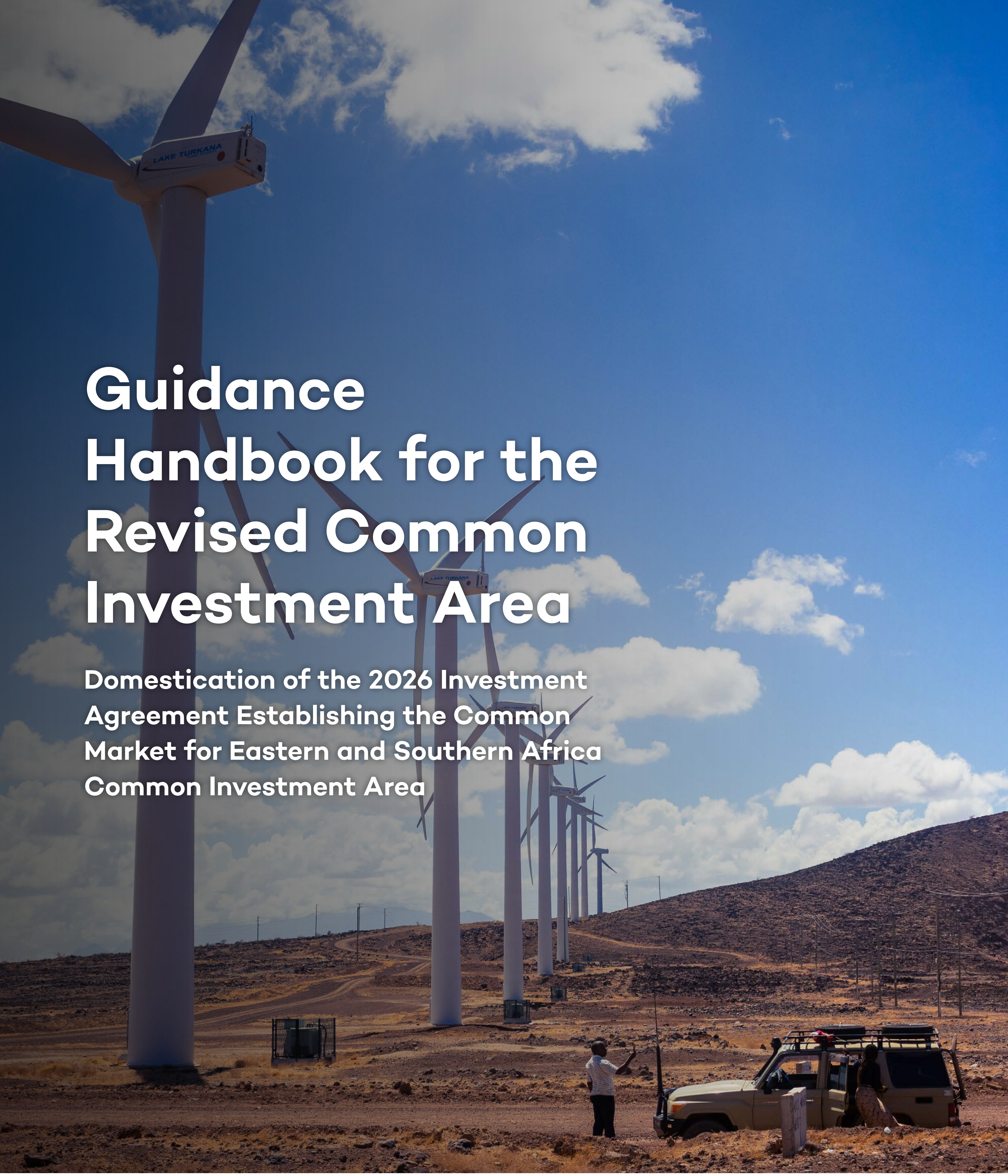

Guidance Handbook for the Revised Common Investment Area

Domestication of the 2026 Investment Agreement Establishing the Common Market for Eastern and Southern Africa Common Investment Area

IISD
International Institute for Sustainable Development

COMESA

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Common Market for Eastern and Southern Africa

The history of COMESA began in December 1994 when it was formed to replace the former Preferential Trade Area (PTA) which had existed from the earlier days of 1981. COMESA (as defined by its Treaty) was established "as an organisation of free independent sovereign states which have agreed to co-operate in developing their natural and human resources for the good of all their people" and as such it has a wide-ranging series of objectives which necessarily include in its priorities the promotion of peace and security in the region.

However, due to COMESA's economic history and background its main focus is on the formation of a large economic and trading unit that is capable of overcoming some of the barriers that are faced by individual states.

COMESA's current strategy can thus be summed up in the phrase "economic prosperity through regional integration." With its 21 Member States, population of over 640 million, a Gross Domestic Product of $1.0 trillion and a global export/import trade in goods worth US$ 383 billion, COMESA forms a major market place for both internal and external trading.

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Executive Summary

Why This Handbook, Why Now

Investment governance across the Common Market for Eastern and Southern Africa (COMESA) is at a pivotal moment. Member states are navigating a rapidly evolving global and continental investment landscape, growing demands for sustainable investment, and heightened expectations from investors, development partners, and civil society for transparent, predictable, and balanced regulatory environments.

The revised Investment Agreement establishing the COMESA Common Investment Area (CCIA) responds directly to this moment. Adopted by the Council of Ministers of Industry in July 2026, it establishes a modernized, balanced framework designed to attract and retain sustainable investment, foster regional economic integration, and preserve member states' right to regulate in the public interest, aligning the regional framework with emerging continental and international best practice.

The critical variable, however, is implementation. The CCIA will deliver its intended outcomes only if member states translate treaty commitments into coherent national legal, institutional, and administrative practices. Implementation is not a procedural formality; it is the process through which the coherence, credibility, and development impact of the regional framework are ultimately secured. And because member states differ significantly in their legal traditions, institutional capacities, and policy priorities, implementation cannot follow a single template.

This handbook offers a structured and practical menu of legal, policy, and institutional actions linked to each part of the CCIA, which member states can adapt, sequence, and prioritize according to their own circumstances.

The Two-Track Logic of Alignment and Implementation

Giving effect to every part of the CCIA requires action along two reinforcing tracks. To be most effective, reforms should advance in parallel along both tracks, with coordination anchored by a lead agency.

TRACK 1 **Legal & policy reform**	TRACK 2 **Institutional & administrative modernization**
Updating, adopting, phasing out, or renegotiating legal and policy instruments, such as investment laws, sectoral legislation, bilateral investment treaties, and investor–state contracts, so they are coherent with the CCIA standards.	Establishing the coordination bodies, focal points, transparency tools, and capacity needed to apply and sustain the reforms in day-to-day practice.

Who Does What

Implementation is a shared effort. The handbook is built around the complementary roles of national governments and the COMESA Secretariat:

Actor	Role in implementation
Member states	Lead the process. Conduct context-sensitive assessments, undertake the legal and policy reforms required, and put in place institutional and practical arrangements that match their own legal traditions and capacities.
COMESA Secretariat	Provides coordinated support, including • supporting the design of jurisdiction-specific implementation roadmaps and identifying priority reforms. • facilitating interagency coordination and peer learning across member states. • mobilizing development partner resources and building institutional capacity to sustain reform.

Five Principles to Guide National Alignment and Implementation

1. Diagnose before alignment. Identify gaps, inconsistencies, and overlaps in all relevant instruments in the country. Section 5 of this handbook provides useful diagnostic tables for this work.
2. Functional alignment, not verbatim transposition. CCIA definitions and obligations are calibrated for treaty purposes. Definitions, terms, and obligations in domestic instruments reflect national contexts and priorities. As a result, domestic instruments should perform aligned functions rather than reproduce the treaty text verbatim. What matters is that the objectives and obligations of the CCIA are coherently reflected in how national systems actually operate.
3. Sequencing belongs to governments. The handbook does not prescribe timelines or the order of action. Each COMESA member state determines sequencing based on national priorities, fiscal realities, and the findings of its own assessment.
4. Develop a national roadmap to identify priority reform areas, sequence regulatory changes, and mobilize the institutional resources needed to sustain momentum.
5. Consult throughout. Meaningful engagement with the private sector, civil society, labour groups, small and medium-sized enterprises, and affected communities should run through both the design and the execution of reforms.
6. Ensure vertical coherence. Alignment and implementation should connect continental frameworks (the African Continental Free Trade Area Protocol on Investment), the regional framework (CCIA), and national legislation and practice. Action under the CCIA can simultaneously fulfill corresponding continental commitments.

National Alignment and Implementation Journey

Together, these steps can form each member state's national roadmap for CCIA implementation, sequencing regulatory changes and mobilizing the institutional resources needed to sustain momentum.

1. Assess	Map existing laws, treaties, contracts, and institutions against the CCIA. Identify whether existing coordination bodies can be adapted before creating new structures.
2. Diagnose gaps	Identify inconsistencies, overlaps, and priority reform areas, including institutional capacity gaps. Prioritize high-impact, feasible reforms as early wins.
3. Reform	Update, adopt, or phase out legal and policy instruments while building institutional capacity. Secure adequate, predictable resourcing budgets, staff, and technical support.
4. Coordinate	Sustain alignment across ministries and agencies through the national focal point. Maintain structured, regular engagement with the private sector and civil society.
5. Monitor & learn	Track progress, identify emerging gaps, and feed findings into corrective action. Share results with the COMESA Secretariat and peers to inform the regional review cycle.

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1.0 Introduction to the Guidance Handbook

1.1 Why Develop the Guidance Handbook

This guidance handbook has been developed to support two interrelated objectives that are central to strengthening investment governance across Common Market for Eastern and Southern Africa (COMESA) member states:

- effective implementation of the revised Common Investment Area (CCIA) at the national level
- alignment of the CCIA with emerging continental frameworks and best practices in investment governance

1.1.1 Effective Implementation of the Revised CCIA at the National Level

The revised CCIA, aligned with emerging continental frameworks and best practice, establishes a modernized framework for enhanced investment governance. Its true effectiveness, however, will depend on COMESA member states' ability to operationalize and implement its provisions in practice. Implementation, therefore, is not a procedural formality; it is the mechanism through which coherence across the investment regime is secured.

Alignment must extend beyond the text of the CCIA to encompass bilateral investment treaties, domestic investment laws, sector-specific laws, and investor–state contracts. Without systematic review and adjustment of these instruments, legacy treaty provisions, inconsistent contractual practices, or fragmented domestic legal frameworks may dilute, undermine, or contradict the objectives of the revised CCIA.

