

# ACP-EU COTONOU AGREEMENT

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**ORGANISATION OF AFRICAN,  
CARIBBEAN AND PACIFIC STATES**

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**COUNCIL OF  
THE EUROPEAN UNION**

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**Brussels, 21 December 2022  
(OR. en)**

**ACP-UE 2105/22**

## **COVER NOTE**

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**From:** Mr Georges Rebelo Pinto CHIKOTI, Secretary-General of the Organisation of African, Caribbean and Pacific States (OACPS)

**date of receipt:** 19 December 2022

**To:** Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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**Subject:** Decisions and resolutions of the 115th session of the OACPS Council of Ministers held in hybrid format on 27 and 28 November 2022

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Delegations will find attached, for information, the Decisions and Resolutions adopted by the 115th session of the OACPS Council of Ministers held in hybrid format on 27 and 28 November 2022.

Organisation of  
African, Caribbean and  
Pacific States (OACPS)



Organisation des États  
d'Afrique, des Caraïbes et  
du Pacifique (OEACP)

**REFERENCE : ACP/25/022/22 [Final]**  
*OSG/LDS [EOA/mjb] eoa*

**Brussels, 28 November 2022**

**DECISIONS AND RESOLUTIONS  
OF THE 115<sup>th</sup> SESSION OF THE OACPS COUNCIL  
OF MINISTERS  
HELD IN HYBRID FORMAT  
ON 27 and 28 NOVEMBER 2022**

*EOA*

**EN**

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## SUMMARY

### DECISIONS

- N° 1 Decision on the Application for Membership and Withdrawal from the Organisation of African, Caribbean and Pacific States (OACPS)
- N° 2 Decision on the Application for Membership of the Republic of Maldives to the Organisation of African, Caribbean and Pacific States (OACPS)
- N° 3 Decision on the Audited Financial Statements for the year ended 31 December 2020
- N° 4 Decision on the Budget of the OACPS Secretariat for the 2023 Financial year
- N° 5 Decision on the Cancellation of part of the Union of Comoros' outstanding contributions to the OACPS Budget
- N° 6 Decision on the Extensive renovation of the ACP House Project
- N° 7 Decision on the Road Safety in Members of the OACPS
- N° 8 Decision on the OACPS Small Island Developing States Forum (OACPS SIDS Forum) – Joint OACPS-EU Resource Mobilisation Conference for Financing SIDS-OCTs Recovery, Resilience and Sustainability
- N° 9 Decision on the Signing of the New OACPS-EU Partnership Agreement
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- N°1 Resolution on the Commodities and Value Chains Guaranteeing continued market access for OACPS goods in the European Union's market in the light of new EU Legislation
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**DECISIONS** *2022*

**DECISION N° 1/CXV/22  
OF THE 115<sup>th</sup> SESSION OF THE OACPS COUNCIL OF MINISTERS  
HELD IN HYBRID FORMAT ON 27 AND 28 NOVEMBER 2022**

**APPLICATION FOR MEMBERSHIP AND WITHDRAWAL FROM THE  
ORGANISATION OF AFRICAN, CARIBBEAN, AND  
PACIFIC STATES (OACPS)** 209

**The OACPS Council of Ministers,**

- Meeting held in hybrid format on 27 and 28 November 2022,

**HAVING REGARD** to the Georgetown Agreement, as revised in 2019;

**HAVING REGARD** to the Vienna Convention on the Law of Treaties 1969, in particular Article 2 (1) (b) which stipulates that ratification, acceptance, approval and accession mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty;

**HAVING REGARD** to Article 43 of the Revised Georgetown Agreement of 2019 and Article 56 of the Vienna Convention on the Law of Treaties, from which follows that any member who wants to withdraw from the OACPS should give twelve months' notice of their intention and should also fulfill all their financial obligations before leaving;

**HAVING REGARD** to the fact that to date, 59 Member States have fulfilled their obligations under the Revised Georgetown Agreement; and

**CONSIDERING** the report of the Committee of Ambassadors to the 115<sup>th</sup> Session of the OACPS Council of Ministers [**ACP/26/066/22 Rév.2**];

**HEREBY DECIDES TO:**

1. **Approve** the model Instrument of Accession to the Revised Georgetown Agreement by the acceding States; and

.../...

