The legal and institutional affairs division of COMESA which is also the office of the Legal Counsel is the legal advisory arm of COMESA which is involved in the following activities:

(a) Provision of legal advisory services to all COMESA programs and activities which includes:

- Preparing legal opinions, studies and advice on the interpretation of the COMESA treaty and other related branches of law including international laws
- Providing legal advice on procurement, drafting and negotiation of contracts and other commercial matters as well as claims and disputes involving operational activities of COMESA, its organs and its institutions
- Representing the Secretary General of COMESA before the COMESA court of Justice and other bodies in commercial and other disputes relating to matters upon which the division provides advice
- Providing legal advice on cooperation with cooperating partners, the private sector and civil society including assistance in negotiation and preparation of relationship agreements
- Exercising the function of the depository of COMESA legal instruments.
- Providing legal advice on internal employment matters affecting COMESA Secretariat

In addition to its function on legal issues, the Legal Division is also responsible for implementing programs aimed at promoting peace and security in order to enhance the COMESA Integration Agenda as well as promoting programmes on good governance such as the Public Procurement Reform Programme.

The other programme that the Legal Division takes a lead in implementing is the programme on Free Movement of Persons.

Key Achievements for 2009

- Negotiation and adoption of key legal instruments for the operation of the customs union namely the Council Regulations of the Customs Union and COMESA Customs Management Regulations
- The division also focused on the negotiation and adoption of other relevant instruments for the proper functioning of the COMESA economic integration agenda such as COMESA public procurement regulations Sanitary and phital Sanitary (SPS) measures. Except for SPS all the relevant regulations for the customs union were adopted by the COMESA policy organs at the Victoria falls, Zimbabwe
- Conclusion of an interim partnership agreement on Economic Partnership Agreement (EPA) with the European Union (EU)
Focus for 2010

- Assisting member states on the implementation of the Customs Union especially the conclusion of outstanding legal instruments
- Development of mechanism for ensuring compliance with commitments under the COMESA treaty and other related legal instruments
- Acquisition of more signatures and ratification of legal instruments to enter into Force.
- Providing legal advisory services to East and Southern African (ESA) member states for the negotiation of the full EPA with the EU.