Effective implementation will also require ensuring vertical coherence. i.e., consistent alignment from the continental framework (e.g., the African Continental Free Trade Area [AfCFTA] Protocol on Investment [PoI]) to the regional framework (CCIA), and through to national legislation, institutional mandates, and administrative practice. Absent such vertical coherence, COMESA member states risk overlapping or contradictory obligations, uneven interpretation across jurisdictions, and increased exposure to disputes. This undermines predictability for both governments and investors and weakens the collective objective of establishing a coherent, modern, Africa-led investment governance architecture.

Accordingly, member states should approach implementation as a structured reform process to ensure that national and regional frameworks reinforce one another rather than create confusion or undermine sustainable development objectives.

1.1.2 Alignment of the CCIA With Emerging Continental Frameworks and Best Practice

In light of continental developments, which will require the harmonization of existing regional and national investment instruments, the CCIA should therefore be reviewed and revised accordingly. The revised CCIA was adopted in July 2026 by the Council of Ministers of Industry.

This handbook is designed to support member states in implementing the revised CCIA, which is aligned with emerging continental frameworks and international best practice. Ensuring coherence between the revised COMESA CCIA and these frameworks is critical to creating a predictable, transparent, and investor-friendly investment environment across the continent. Effective alignment means that successful implementation of the CCIA simultaneously advances and fulfills corresponding continental commitments, reducing fragmentation and eliminating the need for parallel reference to multiple legal instruments.

In practical terms, action taken to implement a specific policy area under the CCIA may be regarded as concurrent alignment of the corresponding continental commitments. By promoting coherent and mutually reinforcing measures, this handbook enables COMESA member states to streamline compliance efforts and efficiently meet both regional and continental obligations under their national legal and policy frameworks.

1.2 What Does This Guidance Handbook Do?

This guidance handbook is designed to assist COMESA member states in the effective, coordinated, and coherent implementation of the revised CCIA. It provides a structured and practical framework to help policy-makers translate treaty commitments into actionable measures at national and regional levels. It also clarifies the roles of regional and national institutional actors in the alignment process and outlines procedural considerations and interagency coordination mechanisms for effective implementation.

Specifically, this guidance handbook:

- **clarifies and categorizes the actions required to implement provisions of the CCIA**
    - breaks down the CCIA into clear, manageable components, enabling policy-makers to identify the precise legal, institutional, and administrative steps needed to simultaneously operationalize the CCIA in their national contexts.
- **provides a practical, non-exhaustive checklist of relevant legal and policy instruments, institutions, and stakeholders**
    - This helps member states determine which domestic laws, regulations, agencies, and actors must be engaged or reformed to achieve effective implementation. The checklist is designed to be adaptable, recognizing that national systems differ in structure, capacity, and policy priorities.

- **highlights key considerations to promote coherence, alignment, and consistency across national and regional processes**

The handbook emphasizes the importance of avoiding regulatory overlaps, minimizing fragmentation, and ensuring that implementation efforts reinforce complementary regional and continental frameworks.

1.3 Guiding Principles for National Implementation

1.3.1 Adapting the Guidance to National Contexts

There is no single model or one-size-fits-all approach for implementing a regional investment treaty such as the CCIA. Member states vary significantly in their legal systems, institutional capacities, and development priorities. Accordingly, this handbook is intended as a flexible tool that countries can tailor to their specific circumstances. COMESA member states are encouraged to

- **adapt the guidance to national contexts**, taking into account domestic legal frameworks, institutional arrangements, and strategic development objectives. A systematic review of each CCIA provision against existing national laws, regulations, and sectoral policies is essential. Where gaps, inconsistencies, or duplications are identified, member states should consider legal or policy adjustments that reflect national development needs and address investment-related challenges.
- **incorporate feedback into national processes** to strengthen practicality, enhance policy ownership, and ensure alignment with regional and national objectives.

1.3.2 Stakeholder Consultation

Effective implementation of the CCIA requires inclusive, well-structured, and transparent stakeholder engagement. COMESA member states should ensure meaningful consultations with all relevant actors, including government ministries and regulatory agencies; the private sector and industry associations; civil society and community-based organizations, particularly those representing marginalized and vulnerable communities and individuals and groups directly affected by investment activities.

Such engagement enhances transparency and strengthens public confidence in investment policy reforms, such as the revised CCIA. It promotes shared ownership of the process and helps ensure that national implementation reflects the interests and development priorities of affected populations. This kind of broad-based consultation also helps to increase awareness of the country's investment governance frameworks and their implications. It also helps clarify the roles and responsibilities of stakeholders in monitoring the performance, conduct, and impacts of investment projects.

1.4 Who Can Use This Guidance Handbook?

The guidance handbook is primarily intended for policy-makers responsible for investment governance at both national and regional levels. However, the handbook also serves as a practical reference for a wider range of stakeholders, including

- **private sector actors**, such as investors, business associations, and chambers of commerce, who seek clarity on regional investment standards, regulatory expectations, and national implementation processes;
- **civil society organizations**, particularly those representing communities and groups directly affected by investment activities, who require accessible and reliable information to engage meaningfully in policy dialogue, oversight, and monitoring processes; and
- **the media**, which plays a critical role in disseminating information on investment reforms and implementation outcomes. The handbook can support media professionals in accurately reporting on CCIA-related developments, highlighting implementation progress, and showcasing successful national and regional practices.

2.0 The Role of the COMESA Secretariat in Supporting Coordinated Implementation and Alignment

The COMESA Secretariat plays a central and operational role in ensuring coherent, coordinated, and effective implementation of the CCIA across its member states.

The AfCFTA Agreement recognizes Regional Economic Communities (RECs) as essential "building blocks" of continental integration. The revised CCIA also assigns a direct role to the COMESA Secretariat and outlines concrete actions for it to support the Agreement's implementation. In this context, the COMESA Secretariat is well positioned to support the operationalization of the CCIA and help member states align with emerging continental frameworks, acting in coordination with continental policy guidance.

Through structured coordination mechanisms, technical cooperation, and joint monitoring arrangements, the Secretariat can

- support coherence between regional and continental investment frameworks;
- minimize regulatory fragmentation and duplication;
- reduce compliance costs for governments and investors; and
- promote a predictable, transparent, and harmonized African investment environment.

In practical terms, the COMESA Secretariat can support member states through advisory, coordination, and facilitation functions that advance harmonization of legal frameworks, implementation of CCIA obligations, alignment with continental standards, dispute prevention, and systematic monitoring of progress.

2.1 Support Institutional and Administrative Modernization Measures

To strengthen the institutional foundations for CCIA implementation, the COMESA Secretariat should support member states in modernizing, harmonizing, and operationalizing national investment governance arrangements. In particular, the COMESA Secretariat should formalize annual and bi-annual meetings of the CCIA Committee and the Technical Committee on Investment (TCI), as envisaged under Article 7 of the CCIA. These meetings could serve as structured implementation platforms to

- review national progress in implementing CCIA obligations;
- identify legal and administrative gaps and address implementation challenges in a timely and systematic manner;
- coordinate regional positions on emerging continental investment issues; and
- facilitate peer learning and practical problem-solving.

Where appropriate, outcomes of these meetings should be communicated to and aligned with continental processes coordinated with continental institutions, such as the AfCFTA Secretariat, to ensure policy coherence.

2.2 Support Investor–State Dispute Prevention and Resolution

Under Part 5 of the CCIA, the COMESA Secretariat is mandated to serve as a regional focal point for dispute prevention between investors and member states. This function is critical, and the Secretariat is required to operationalize a regional structured dispute-prevention framework that includes

- facilitating timely information exchange and dialogue between investors and host States;
- supporting early-stage consultation and mediation to prevent escalation;
- establishing and maintaining a roster of qualified mediators in accordance with Article 37;
- liaising with the COMESA Court of Justice for the appointment of mediators; and
- systematically documenting and analyzing mediation outcomes to identify systemic challenges and inform policy reform.

Close coordination with the AfCFTA Secretariat is essential to ensure that regional dispute-prevention mechanisms remain consistent with wider continental reform initiatives.

2.3 Contribute to Generating and Sharing Information

Under Part 5 of the CCIA, the COMESA Secretariat is mandated to collect, manage, and disseminate information essential to the effective implementation of the Agreement. This includes, but is not limited to:

- the status of ratification, accession, entry into force, and withdrawal of member states;
- records of terminated bilateral investment treaties (BITs); and
- best practices in the interpretation and application of CCIA-consistent treaty obligations.

By maintaining a central, authoritative repository of such information, the COMESA Secretariat enhances transparency and supports informed policy decisions at both national and regional levels.

Under Schedule I of the CCIA, COMESA member states have a shared interest in pursuing several collective initiatives that the Secretariat is well placed to champion and coordinate. These include developing a regional database for COMESA supporting industries and technology suppliers, a practical tool that would give investors and policy-makers visibility of regional supply chain capacity and technology partnerships that currently go unmapped.

Member states would equally benefit from the Secretariat taking a leading role in establishing a COMESA investment data platform to enhance the flow of information on investment opportunities across the region, helping both governments and investors make better-informed decisions based on a common evidence base.

The Secretariat should also institutionalize digital information systems that ensure systematic dissemination of the CCIA and related instruments, such as publishing official legal texts, policy briefs, interpretative notes, and implementation guidelines through a publicly accessible online platform. Where feasible, digital systems should be interoperable with continental platforms managed by the AfCFTA Secretariat to ensure consistency, avoid duplication, and provide policy-makers and investors with a reliable and unified source of information.

By strengthening information generation and sharing through digitalization, the Secretariat not only enhances institutional efficiency but also reinforces confidence in the CCIA as a transparent, predictable, and well-coordinated regional investment framework.

2.4 Support Alignment of Investment Frameworks

Several investment governance reform processes at the global level may affect how COMESA member states regulate investment within their territories. The COMESA Secretariat should therefore assume a proactive coordination role, in collaboration with the AfCFTA Secretariat, to align commitments under the CCIA and the AfCFTA Protocol on Investment, vis-à-vis relevant global reform processes. This may include jointly facilitating structured dialogues among member states, identifying areas of legal divergence, and developing practical alignment roadmaps.

In collaboration with the AfCFTA Secretariat, the COMESA Secretariat may also contribute to the development and dissemination of interpretative and operational guidance on the application of AfCFTA PoI provisions within the COMESA region. Such guidance would assist national authorities in navigating overlaps between regional and continental obligations and promote uniform interpretation.

Overlapping membership across multiple RECs creates potential risks of inconsistency and regulatory fragmentation. To mitigate these risks, the COMESA Secretariat should proactively engage with other intergovernmental organizations where membership overlaps, such as the Southern African Development Community Secretariat and the Organisation of Islamic Cooperation Secretariat, to promote coherence and build synergies in the reform and implementation of respective investment instruments.