2. **Mandate** the Secretariat to review and finalize the document **ACP/27/070/22 Rev.1.** on the process and procedure for application for membership to and withdrawal from the OACPS, taking into account the comments made at the 115<sup>th</sup> Session of the OACPS Council of Ministers, in order to facilitate its eventual adoption and implementation. *209*

**Done at Brussels, 28 November 2022**



**H.E. Dr. Amery BROWNE**  
**Minister of Foreign and CARICOM**  
**Affairs of the Trinidad and Tobago**  
**President of the OACPS Council**  
**of Ministers**

**DECISION No. 2/CXV/22  
OF THE 115<sup>th</sup> SESSION OF THE OACPS COUNCIL OF MINISTERS  
HELD IN HYBRID FORMAT ON 27 AND 28 NOVEMBER 2022**

**APPLICATION FOR MEMBERSHIP OF THE REPUBLIC OF MALDIVES  
TO THE OACPS** *209*

**The OACPS Council of Ministers,**

- Meeting held in hybrid format on 27 and 28 November 2022,

**HAVING REGARD** to the Georgetown Agreement, as revised in 2019;

**HAVING REGARD** to the request of the Republic of Maldives to join the OACPS as a Member;

**RECALLING** the objectives of unity and solidarity and the role of the OACPS as a forum for formulating and coordinating common positions on global issues; and

**BEARING** in mind the report of the OACPS Council of Ministers to the 10<sup>th</sup> Summit of OACPS Heads of State and Government **ACP/28/022/22 Rev. 1.**

**HEREBY DECIDES TO:**

**Recommend** the request of Maldives to be accepted by the 10<sup>th</sup> Summit as a member of the OACPS and in this respect endorse the model instrument of accession as annexed to this decision. *209*

**Done at Brussels, 28 November 2022**



**H.E. Dr. Amery BROWNE  
Minister of Foreign and CARICOM  
Affairs of the Trinidad and Tobago  
President of the OACPS Council  
of Ministers**

**INSTRUMENT OF ACCESSION**  
**TO THE REVISED GEORGETOWN AGREEMENT**

Member States shall take all appropriate measures to carry out all the obligations arising from membership of the OACPS under this Agreement or resulting from decisions adopted by the various Organs of the OACPS.

**WHEREAS** the Georgetown Agreement was revised by decision No.1/CX/19 of the 110<sup>th</sup> Session of the African, Caribbean and Pacific Group of States (ACP) Council of Ministers on 7 December 2019 in Nairobi, Kenya, and endorsed by the 9<sup>th</sup> Summit of the ACP Heads of State and Governments on 9 - 10 December 2019 in Nairobi, Kenya;

**WHEREAS** Article 8.1 states that all Member States shall have equal rights and obligations under this Agreement;

**WHEREAS** Article 8(3) states that Member States shall take appropriate measures to carry out all the obligations arising from membership of the OACPS under this Agreement or resulting from decisions adopted by the various organs of the OACPS;

**WHEREAS** Article 8(4) requires that Member States shall facilitate the achievement of the objectives of the OACPS, and shall refrain from adopting any measures that may negatively impact these objectives;

**AND WHEREAS** Article 40.1 stipulates that the Agreement shall be open for signature by Member States for a period of one year from the date of its conclusion;

**AND WHEREAS** Article 40.4 stipulates that any Member State that accedes to this Agreement after its entry into force shall deposit its Instrument of Ratification or Accession with the Secretariat of the OACPS;

**NOW THEREFORE I**, ....., **Prime Minister, President or Foreign Minister**, declare that the Government of the ....., having considered the above-mentioned Revised Georgetown Agreement, accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained; and

**IN WITNESS WHEREOF**, I have signed this Instrument of Accession at ..... on the .....(date).

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**DECISION No. 3/CXV/22  
OF THE 115<sup>th</sup> SESSION OF THE OACPS COUNCIL OF MINISTERS  
HELD IN HYBRID FORMAT ON 27 AND 28 NOVEMBER 2022**