2.5 Capacity Building and Awareness Raising

The COMESA Secretariat plays a strategic and complementary role in strengthening national capacities to implement both the CCIA. This role extends beyond general awareness raising to the structured development of sustainable institutional capacity. In practical terms, the Secretariat can

- enhance awareness among government institutions, regulatory agencies, investment promotion bodies, private sector actors, and civil society stakeholders regarding the obligations and opportunities arising under the CCIA;
- support the strengthening of human resources and institutional frameworks of national authorities responsible for investment governance;
- conduct capacity needs assessments to identify priority gaps; and
- design and deliver targeted technical assistance and training programs tailored to national contexts. In doing so, member states and relevant stakeholders are encouraged to draw on the technical resources and training materials available through the COMESA Regional Investment Agency and the Pan-African Trade and Investment Agency, as provided for under Schedule II of the CCIA.

Given the differing levels of technical expertise, institutional readiness, and reform experience across member states, coordination in capacity building is essential. Technical assistance initiatives with continental institutions should be jointly planned, sequenced, and harmonized to avoid duplication, maximize resource efficiency, and ensure complementarity between regional and continental efforts.

In this regard, Article 8 of the CCIA also provides that the COMESA Secretariat shall endeavour to coordinate and cooperate, including through technical assistance with relevant organs and institutions established under international agreements relating to investment to which COMESA member states are party. A structured and mutually agreed partnership between the COMESA Secretariat and the AfCFTA Secretariat, for instance, could ensure that COMESA member states are adequately equipped to implement CCIA and to align with the AfCFTA PoI provisions effectively and consistently.

2.6 Support Monitoring and Learning Across Member States

Continuous learning, evaluation, and evidence-based decision making are essential to sustaining an effective regional investment governance system. The COMESA Secretariat can play a central role in facilitating these processes by enabling structured exchanges among member states, policy experts, and relevant stakeholders to share lessons learned, challenges, and best practices in implementing the provisions of the CCIA. The COMESA Secretariat can also support regional monitoring by tracking implementation progress, assessing the impact of reforms, and promoting feedback mechanisms that allow member states to make informed, evidence-based adjustments to both national and regional policies. This could be achieved through a range of structured and inclusive approaches, such as establishing communities of practice that bring together policy-makers, technical experts, and stakeholders; convening regular virtual and in-person meetings; and producing targeted publications, including policy briefs, progress reports, and best practice guides, that distill key findings on implementation of the CCIA and disseminate actionable insights across the region.

In addition, the COMESA Secretariat should facilitate technical cooperation, peer learning, and the exchange of best practices on key areas of investment governance, including corporate governance, anti-bribery and anti-corruption measures, corporate social responsibility (CSR), business ethics, investment-related human rights, and environmental management, as outlined in Part 4 of the CCIA. These activities help build institutional capacity, strengthen compliance, and ensure that investment policies are applied consistently and transparently across the region.

In addition, under Schedule I of the CCIA, COMESA member states have a shared interest in facilitating structured public–private sector dialogue, convening the COMESA business community alongside relevant international organizations on a regular basis to surface investment impediments, share experience across member states, and collectively identify practical ways to improve the regional investment environment. This is an area where the Secretariat is well placed to champion and coordinate. These are not obligations to be discharged but opportunities for the Secretariat to add concrete value to member states and demonstrate the practical relevance of the CCIA to the investors and policy-makers it is designed to serve.

3.0 Characteristics of the Revised 2026 CCIA

3.1 Origin and Revision Processes of the CCIA

Over the past two decades, COMESA member states have undertaken extensive and innovative reforms to strengthen investment treaties, domestic laws, and investment contracts, with the overarching objective of aligning investment governance with sustainable development priorities. The CCIA has been central to this progress. First adopted in 2007, and subsequently revised in 2016 and again in 2024–2026, the CCIA reflects the region's evolving approach to investment governance. IISD has provided technical support to the COMESA Secretariat and member states in the first (2007) and second revision (2016) of the CCIA.

The most recent revision of the CCIA formally commenced in early 2024, when the COMESA Secretariat requested the United Nations Conference on Trade and Development (UNCTAD) to support the review and revision of the 2016 text. UNCTAD has since supported the COMESA Secretariat and member states throughout the formal process until the formal adoption of the CCIA in 2026. The first official meeting of all COMESA member states was held in Cairo on September 30, 2024, during which the first draft was presented to member states. This process culminated at the meeting held on March 31 and April 1, 2026, where the revised text was reviewed and deliberated on by COMESA member states. The 2026 CCIA incorporates international best practices in investment treaty reform and introduces new provisions addressing climate change, investment facilitation,[1] and enhanced sustainable investment governance. These updates provide member states with a modernized, predictable, and responsible treaty framework that supports sustainable development, strengthens regional integration, and enhances the attractiveness of the COMESA region as an investment destination.

3.2 A New Generation Regional Investment Treaty Aligned With Emerging Continental Frameworks and Best Practice

The African continent, driven in significant part by the proactive leadership of RECs such as COMESA, has demonstrated a strong commitment to advancing modern, development-oriented investment governance frameworks. These regional initiatives have played a substantive role in shaping the AfCFTA Protocol on Investment, and as required in the Negotiation Guiding Principles. Reflecting this influence, the CCIA is largely aligned with

[1] Investment facilitation includes the setting up of domestic bodies for investor aftercare, the publication of investment-related laws, the speeding up or streamlining of administrative functions, including for investment approval, and provisions relating to home state and host state cooperation, among others. While these are internal, domestic state functions and administrative law processes, they have been introduced in newer-generation treaties and require careful consideration and resources by developing country governments.

the substantive provisions of the AfCFTA PoI, underscoring a high degree of convergence between regional innovation and continental priorities.

3.2.1 Key Objectives

The CCIA designates the region as a common investment area with the overarching aim of fostering sustainable development while progressively removing unnecessary restrictions that hinder investment flows. By promoting greater transparency and regulatory coherence, the CCIA provides a more predictable and efficient investment environment that encourages long-term commitments from both domestic and foreign investors.

Importantly, the CCIA seeks to ensure an overall balance of rights and obligations between investors and member states (Parts 3 and 4). This reflects a modern approach to investment governance, in which investor protections are paired with clear responsibilities and states retain the sovereign right to adopt measures necessary to achieve legitimate policy objectives (Article 12). Another core objective is to deepen investment cooperation among COMESA members, including through technical assistance, capacity building, and the facilitation of technology transfer (Part 1). These cooperative mechanisms are essential for addressing capacity constraints, supporting regulatory reforms, and strengthening institutional frameworks, thereby enhancing member states' ability to prevent and manage disputes and to improve the regional investment environment, allowing them to reap the benefits of foreign investment projects. Enhanced cooperation may also reinforce regional integration by fostering shared learning and coordinated policy implementation.

In line with its commitment to inclusive development, the CCIA explicitly aims to promote investments that benefit small and medium-sized enterprises, women and youth entrepreneurs, and vulnerable communities (Article 2). This objective underscores the importance of ensuring that investment does not solely benefit large corporations or capital-intensive sectors, but instead contributes to broad-based economic participation, poverty reduction, and social inclusion.

3.2.2 Key Functions of the CCIA

At the core of the CCIA are several defining features that collectively shape a balanced investment framework for COMESA member states. They include the following:

Enabling Investment Promotion and Facilitation

The CCIA places strong emphasis on investment promotion and facilitation as central pillars of regional economic integration. It encourages the adoption of incentive policies that support investments contributing to sustainable development, while promoting measures to streamline investment administration, simplify regulatory procedures, and facilitate business entry. In addition, the Agreement supports enhanced transparency and improved access to national investment laws, regulations, and administrative requirements, thereby reducing information asymmetries and transaction costs for investors.

Providing Coherent and Balanced Investment Protection

The CCIA establishes standards of investment protection for COMESA investors, while avoiding the provision of absolute or open-ended guarantees. It incorporates well-calibrated exceptions, limitations, and carefully crafted exclusions throughout its provisions. These safeguards are essential to preserving the right of member states to regulate in the public interest, including in areas such as public health, environmental protection, national security, and financial stability.

Establishing a Robust and Structured Dispute Settlement Framework

The CCIA incorporates a comprehensive dispute settlement mechanism that prioritizes prevention and amicable resolution over adversarial proceedings. It emphasizes dispute-prevention mechanisms, the exhaustion of local remedies, and amicable settlement as prerequisites for resolving disputes before the COMESA Court of Justice. The COMESA Court is the primary forum for the settlement of investment disputes, ensuring a regionally anchored, institutionally grounded, and predictable dispute resolution process that preserves the integrity of the COMESA investment framework.

Advancing Sustainable and Responsible Investment

A distinguishing feature of the CCIA is its explicit articulation of investor obligations and responsible business conduct, areas largely absent from earlier generations of investment treaties. The Agreement sets out expectations regarding compliance with domestic laws, environmental and social standards, and sound corporate governance practices, thereby ensuring that investment activities contribute positively to host state development objectives. In parallel, the CCIA reaffirms the right of state parties to regulate to promote sustainable development and reiterates their obligations to adopt, strengthen, and implement standards relating to environmental protection, labour rights, consumer protection, climate action, public health, and pandemic preparedness.

Strengthening Institutional Coordination and Support

The CCIA assigns an important coordinating role to the COMESA Secretariat in facilitating cooperation among member states. The Secretariat is mandated to promote coordination and, where necessary, cooperation with relevant regional and international institutions established under investment-related agreements to which COMESA member states are party. This includes supporting deeper investment cooperation through technical assistance and capacity-building initiatives, promoting the transfer and diffusion of technology, and facilitating mechanisms for the prevention and settlement of investment-related disputes.

4.0 Categories of Actions Required for the Implementation of the CCIA

The effective implementation of the CCIA requires coordinated and comprehensive action. These actions fall broadly into two mutually reinforcing categories:

- legal and policy reform
- institutional and administrative modernization measures

Together, they establish the enabling environment necessary to attract high-quality, sustainable investment while ensuring coherence with the treaty commitments that member states have undertaken at the regional level.

4.1 Legal and Policy Reform

Legal and policy reform constitutes one of the foundations of the investment climate in any member state. The quantity, quality, and sustainability of investment flows into the COMESA region are largely shaped by each country's legal, regulatory, and institutional environment. Alignment with the CCIA therefore requires a systematic, deliberate, and well-sequenced approach to upgrading and harmonizing the national framework. To achieve this, COMESA member states will need to undertake the following actions:

4.1.1 Update Existing National Legal or Policy Instruments

Several COMESA countries already possess investment-related laws, policies, national investment strategies, and model instruments. However, many predate modern investment governance standards and may contain inconsistencies or gaps when compared to the CCIA. Updating these instruments is thus essential. Required updates may include national investment laws and regulations; investment policies, strategies, and action plans; model BITs; model investment contracts or sector-specific model templates or concession agreement templates.

Updates should focus on closing regulatory gaps, harmonizing definitions, strengthening safeguards, and ensuring that national commitments align with regional obligations.

4.1.2 Adopt New National Legal or Policy Instruments, Including Action Plans

Where national instruments do not exist, or where major areas of the CCIA are not reflected in domestic legislation, countries may need to adopt entirely new investment frameworks. This may include:

- enacting new investment-related legislation aligned with regional commitments;
- developing national investment strategies or action plans; Preparing new model BITs, model contracts, or guidelines on sustainable investment.

The adoption of such instruments would enable member states to operationalize the CCIA's provisions and translate regional commitments into enforceable national rules.

4.1.3 Terminate Outdated Legal or Policy Instruments

Many COMESA member states maintain a legacy stock of older BITs, particularly with non-African partners, that include broad, vague, or unbalanced provisions, thereby exposing governments to heightened investor–state dispute settlement (ISDS) risks. Effective alignment with the CCIA may require a structured and deliberate approach to treaty termination.

According to UNCTAD's International Investment Agreements database,[2] the COMESA region has 270 investment treaties currently in force, with an additional 175 treaties that have been signed but are not yet in force.

- Intra-African BITs: At least 38 BITs have been concluded between COMESA member states, constituting the existing stock of intra-COMESA BITs. More broadly, COMESA member states are collectively party to 131 intra-African international investment agreements. It is important to note that, pursuant to Article 49 of the AfCFTA Protocol on Investment, intra-African BITs will be rendered inapplicable and must be terminated within 5 years of the Protocol's entry into force.

The termination of extra BITs (those concluded between a COMESA member state and non-African countries) should begin with a comprehensive treaty review and triage, focusing on

- BITs containing overly broad or imprecise provisions that create significant exposure to ISDS claims; and
- BITs with partners whose investors are active in sectors with historically high ISDS incidence, such as energy, mining, agriculture, and infrastructure.

Following this initial assessment, COMESA member states should categorize treaties according to their termination or renegotiation feasibility. Key considerations would include

- **termination windows**, such as treaties approaching renewal dates or those permitting unilateral withdrawal at any time;
- **treaty termination precedent**, including BITs that have previously been terminated by other states in relation to the same treaty partners;
- **reform-oriented partners**, namely treaty partners that have voiced or demonstrated openness to treaty modernization, renegotiation, or termination.

Based on this structured review, COMESA member states may then update or develop a modern national or regional model BIT aligned with the standards of the CCIA. This model can serve as the principal tool for replacing outdated treaties, ensuring coherence with regional commitments and strengthening the overall investment governance architecture.

It is important to note that COMESA member states may choose to develop new model BITs that focus on selected functions reflected in the CCIA, incorporating only those

[2] https://investmentpolicy.unctad.org/international-investment-agreements

elements they deem relevant to partnerships with third countries. In other words, a model BIT designed for extra-African BITs need not cover every subject addressed in the CCIA, particularly provisions tailored to a regional integration framework and may not be applicable in bilateral contexts.

4.2 Institutional and Administrative Modernization Measures

The implementation of the CCIA is inherently cross-sectoral, as regional investment policy intersects with a wide range of regulatory and policy domains, including climate and environmental regulation, finance, industrial development, labour law, land management, and taxation. In the absence of clearly defined national-level institutional mandates and effective coordination mechanisms, implementation efforts risk inefficiency, policy incoherence, and unintended regulatory conflicts.

Institutional and administrative modernization measures are thus essential to ensuring COMESA member states possess the governance structures and operational capacities required to manage, implement, and monitor their CCIA commitments effectively. Such measures necessitate forward-looking planning for budgeting, staffing, capacity building, and targeted training, as well as mechanisms to support interagency coordination and policy learning. In addition, effective implementation depends on enhanced transparency and the meaningful participation of relevant stakeholders, including the private sector, civil society organizations, labour groups, small and medium-sized enterprises, and local communities, in both the design and execution of implementation reforms. To achieve this, COMESA member states will need to undertake the following actions.

4.2.1 Establish New or Improve Existing National Institutions or Coordination Bodies

Interministerial coordination is a critical determinant of successful treaty implementation. To effectively implement the CCIA, member states should consider improving or establishing

- a national coordination mechanism or interministerial committee dedicated to the implementation of the CCIA;
- clear mandates and responsibilities for each participating ministry and agency;
- a structured mechanism for monitoring compliance, evaluating impacts, and ensuring timely reporting.

Such coordination bodies can help identify gaps in national laws, administrative procedures, and institutional performance. They also ensure that investment governance reinforces, rather than undermines, national sustainable development objectives.

4.2.2 Identify and Empower a National Focal Point

The CCIA, as well as the AfCFTA Protocol on Investment, require each State Party to designate a national focal point to assist investors in resolving grievances with government bodies before disputes escalate in accordance with Article 36.

To avoid the creation of new administrative structures and associated costs, the national focal point could be an existing institution, provided it is formally mandated to perform the dispute-prevention role.

4.3 Categorizing Implementation Actions in National Contexts: A functional approach

COMESA member states are strongly advised against adopting a mechanical "copy-and-paste" approach to implementation and transposing CCIA provisions word-for-word into domestic legislation. Alignment with the CCIA does not require wholesale replication of treaty language in domestic legislation. Rather, governments should undertake a context-sensitive assessment of existing constitutional provisions, investment legislation, sectoral laws, and administrative frameworks and assess where there may be any gaps, inconsistencies or overlaps. Governments should also determine how these frameworks operate in practice, how effectively they achieve their intended functions, and how they align with national development strategies. Implementation measures should be calibrated to domestic policy objectives, fiscal realities, administrative capacity, and long-term sustainable development commitments.

COMESA member states should also recall that national laws serve multiple functions within a broader governance framework. Across COMESA member states, domestic laws vary considerably in structure, scope, and purpose, reflecting different legal traditions, institutional arrangements, and policy priorities. **There is therefore no single legislative text or framework for implementing CCIA commitments**. The legislative areas and examples referenced in this handbook are illustrative and intended to guide analysis; they indicate where specific CCIA-related functions may commonly be located within domestic frameworks, but they do not prescribe uniform or specific drafting solutions or integration.

It is equally important to recognize that not all CCIA obligations are designed for direct incorporation into national legislation. **Certain provisions are intended to operate only at the regional or treaty level and should be implemented through appropriate treaty-based or institutional mechanisms**. This is particularly critical for investment protection standards that have been built for the investment treaty context, even in their more balanced version (e.g., indirect expropriation). Over-transposition into domestic law may result in duplication, inconsistencies, or legal interpretation issues before domestic courts.

In operationalizing the CCIA's objectives, policy-makers should focus on the functions performed by domestic legal instruments such as investment promotion and facilitation, regulatory oversight of investment projects, dispute prevention and management, and promotion of sustainable investment. The central task is to assess how these functions, individually and collectively, contribute to the CCIA's overarching objective of advancing sustainable development. **The emphasis should be on functional integration and practical alignment, rather than literal or verbatim transposition of CCIA text**.

5.0 Implementation of the CCIA

This section sets out priority actions to enable the effective implementation of the CCIA. It focuses on two mutually reinforcing areas of intervention: (a) l**egal and policy reforms**, and (b) **institutional and administrative modernization**. The actions identified are indicative rather than exhaustive and are intended to highlight practical entry points where reforms can deliver the greatest impact. COMESA member states are encouraged to undertake a context-sensitive assessment and tailor, sequence, and complement these actions in line with their national legal frameworks, institutional capacities, and development priorities. It should be noted that some actions are hortatory in nature and reflect best practice, while others are binding obligations. Ultimately, governments should determine the sequencing of actions and timelines based on both national priorities and the findings of their context-sensitive assessment, recognizing that the appropriate sequencing and timeframe will vary from one member state to another. The section is structured as tables to provide practical guidance on implementing the CCIA. They translate the provisions of the Agreement into actionable steps at the national and regional levels.

Legal and Policy Reform Table

This table helps member states identify which national instruments, such as laws, regulations, and policies, should be reviewed or updated to comply with Part(s) of the CCIA.

- Column 1: Illustrates a non-exhaustive list of the national instrument(s) to consider.
- Column 2: Specifies the rule, requirement, or adjustment needed to align the instrument with the CCIA article or part.
- Column 3: References the relevant article(s) in the CCIA part where the requirement originates.

Institutional Reform Table

This table focuses on institutions, mandates, and mechanisms for technical cooperation and coordination, translating CCIA requirements into concrete institutional actions.

- Column 1: Specifies the institutional action required, which primarily is the responsibility of COMESA member states, while highlighting cases where the COMESA Secretariat has specific responsibilities.
- Column 2: Outlines the responsibilities or roles that the institution should perform under the relevant section.
- Column 3: Lists the article(s) of the CCIA part that set out or imply these institutional requirements.

Together, these tables provide a structured, practical menu of possible and required actions for policy-makers to operationalize both the legal and institutional elements of the CCIA.

While this section is structured in accordance with the CCIA's formal arrangement, several provisions cut across multiple parts. This reflects the fact that similar implementation actions, particularly those relating to regulatory reform, coordination mechanisms, and administrative processes, are often required to give effect to obligations contained in different sections of the CCIA.

The references presented in the tables below are provided solely for illustrative and analytical purposes. They are not intended to prescribe a uniform legislative template or mandate a single approach to implementation.

5.1 Part One of CCIA: Preliminary provisions

Part One of the CCIA sets out the foundational provisions of the Agreement, including key definitions, rules of interpretation, scope and coverage, and the denial of benefits mechanism. These provisions determine how the Agreement is to be understood, applied, and enforced across COMESA member states.

It should be borne in mind that the definitions and scope provisions in the CCIA are carefully calibrated to reflect the specific rights and obligations established under the instrument. They are functional definitions: they determine who benefits from the CCIA's protections and who is subject to its disciplines. For this reason, they are not intended to serve as general definitions for domestic regulatory purposes.

Accordingly, the CCIA's definitions should not be transposed verbatim into national legislation. Domestic legislation may pursue different objectives, regulate different economic actors, or trigger different legal consequences. For example, the CCIA adopts an enterprise-based definition of investment to identify the forms of investment that are entitled to protection and subject to obligations under the Agreement. This approach neither prohibits nor regulates other forms of capital flows, such as portfolio investment; rather, it simply places them outside the scope of the CCIA. A national law regulating portfolio investment, therefore, cannot simply replicate the CCIA definition of investment, as doing so would unintentionally distort the scope of domestic regulation. **Alignment with CCIA definitions should therefore be prioritized only for national instruments that perform similar functions and are intended to apply to the same actors**.

The legislative areas and examples referenced in Tables 1 and 2 are designed to support a structured and practical review by policy-makers. They identify where the relevant functions addressed in Part One are typically located within domestic legal and institutional frameworks and indicate the areas of domestic regulation with which the provisions of CCIA Part One may intersect.

5.1.1 Legal and Policy Reform

Table 1 is designed to help users identify which national instruments require reviewing and adjusting to comply with Part One of the CCIA.

Table 1. Implementing legal and policy adjustments of Part 1 of the CCIA

National instrument(s) to consider	Relevant action	Relevant CCIA article(s)
Investment Act/ Investment Code	Review the functions and scope of the national investment law/code (e.g., whether it applies exclusively to foreign investors or also to domestic investors) to avoid duplication or inconsistencies with other relevant national laws. If the functions and scope of the investment code are found to be aligned with those of the CCIA, consideration should be given to updating the definition of "**investment**" to cover only enterprises or companies established or acquired in accordance with laws of the host state and meeting the required characteristics (including substantial business activity, capital commitment, risk, duration, profit expectation, and sustainable development). It is worth noting, however, that because the CCIA is a regional treaty while the investment code is a national law, a degree of divergence between the two instruments is not only permissible but may be intentional. Coherence across policy instruments does not require uniformity; there may be legitimate policy reasons to maintain different coverage even when the instruments' scopes and functions are broadly aligned.	Art. 1 (Definitions of Investment and Substantial Business Activity); Art. 2
Investment Promotion and Facilitation Guidelines or Regulations	Introduce screening criteria reflecting required sustainable investment characteristics (substantial business activity, capital commitment, risk, duration, profit expectation, and sustainable development). Investments that do not meet these criteria do remain lawful and legitimate under domestic law. However, establishing a formal registration or certification mechanism for investments that satisfy the COMESA criteria may enhance transparency, facilitate monitoring, and mitigate potential exposure to ISDS claims by clearly identifying which investments are entitled to invoke CCIA protections.	Art. 1 (Definition of Investment): Art 6

Source: Authors.

5.1.2 Institutional and Administrative Modernization Measures

Table 2 is designed to help users identify which institutional and administrative modernization measures require reviewing and adjusting to comply with Part One of the CCIA.

Table 2. Institutional actions for implementation of Part 1 of the CCIA

Institutional action	Responsibilities/roles under Part 1	Relevant CCIA article(s)
Designate a special registry if provided for under national law, or a business registry administered by a competent national authority	Responsible for maintaining the register of COMESA investments.	Art 2; Art 5; Schedule I
Strengthen investment registration and screening agencies	Verify that enterprises are lawfully established.	Art. 1; Art 2; Art 3; Schedule I
Empower anti-money laundering and financial intelligence authorities	Screen investments made with capital or assets of illegal origin and enforce sanctions.	Art. 1; Art 2; Art 6

Source: Authors.

5.2 Part Two of CCIA: General provisions

Part Two of the CCIA outlines the general rights, obligations, and guiding principles that frame the implementation of the Agreement. It clarifies the overarching purpose of the CCIA, articulates its core principles, and defines the institutional framework through which COMESA member states are expected to cooperate on investment promotion, facilitation, technical assistance, CCIA action plans, and periodic reviews. Significantly, it affirms the state's right to regulate in the public interest.

By design, Part Two is drafted largely in general terms. In implementation, policy-makers can translate these provisions into concrete domestic arrangements and day-to-day administrative practices, tailored to national contexts and capacities. For example, transparency obligations are best operationalized through practical measures, such as publishing and regularly updating investment-related laws, regulations, procedures, and relevant international agreements (including electronically), and establishing a domestic process to notify the CCIA Committee and the public of changes within the required timelines.

Similarly, the institutional provisions are implemented by clearly designating national counterparts to participate in the CCIA Committee and TCI, establishing interagency coordination mechanisms to ensure consistent application of investment rules, and preparing COMESA action plans for cooperation, facilitation, and promotion programs within the required timeframe while avoiding duplication with substantively similar commitments under other agreements. The legislative areas and examples referenced in Tables 3 and 4 are designed to support a structured and practical review by policy-makers. They identify where relevant functions addressed in Part Two may typically be situated within domestic legal and institutional systems.

5.2.1 Legal and Policy Reform

Table 3 is designed to help users identify which national instruments require reviewing and adjusting to comply with Part Two of the CCIA.

Table 3. Implementing legal and policy adjustments of Part 2 of the CCIA

National instrument(s) to consider	Relevant action	Relevant COMESA CCIA article(s)
Investment act/ investment code/ tax/national investment strategy and sector-specific investment laws or plans (e.g., agriculture, mining, energy)	Introduce sustainability criteria into national investment laws, sectoral laws, and incentive regimes for all investors and investment projects, ensuring that economic growth aligns with environmental protection, social responsibility, and long-term development goals. Introduce targeted incentives in your relevant laws that allow access to finance mechanisms for micro, small, and medium-sized enterprises, women and youth entrepreneurs, domestic and regional enterprises and vulnerable communities in investment projects. In addition, introduce incentives that also facilitate technology transfers and encourage employers to invest in their training, capacity building, and knowledge transfer. Remove incentives that violate labour, health, safety, or environmental standards. Ensure incentives are rules-based, transparent, and applied consistently with domestic law. Update laws to identify and open selected industries to COMESA investors in line with national development strategies.	Art 4: Art 6; Art 7; Art 9; Art 11; Art 12; Art 15; Art 16; Art 27; Art 28; Art 29; Art 30; Art 31; Art 32; Art 33: Art 34
Investment act/ investment code	Introduce obligations for ministries to share information on investment-related measures and new international agreements with the lead investment authority. Introduce mandatory publication requirements (depending on country capacity) of investment-related laws, regulations, procedures, and administrative decisions via official gazettes, government websites, and electronic portals.	Art 4; Art 5; Art 6; Art 7; Schedule I

National instrument(s) to consider	Relevant action	Relevant COMESA CCIA article(s)
National investment policy or strategy	Introduce periodic review mechanisms of the CCIA and other international investment obligations aligned with the 4-year CCIA review cycles. Ensure coherence checks between CCIA and international commitments, national laws, policies, and regulations are conducted systematically at each review cycle to identify gaps, inconsistencies, or areas requiring alignment.	Art 4; Art 6; Art 7; Art 10; Schedule I
Local government act/decentralization act/municipal act/public administration law	Update laws to require notification and coordination mechanisms between regional and local authorities and central government for investment-related by-laws, permits, incentives, or concessions adopted by regional or local authorities.	Art 4; Art 6
Ministerial or cabinet directive/ investment act/ investment code	Introduce a mandate that all ministries and agencies notify the lead investment authority and the public of new or amended measures affecting investments or commitments under the CCIA and other IIAs.	Art 5; Art 6; Art 7
Investment act/ investment code/ national investment policy or strategy	Consider introducing provisions committing to progressive liberalization for COMESA investors and periodic review of restrictive investment measures (subject to national development priorities).	Art 4; Art 6; Art 11
National investment policy or strategy	Update and align national investment policy priorities (subject to national development priorities) with COMESA cooperation and promotion programs set out in Schedules I and II.	Art 4; Art 10
Consumer protection laws	Update measures to protect the health, safety, and economic interests of consumers, including the right to information and organization. Introduce grievance and redress mechanisms accessible to consumers, local communities, and employees.	Art 4; Art 6; Art 12; Art 31; Art 32

National instrument(s) to consider	**Relevant action**	**Relevant COMESA CCIA article(s)**
Competition law/consumer protection law/anti-trust regulations/ investment act/ investment code	Update and state in the objective that competition law/policy applies to all economic activities, including those carried out by domestic and foreign investors, to enhance economic efficiency, consumer welfare, and fair markets. Update and prohibit anti-competitive conduct by enterprises and investors, including abuse of dominant position, exclusionary or restrictive investment practices, anti-competitive mergers and acquisitions, restrictive business practices such as exclusive dealing, tying arrangements, discriminatory measures, and opaque approval procedures.	Art 4; Art 6; Art 11: Art 29; Art 32
Foreign exchange and repatriation regulations	Update foreign exchange and repatriation rules (subject to national development priorities) to facilitate payment, receipt, compensation, and repatriation of profits for investors while allowing controlled transfers to safeguard macroeconomic stability.	Art 4; Art 6; Art 11; Art 18: Art 24; Art 25; Art 26
Capital markets and banking regulations	Consider removing rules limiting COMESA investors' access to domestic finance (subject to national development priorities) and prudential safeguards.	Art 11
Model investment contracts and Investment contracts	Remove or limit clauses that freeze national laws or require compensation for future regulatory changes adopted in the public interest.	Art 12; Art 25
COMESA Treaty Interpretive Guidance	Introduce COMESA guidance to clarify that measures adopted to comply with other international commitments (e.g., environment, health, labour, human rights) do not breach CCIA obligations.	Art 12

Source: Authors.

5.2.2 Institutional and Administrative Modernization Measures

Table 4 is designed to help users identify which institutional and administrative modernization measures require reviewing and adjusting to comply with Part Two of the CCIA.

Table 4. Institutional actions for implementation of Part 2 of the CCIA

Institutional action	Responsibilities/roles under Part 2	Relevant CCIA article(s)
Designate a lead agency, e.g., investment promotion agency	To serve as the central focal point for the submission and dissemination of new investment-related measures, or amendments to existing measures, to the CCIA Committee (Ministers responsible for investment or Cabinet) and to the public, **within 30 days of enactment**. To prepare, implement, and report on CCIA action plans, including cooperation and promotion activities.	Art 7; Art 10
Designate a lead coordinating authority (e.g., Ministry of Finance, Trade, or Tax Authority) to coordinate efforts of a COMESA Double Taxation treaty with the COMESA Secretariat and relevant COMESA bodies	Undertake an inventory of all existing bilateral double taxation agreements and tax information exchange agreements to assess compatibility with a prospective COMESA-wide framework.	Schedule I
Designate a senior official from the ministry responsible for investment and/or the chief executive of investment promotion agencies to be part of the CCIA TCI	To serve as the central contact for TCI and advise on technical aspects of the CCIA.	Art 7
Member states to institutionalize periodic CCIA review mechanisms and CCIA action plan implementation	To review the effectiveness of the CCIA Agreement every **4 years** and its coherence with other international investment obligations. Submit action plans for the implementation of programs and review the effectiveness of CCIA action plans every **2 years**. Consider similar investment facilitation and promotion obligations under other agreements to avoid overlapping implementation activities.	Art 7; Art 10
Establish or strengthen technology transfer centres	To coordinate intra-regional and international technology transfer; provide information on available technologies and costs.	Art 9; Schedule I and II

Institutional action	Responsibilities/roles under Part 2	Relevant CCIA article(s)
Strengthen interagency coordination mechanisms	To ensure all ministries and regulatory bodies report investment-related measures to the CCIA focal point institution.	Art 2; Art 3; Art 4; Art 6; Art 7: Art 8; Art 10; Art 11
Empower an independent competition authority	To investigate, impose remedies and sanctions, and cooperate with other regional competition bodies and the COMESA Secretariat on competition policy.	Art 4; Art 6
Establish one-stop shops or digital single windows for investment approvals and licensing.	To streamline and coordinate investment procedures to facilitate the entry, establishment, and operation of sustainable investments, while actively promoting and supporting liberalized investment policies.	Art 4; Art 6; Art 11; Schedule I
COMESA Secretariat to provide secretariat services to the CCIA Committee and TCI, and formalize the participation of the COMESA Regional Investment Agency and COMESA Secretariat	To provide administrative, capacity-building, and coordination support to CCIA Committee, TCI, and member states. To support the review of the effectiveness of the CCIA Agreement every **4 years** and its coherence with other international investment obligations. To support the submission of action plans for the implementation of programs and review the effectiveness of CCIA action plans every **2 years**.	Art 7; Art 8
COMESA Secretariat to coordinate and institutionalize annual and bi-annual (once every 6 months) meetings of the CCIA Committee and the TCI, respectively	To oversee implementation, issue directions, recommend CCIA agreement reviews, and propose harmonized policy standards.	Art 7; Art 10
COMESA Secretariat to cooperate and coordinate with international investment bodies and may establish memorandums of understanding or cooperation arrangements (e.g., AfCFTA Secretariat; UNCTAD; World Trade Organization investment facilitation initiatives; African Development Bank)	To align COMESA investment objectives with other international investment regimes, prevent fragmentation, overlap, and conflicting obligations, and support member states in liberalization, facilitation, and compliance.	Art 8;

Institutional action	Responsibilities/roles under Part 2	Relevant CCIA article(s)
COMESA Secretariat to build capacity and technical expertise	To train government staff, upgrade technology, and implement knowledge-sharing systems with other member states. To improve the ability to publish, update, and disseminate relevant investment measures in a timely and accessible manner.	Art. 1; Art 2; Art 5; Art 6; Art 7; Art 8; Art 9; Art 10; Art 11; Schedule I and II

Source: Authors.

5.3 Part Three of CCIA: Standard of Treatment of Investors and Investments

Part Three of the CCIA sets out the substantive standards governing the admission and treatment of investors and investments within the Common Investment Area. It addresses, among other things, admission of investments in accordance with domestic laws, treaty-based investment protection standards and the respective applicable exceptions. Collectively, these provisions balance investor protection with the right of member states to regulate in the public interest. Part Three plays a central role in clarifying the scope and limits of investor protections and should therefore be read in conjunction with national laws, administrative law principles, and sector-specific regulations governing investment activity at the national level.

If there is one part of the CCIA where policy-makers should be particularly careful to distinguish alignment from verbatim transposition, it is Part Three. Several treaty-based standards are not intended to be directly incorporated into domestic laws. When international standards are imported into national legal instruments and interpreted by domestic courts based on national jurisprudence, this may create interpretive inconsistencies or unintended legal risks.

Implementation should instead focus on whether domestic laws, regulations, incentive frameworks, and administrative practices have outcomes consistent with the CCIA's protection standards. For example, most-favoured-nation treatment is more effectively addressed by identifying and correcting discriminatory advantages granted to foreign investors of particular nationalities within national incentive schemes, licensing regimes, or approval processes rather than by inserting a most-favoured-nation clause into an investment law or code. Similarly, fair judicial and administrative treatment is typically strengthened through robust administrative law safeguards, such as transparent criteria, due process guarantees, and effective review mechanisms, rather than by replicating treaty language in domestic legislation. Although this approach requires more careful review, it enables more coherent and legally sound implementation.

5.3.1 Legal and Policy Reform

Table 5 is designed to help users identify which national instruments require reviewing and adjusting to comply with Part Three of the CCIA.

Table 5. Implementing legal and policy adjustments of Part 3 of the CCIA

National instrument(s) to consider	Relevant action	Relevant CCIA article(s)
Existing or model BITs	Review, renegotiate, or terminate provisions that grant pre-establishment rights inconsistent with the CCIA admission approach.	Art 14
Investment laws and regulations/foreign exchange laws	Introduce provisions permitting the temporary restriction of investments or capital transfers where required in the public interest, including in situations of serious balance of payments deficits or external financial distress.	Art 18; Art 25; Art 26
Investment Act/ Investment Code and Sectoral Laws (e.g., energy, agriculture, mining, telecommunications)/ public procurement laws and concession frameworks	Remove discriminatory provisions that would accord COMESA investors treatment less favourable than that accorded to domestic investors or investors from any third country, "in like circumstances," in the management, operation, and disposition of investments, subject to the permitted exceptions set out in Article 22.	Art 20; Art 21
Environmental protection and social impact laws	Update to ensure differential treatment based on environmental or community impacts is applied equally to domestic and COMESA investors, subject to the permitted exceptions set out in Article 22.	Art 20
Infrastructure and public–private partnership laws	Review existing investment incentives in light of international best practices and assess the extent to which they can be aligned with Article 15 of the CCIA. This may include introducing provisions for subsidized infrastructure or services to support investment projects.	Art 15
Direct expropriation/ property laws	Update and provide a clear legal basis for restitution or compensation for all affected parties when property is requisitioned or destroyed by conflict or civil disturbance.	Art 24
Administrative procedure acts or regulations	Update to include fair procedures, reasoned decisions, and review mechanisms for administrative actions affecting investors.	Art 17; Art 23; Art 24

National instrument(s) to consider	Relevant action	Relevant CCIA article(s)
Work permit and labour regulations	Introduce or update rules to facilitate the issuance of work permits for qualified COMESA nationals while giving priority to similarly qualified local or regional workers.	Art 19
Model investment contracts and Investment contracts	Introduce or renegotiate provisions to preserve regulatory authority and make investor protections subject to applicable law.	Art 17; Art 18; Art 19; Art 20; Art 21; Art 23; Art 24
COMESA Treaty Interpretive Guidance Note	COMESA member states to introduce and clarify that breaches of the CCIA and other treaties or investor expectations do not automatically constitute a breach of Article 17 of the CCIA.	Art 17

Source: Authors.

5.3.2 Institutional and Administrative Modernization Measures

Table 6 is designed to help users identify which institutional and administrative modernization measures require reviewing and adjusting to comply with Part Three of the CCIA.

Table 6. Institutional actions for implementation of Part 3 of the CCIA

Institutional action	Responsibilities/roles under Part 3	Relevant CCIA article(s)
Strengthen national courts, judicial and administrative review bodies	To ensure timely access to justice, fair hearings, review and remedies for administrative/ judicial decisions and avoidance of undue delays in judicial proceedings.	Art 17; Art 23; Art 24
Clarify the mandate of the investment promotion agency (IPA) or ministry responsible for investment	To align IPA powers so that investment facilitation and promotion do not override statutory admission requirements or approval processes.	Art 14; Schedule I
Establish notification mechanism to CCIA Committee regarding measures to safeguard balance of payment	To notify the CCIA Committee of any balance of payments safeguard measures within 14 days; initiate consultations with member states through the CCIA Committee within 90 days; and present a schedule for the phased removal of the restrictions.	Art 26
Establish or strengthen coordination between IPAs and investment licensing authorities	To align investment promotion with sector-specific screening, approval, and licensing requirements.	Art 14; Art 25; Schedule II

Institutional action	Responsibilities/roles under Part 3	Relevant CCIA article(s)
Establish or strengthen coordination between IPAs and fiscal authorities	To reform and align fiscal incentives (tax holidays, reduced rates) with national development priorities, tax laws, and budget frameworks.	Art 15; Art 25
Establish or strengthen interagency coordination	To coordinate immigration, labour, and investment authorities to streamline approvals for investment and foreign technical staff.	Art 19; Schedule I
Build technical capacity of sectoral and investment-related government ministries and agencies	To improve understanding of domestic legal requirements governing investment entry and operations.	Art 14; Schedule I

Source: Authors.

5.4 Part Four of CCIA: Investor and investment obligations

Part Four of the CCIA sets out the obligations applicable to investors and investments within the Common Investment Area. By doing so, it underscores the expectation that investors operate in accordance with national laws, international commitments, and recognized standards of good governance. It addresses requirements relating to compliance with domestic and applicable international law, corporate governance standards, CSR, the prohibition of bribery and corruption, environmental protection, and social and environmental impact assessment. These provisions reinforce the principle that investment protection is accompanied by corresponding responsibilities and that sustainable investment is integral to the CCIA's objectives.

Part Four further illustrates why implementation cannot be approached as a simple copy-paste exercise. These obligations can only be operationalized through concrete rules, institutions, procedures, and enforcement mechanisms embedded within domestic regulatory frameworks, including corporate regulation, anti-corruption regimes, environmental management and permitting systems, social safeguards, and impact assessment procedures. In many instances, these matters are already governed by sector-specific legislation, environmental laws, company law, procurement rules, and criminal law frameworks.

In reviewing Part Four, the priority should therefore be to assess the adequacy, coherence, and enforcement of existing systems, rather than to create parallel or duplicative legal regimes.

5.4.1 Legal and Policy Reform

Table 7 is designed to help users identify which national instruments require reviewing and adjusting to comply with Part Four of the CCIA.

Table 7. Implementing legal and policy adjustments of Part 4 of the CCIA

National instrument(s) to consider	Relevant action	Relevant CCIA article(s)
Investment act/ investment code	Introduce an explicit obligation requiring investors and investments to comply with all applicable domestic laws and regulations throughout the investment life cycle (entry, operation, expansion, and exit) and is enforceable before national courts.	Art 27; Art 28; Art 29; Art 30; Art 31; Art 32; Art 33; Art 34
Civil procedure act	Update or enact provisions to confer jurisdiction on the courts to hear claims brought by a COMESA host state, its population, or other authorized parties against COMESA investors for breaches of obligations under the CCIA and provide for remedies, including damages, fines, and injunctions.	Art 35
Company/corporations law/securities and capital markets laws and regulations	Introduce or strengthen disclosure obligations on company ownership, control, financial performance, issues relevant to a company's decision-making process, such as environmental or ethical concerns, and corporate governance practices.	Art 28
Company law/ companies act/ securities/capital markets law/corporate governance code	Introduce or update corporate governance standards requiring transparency, accurate accounting, and separation of ownership and control, in line with international best practice.	Art 28
Whistleblower protection act or framework	Introduce rules protecting whistleblowers from discriminatory or retaliatory actions.	Art 31
Transfer pricing regulations/tax laws	Prohibit non–arm’s length transactions between related or affiliated companies and require fair market pricing.	Art 28
Political parties and electoral laws	Update laws to ensure effective regulatory oversight of the financing of political parties and candidates, and to prevent undue influence over appointments to public office.	Art 29
Sector-specific licensing regulations (e.g., mining, energy, agriculture)	Update investment licensing conditions to require continuous compliance with domestic laws and relevant international standards governing the sector.	Art 27; Art 28: Art 29: Art 30: Art 31; Art 32; Art 33; Art 34

National instrument(s) to consider	Relevant action	Relevant CCIA article(s)
Environmental management/ environmental protection act	Introduce or strengthen explicit legal duties on investors to prevent environmental harm; restore environmental damage; establish and maintain an environmental management system proportionate to the size and nature of the investment and consistent with international environmental management standards; and ensure fair compensation to affected persons. Introduce the precautionary principle as a guiding rule for decision making on investment approvals, expansions, and licensing. Introduce or strengthen requirements for mandatory environmental and social impact assessments and environmental management plans, including emergency response and decommissioning measures prior to establishment and expansion of investments, aligned with international best practice. Introduce or strengthen requirements for public disclosure of environmental and social impact assessments and environmental management plans, and ensure they are accessible to affected communities in appropriate formats and languages. Introduce or strengthen requirements for decommissioning and closure planning, including timelines, responsibilities, and post-closure obligations.	Art 33; Art 34
Investment Incentives and special economic zone regulations	Remove automatic or blanket incentives that weaken legal compliance; link incentives to verified compliance with domestic and international legal obligations.	Art 27; Art 28; Art 29; Art 30; Art 31; Art 32; Art 33; Art 34
Anti-corruption and anti-bribery laws	Update and strengthen provisions to explicitly prohibit investors from offering, promising, or giving undue advantages to public officials or intermediaries, including relatives or associates.	Art 29; Art 30
Anti-corruption/anti-bribery laws/criminal code or law/penal code	Update and ensure that all forms of involvement in bribery and corruption, including incitement, aiding and abetting, and conspiracy, are explicitly criminalized and clearly applicable to investor-related activities.	Art 30

National instrument(s) to consider	Relevant action	Relevant CCIA article(s)
Labour laws	Update and strengthen provisions to uphold human rights (including those related to freedom of association and collective bargaining, eliminating forced/child labour, fair working conditions, and supply chain adherence) and prevent employment discrimination.	Art 31; Art 32
Model investment contracts and investment contracts	Introduce legal drafting techniques that ensure investors comply with domestic laws and regulations, as well as the international sustainability standards on investor conduct set out in Part Four of the CCIA.	Art 27; Art 28; Art 29; Art 30; Art 31; Art 32; Art 33; Art 34

Source: Authors.

5.4.2 Institutional and Administrative Modernization Measures

Table 8 is designed to help users identify which institutional and administrative modernization measures require reviewing and adjusting to comply with Part Four of the CCIA.

Table 8. Institutional actions for implementation of Part 4 of the CCIA

Institutional action	Responsibilities/roles under Part 4	Relevant CCIA article(s)
Strengthen interagency and judicial coordination mechanisms	To facilitate information sharing, coordination, monitoring and enforcement of corporate governance standards, fair labour practices, anti-bribery and anti-corruption frameworks, corporate social responsibility (CSR) obligations and anti-competitive conduct across investors' operations and supply chains.	Art 27; Art 28: Art 29: Art 30; Art 31; Art 32; Art 33; Art 34; Art 35
Strengthen the mandate of national courts, human rights commissions, and ombudsperson institutions	To oversee respect for internationally proclaimed human rights and investigate and remedy abuses linked to investments.	Art 31; Art 32; Art 35
Strengthen the mandate of investment environmental regulators	To identify breaches of investor obligations and refer cases to competent judicial or enforcement bodies. Review and approve decommissioning plans and verify that adequate financial resources are secured through closure funds.	Art 33; Art 34; Art 35

Institutional action	Responsibilities/roles under Part 4	Relevant CCIA article(s)
COMESA Secretariat to enhance knowledge sharing and build capacity and technical expertise	To facilitate technical cooperation, peer learning, and exchange of best practices on corporate governance, anti-bribery, corruption, CSR, business ethics and investment-related human rights and environmental management.	Art 28; Art 29; Art 30; Art 31; Art 32; Art 33; Art 34

Source: Authors.

5.5 Part Five of CCIA: Dispute prevention and settlement

Part Five of the CCIA addresses mechanisms for dispute avoidance, amicable settlement procedures, the settlement of disputes between member states, provisions relating to third-party funding, and ISDS. Collectively, these provisions are designed to promote early resolution of disputes, preserve cooperative relationships, and ensure that any formal proceedings are conducted within a clear and predictable legal framework. Part Five prioritizes prevention and amicable resolution, recognizing that effective administrative coordination, transparency, and early engagement can significantly reduce legal and financial risks. At the same time, it establishes structured regional procedures for resolving disputes when informal mechanisms are unsuccessful. Indeed, it requires parties to engage in good-faith consultations and, if unresolved, to submit investment disputes to the CCIA Dispute Settlement Mechanism, under agreed rules.

It is important to note that the Annex on investment disputes prevention, management, and resolution in Chapter 7 of the AfCFTA PoI has not yet been adopted. Therefore, there is a need to reassess and align this part once the AfCFTA PoI is adopted and to assess how the CCIA approaches dispute settlement to avoid potential conflicts with AfCFTA.

In reviewing Part Five, COMESA member states should assess whether existing domestic systems and institutions are adequately equipped to support investment dispute prevention, management, and settlement. This includes evaluating interagency coordination mechanisms, internal government procedures for handling investor grievances, record-keeping practices, and decision-making protocols. Particular attention should be given to clarifying institutional mandates and ensuring that competent authorities are designated to manage consultations, negotiations, and formal proceedings. It also requires assessing the capacity and competence of national and regional courts to effectively handle investment dispute cases.

5.5.1 Legal and Policy Reform

Table 9 is designed to help users identify which national instruments require reviewing and adjusting to comply with Part Five of the CCIA.

Table 9. Implementing legal and policy adjustments of Part 5 of the CCIA

National instrument(s) to consider	Relevant action	Relevant CCIA article(s)
Investment act/ investment code	Introduce or update the mandate of the IPA or other relevant agency to be recognized as a national focal point to assist investors in resolving grievances with government bodies before disputes escalate. Update the mandate of the IPA or other relevant agencies to receive, process, and respond to investor complaints, including electronically, complaint handling, dialogue facilitation, coordination with the competent government agencies and dispute-prevention functions.	Art 36
Investment act/ investment code/model investment contract	Introduce a mandatory 6-month cooling-off period before access to an international dispute settlement mechanism set out in the CCIA. Require that disputes with investors first undergo consultations and negotiations, and encourage parties to use mediation during the cooling-off period. Define the cooling-off period as starting from the formal notice of dispute.	Art 37; Art 38; Art 39
Domestic arbitration and dispute resolution laws/civil procedure codes	Update provisions to ensure domestic enforceability of final and binding decisions issued by the COMESA Court of Justice. Update and simplify filing requirements, reduce formalism, limit excessive delays, and clarify appeal pathways and time limits to avoid indefinite exhaustion of local remedy requirements (30 months for the exhaustion of local remedies).	Art 38; Art 39; Art 44
Domestic arbitration and dispute resolution laws	Introduce a mandatory disclosure requirement for any third-party funding agreement before arbitration proceedings commence and throughout proceedings. Update provisions specifying that failure to take steps in proceedings (in accordance with each member state’s requirement) constitutes discontinuance, and that the claimant is deemed to have withdrawn its claim.	Art 40; Art 41

National instrument(s) to consider	Relevant action	Relevant CCIA article(s)
Administrative procedure act/ administrative justice law	Introduce or amend provisions to require the use of administrative review procedures where such mechanisms exist and can offer effective relief to affected parties.	Art 39
Domestic arbitration rules/code of ethics for lawyers/legal practice regulations	Introduce a requirement for lawyers representing third-party funded parties to ensure compliance with disclosure obligations and maintain continuing disclosure throughout proceedings.	Art 40

Source: Authors.

5.5.2 Institutional and Administrative Modernization Measures

Table 10 is designed to help users identify which institutional and administrative modernization measures require reviewing and adjusting to comply with Part Five of the COMESA CCIA.

Table 10. Institutional actions for implementation of Part 5 of the CCIA

Institutional action	Responsibilities/roles under Part 5	Relevant CCIA article(s)
Member states designate a national focal ministry or agency for dispute prevention	To receive notice of intention, coordinate consultations and negotiations with other line ministries, and facilitate dispute-prevention measures and mediation during the cooling-off period.	Art 36; Art 37
Member states adopt national operational rules for national focal points	To establish procedures, timelines, and responsibilities for dispute prevention required under the COMESA CCIA and other international agreements.	Art 36
CCIA Committee to adopt focal point operational rules	To establish procedures, timelines, and responsibilities for the functioning of the national and regional (COMESA) focal point within 1 year of CCIA entry into force.	Art 36

Institutional action	Responsibilities/roles under Part 5	Relevant CCIA article(s)
Enhance coordination between ministries of foreign affairs/ trade/justice	To coordinate dispute submissions to the COMESA Court of Justice, ensure timely referral after the cooling-off period, and represent the state at the COMESA Court of Justice arbitration. To establish internal procedures for initiating arbitration, submitting disputes, and documenting compliance with the cooling-off period requirement. To ensure timely communication on ratification, accession, entry into force, and withdrawal dates status, terminated BITs, and CCIA-consistent treaty practice.	Art 37; Art 38; Art 39; Art 40; Art 45; Art 49; Art 50; Art 51; Art 52
COMESA Secretariat to facilitate cooperation between national and regional focal points	To act as the regional focal point and support cross-border dispute-prevention efforts. Share information among COMESA member states, jointly facilitate dialogue, issue a non-legal, non-binding opinion on how to resolve the situation giving rise to the grievance and support early resolution of disputes.	Art 36
COMESA Secretariat to support mediation and alternative dispute resolution as regional focal point	To establish and maintain mediator rosters; liaise with the COMESA Court of Justice on the appointment of mediators; and monitor and report on mediation processes.	Art 37;

Source: Authors.

5.6 Part Six of COMESA CCIA: Final provisions

Part Six sets out the final provisions governing the legal status, entry into force, ratification, accession, withdrawal, and related procedural matters of the Agreement. It also establishes coordination responsibilities between member states and the COMESA Secretariat to ensure transparency, legal certainty, and consistency in treaty practice across the Common Investment Area. These provisions are administrative and procedural in nature, but they are critical to the effective operation and credibility of the CCIA. They require timely communication and coordination regarding ratification and accession processes, entry into force dates, notices of withdrawal, and the status of existing or terminated BITs. They also underscore the importance of promoting CCIA-consistent treaty practice in future international investment agreements concluded by COMESA member states.

In reviewing Part Six, member states should assess existing domestic processes for treaty negotiation, ratification, publication, and registration, as well as mechanisms for interministerial coordination and communication with the COMESA Secretariat. Clear internal procedures should be established to ensure that relevant authorities promptly notify the Secretariat of changes in treaty status, maintain accurate records of international investment agreements, and review legacy BITs for consistency with CCIA obligations.

Implementation of Part Six may not require extensive legislative reform; however, it does require effective administrative coordination, designated focal points, and strengthened treaty management capacity.

5.6.1 Legal and Policy Reform

Table 11 is designed to help users identify which national instruments require reviewing and adjusting to comply with Part Six of the COMESA CCIA.

Table 11. Implementing legal and policy adjustments of Part 6 of the CCIA

National instrument(s) to consider	Relevant action	Relevant CCIA article(s)
Foreign affairs/ national treaty registers maintained	Update and maintain records to reflect termination of intra-COMESA BITs and continued validity of BITs with member states that have not yet ratified the CCIA.	Art 45
Foreign affairs/treaty depository procedures	Introduce mechanisms to deposit instruments and receive certified copies from the Secretary General of COMESA.	Art 51
COMESA Treaty Interpretive Guidance	Introduce COMESA guidance clarifying the termination of intra-COMESA BIT treaty amendment procedures, the adoption of regulations and supplementary arrangements, as well as accession, depository, and withdrawal procedures under the CCIA.	Art 45; Art 46; Art 47; Art 48; Art 49; Art 50; Art 51; Art 52

Source: Authors.

5.6.2 Institutional and Administrative Modernization Measures

Table 12 is designed to help users identify which institutional and administrative modernization measures they require reviewing and adjusting to comply with Part Six of the COMESA CCIA.

Table 12. Institutional actions for implementation of Part 6 of the CCIA

Institutional action	Responsibilities/roles under Part 6	Relevant CCIA article(s)
COMESA Secretariat to coordinate cooperation with member states	To facilitate information exchange on ratification, accession, entry into force, and withdrawal dates status, terminated BITs, and CCIA-consistent treaty practice.	Art 45; Art 49; Art 50; Art 51; Art 52

Source: Authors.

6.0 Enabling Conditions and Key Success Factors for Effective Implementation of the COMESA CCIA

This section outlines the key enabling conditions and success factors that can underpin effective implementation of the CCIA. It is intended to be illustrative rather than prescriptive. These factors include sound institutional design, robust coordination mechanisms, strong political commitment, and adequate and predictable resourcing. The factors identified are relevant across all stages of implementation, from initial institutional organization and legal alignment to enforcement, monitoring, and periodic review of the CCIA.

Given the capacity and resource constraints faced by many member states, effective implementation will require strategic prioritization. An incremental approach focusing initially on a small number of high-impact and feasible reforms, while anchoring these efforts within a longer-term implementation roadmap, can help generate early results, build institutional credibility, and progressively strengthen governance and implementation capacity across the region.

6.1 Fit-for-Purpose Institutional Coordination Mechanisms

Responsibility for investment-related obligations under the CCIA typically involves multiple government institutions. In the absence of effective coordination, implementation can be inconsistent, enforcement fragmented, and alignment with the broader national legal and policy framework weakened. Rather than automatically creating new structures, member states could first consider whether existing interministerial committees, technical working groups, or investment governance platforms can be adapted to support CCIA implementation. Where necessary, new mechanisms may be established, either as standing committees or ad hoc working groups, designed to reflect national circumstances, capacity, and implementation priorities.

The coordination mechanism should be inclusive, bringing together all relevant stakeholders involved in investment matters. This includes, at a minimum,

- key government institutions, such as the ministry in charge of investment and/or industry, IPA, ministries responsible for foreign affairs, justice, finance, and taxation, and sectoral ministries relevant to investment (e.g., agriculture, infrastructure, mineral resources, environment, energy, tourism), and the central bank;
- oversight and regulatory bodies, including agencies responsible for competition, anti-corruption, labour, and human rights;
- non-governmental stakeholders, including industry associations, private sector representatives, unions, civil society organizations, and academics.

This composition ensures that policy, regulatory, and practical perspectives are integrated into the coordination and implementation process. For coordination mechanisms to also be effective, they must be proportionate, functional, and context specific. Critical factors include the following: a clearly defined mandate, scope, and decision-making authority; regular, structured engagement and consultation practices rather than ad hoc consultations; and the capacity to establish, maintain, and leverage technical working groups over time.

It is also important that the national coordination mechanism establish regular engagement and collaboration with the COMESA Secretariat to ensure alignment with regional investment policies, guidance, and reporting requirements.

Member states may benefit from existing tools, such as the *Investment Policy Forum Panama Toolkit on Institutional Coherence*, to support the design, operationalization, and monitoring of coordination mechanisms.

6.2 Effective and Appropriate National Focal Point and Lead Agency or Ministry for Implementation

Effective implementation of the CCIA depends on designating an institution with the authority, credibility, and technical capacity to operate across government and engage directly with the private sector. While the national focal point plays a fundamentally investor-facing role—it prevents disputes from escalating, assists COMESA investors in resolving difficulties as they arise, and addresses complaints or grievances with government bodies relating to investment activities—there is also a need for broader coordination. Getting the institutional designation right is therefore not an administrative formality; it determines whether the CCIA functions in practice.

Practical Selection Criteria

- For the national point, choose the institution based on functional capabilities over formal hierarchy. The most relevant considerations are whether the institution has an existing mandate that aligns with investor engagement and dispute prevention, the coordination capacity to work across ministries and agencies, and the resource base to sustain an active rather than passive role.
- Where possible, the lead institution could also be designated as the CCIA national focal point (Article 36) and aligned with the AfCFTA Protocol on Investment focal point (Article 9). This alignment improves policy coherence, reduces duplication, and ensures more efficient use of limited administrative and technical resources.
- The focal point should be explicitly mandated and adequately resourced to prevent disputes proactively, not to function as a reporting or liaison office that becomes involved only after problems have already escalated.

6.3 Political Ownership and Sustained High-Level Commitment

Strong political ownership is a decisive enabling condition for the effective implementation of the CCIA. Sustained political commitment confers legitimacy and authority on coordination and oversight bodies; facilitates interministerial cooperation and resolves institutional bottlenecks; supports resource mobilization, budget and staff allocation; and signals long-term policy predictability and commitment to investors, civil society, and development partners.

This political will is already reflected at the regional level, notably through the COMESA Council of Ministers responsible for industry, which mandated the revision and implementation of the Agreement—an important and positive step that provides both legitimacy and momentum for the alignment process.

At the same time, implementation requires clear and sustained high-level endorsement to function effectively, particularly where it depends on cooperation across ministries and agencies with differing mandates and competing priorities. Therefore, similar high-level ownership should be secured from other relevant ministers and institutions (including, as appropriate, finance, justice, environment, labour, trade, mining, energy, and agriculture), so that the CCIA is implemented as a whole-of-government agenda rather than a sectoral initiative. This can be mobilized strategically by highlighting concrete "wins" for line ministries. For example, ministries responsible for the environment may welcome CCIA alignment where it is framed as an opportunity to strengthen environmental and social impact assessment systems, permitting procedures, and compliance oversight—delivering improved environmental outcomes alongside more credible investment governance.

Investment policy-makers can identify and leverage existing high-level interministerial platforms at the national level to convene these discussions and secure a government-wide buy-in.

6.4 Adequate and Predictable Resourcing

Implementation of the COMESA CCIA is resource-intensive and requires realistic planning around financial, human, and technical capacity. A critical success factor is the early identification and securing of funding for coordination and consultation processes; legal and policy reform; capacity building and training; and monitoring, enforcement, and reporting activities.

Where feasible, new or revised laws, policies, and model instruments should be accompanied by explicit implementation strategies, including budgetary implications, timelines, and institutional responsibilities, and submitted to the relevant authority for adoption.

6.5 Integrated Stakeholder Engagement and Feedback Loops

Meaningful engagement with non-state actors is a core enabling condition for effective implementation of the COMESA CCIA. Sustainable outcomes will depend on structured, predictable, and transparent consultation mechanisms; clearly defined channels through which civil society, local communities, and the private sector can provide input on implementation challenges and enforcement outcomes; and the capacity of oversight and coordinating institutions to systematically incorporate stakeholder feedback into monitoring processes and corrective actions.

Well-functioning feedback loops strengthen compliance, improve the quality and effectiveness of enforcement, and enhance the legitimacy and credibility of the CCIA at the national level.

6.6 Continuous Monitoring, Learning, and Adaptation

Finally, implementation should be understood as an ongoing and iterative process rather than a one-off exercise. Legal frameworks evolve, investment environments shift, and implementation challenges emerge in ways that cannot always be anticipated at the outset. Building in mechanisms to monitor progress, identify emerging gaps, adjust approaches as circumstances change, and report transparently to the COMESA Secretariat and relevant stakeholders will help ensure that early efforts translate into durable outcomes over time.

This ongoing engagement is also structurally valuable at the regional level. The CCIA includes a 4-year review cycle, and that process works best when member states can contribute reliable, experience-based information from the national level. National monitoring need not be a complex or resource-intensive exercise; even relatively simple tracking of implementation milestones, investor feedback, and emerging friction points can generate practical insights that strengthen both domestic reform and regional-level dialogue.

Monitoring and reporting arrangements should be designed to support learning, accountability, and timely corrective action, rather than serving as a narrow compliance exercise. The COMESA Secretariat is well placed to support this process by facilitating coordination across member states, enabling the sharing of implementation experience, and helping to build a consolidated picture of regional progress. Governments are encouraged to engage the Secretariat as an active partner in this work, and to see the 4-year review cycle as an opportunity to shape the regional framework based on what is actually working at the national level.

7.0 Supporting Member States: A roadmap for phased implementation

While this handbook provides guidance and outlines key steps, each country will need to identify its priority reform areas, sequence regulatory changes effectively, and mobilize the institutional resources needed to sustain implementation momentum. For that purpose, it is strongly recommended that each COMESA member state develop a national roadmap for implementing the CCIA.

The COMESA Secretariat, with support from partners, is well placed to provide dedicated technical assistance to member states in designing jurisdiction-specific implementation roadmaps.

As a practical first step, a pilot program, subject to the availability of funding and the identification of willing partner countries, could be initiated with a small cohort of member states to test and refine the alignment process, generate replicable models of good practice, and produce evidence-based insights to inform broader regional implementation. Such a pilot would also strengthen coordination mechanisms among the COMESA Secretariat, national competent authorities, and relevant development partners, laying the groundwork for a scalable, regionally coherent approach to modernizing investment frameworks.

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