**AUDITED FINANCIAL STATEMENTS FOR THE YEAR  
ENDED 31 DECEMBER 2020 2020**

**The OACPS Council of Ministers,**

- Meeting held in hybrid format on 27 and 28 November 2022,

**HAVING REGARD to** Article 29 of the Georgetown Agreement, as revised by Decision No. 1/CX/19 of the 110<sup>th</sup> Session of the Council of Ministers of the OACPS held on 7 December 2019 in Nairobi, Kenya and approved by the 9<sup>th</sup> Summit of Heads of State and Government held on 9 and 10 December 2019 in Nairobi;

**HAVING REGARD TO** Article 18 © and (h) and Article 19 (b) of the Financial Regulations of the OACPS Secretariat [ACP/45/018/03/ Rev.6];

**CONSIDERING** that the External Auditor has issued an unqualified opinion on the Secretariat's accounts for the financial year 2020, as giving a "true and fair view of the assets, liabilities and financial position of the OACPS Secretariat, and compliance with the financial rules"; and

**CONSIDERING** the report of the OACPS Committee of Ambassadors to the 115<sup>th</sup> session of the OACPS Council of Ministers on the External Auditor's report for the year ended 31 December 2020 [ ACP/45/007/22].

**HEREBY DECIDES TO :**

1. **Approve** the External Auditor's report for the financial year ending 31 December 2020; and
2. **Grant** a discharge to the Authorizing Officer for the year 2020. 2020

**Done at Brussels, 28 November 2022**



**H.E. Dr. Amery BROWNE  
Minister of Foreign and CARICOM  
Affairs of the Trinidad and Tobago  
President of the OACPS Council  
of Ministers**

**DECISION No. 4/CXV/22  
OF THE 115<sup>th</sup> SESSION OF THE OACPS COUNCIL OF MINISTERS  
HELD IN HYBRID FORMAT ON 27 AND 28 NOVEMBER 2022**

**BUDGET OF THE OACPS SECRETARIAT FOR  
THE 2023 FINANCIAL YEAR 2023**

**The OACPS Council of Ministers,**

- Meeting held in hybrid format on 27 and 28 November 2022,

**HAVING REGARD TO** the Georgetown Agreement, as revised by Decision No. 1/CX/19 of the 110<sup>th</sup> Session of the ACP Council of Ministers held on 7 December 2019 in Nairobi, Kenya, and approved by the 9<sup>th</sup> Summit of Heads of State and Government held on 9 and 10 December 2019 in Nairobi;

**HAVING REGARD** to Article 6a (2) of the Financial Regulations;

**CONSIDERING** the report of the Committee of Ambassadors and to the 115<sup>th</sup> Session of the Council of Ministers of the OACPS on the draft budget of the OACPS Secretariat for the financial year 2023 [ **ACP/41/052/22**].

**HEREBY DECIDES TO:**

**Approve** the budget of the OACPS Secretariat for the financial year 2023 (financial, operational and human resources) with income and expenditure amounting to EUR 15,441,345.78, and the total estimated contributions distributed as follows:

**I. Member States' contribution: 8,346,970.93**

- i) Contributions from OACPS Member States: 5,458,952.22
- ii) Collection of arrears of contributions: 1,536,795.00
- iii) Interest on arrears of contributions: 331,660.51
- iv) Internal tax: 1,019,563.20

**II. Contribution from the European Development Fund: 7,094,374.85**

**Done at Brussels, 28 November 2022**



**H.E. Dr. Amery BROWNE  
Minister of Foreign and CARICOM  
Affairs of the Trinidad and Tobago  
President of the OACPS Council  
of Ministers**

**DECISION No. 5/CXV/22  
OF THE 115<sup>th</sup> SESSION OF THE OACPS COUNCIL OF MINISTERS  
HELD IN HYBRID FORMAT ON 27 AND 28 NOVEMBER 2022**

**CANCELLATION OF PART OF THE UNION OF THE COMOROS' OUTSTANDING  
CONTRIBUTIONS TO THE OACPS BUDGET** *209*

**The Council of Ministers of the OACPS,**

- Meeting held in hybrid format on 27-28 November 2022,

**HAVING REGARD TO** the Georgetown Agreement, as revised by Decision No. 1/CX/19 of the 110<sup>th</sup> Session of the ACP Council of Ministers held on 7 December 2019 in Nairobi, Kenya, and approved by the 9<sup>th</sup> Summit of Heads of State and Government held on 9 and 10 December 2019 in Nairobi;

**HAVING REGARD TO** Sections IV.13 and 14 of the Manual for the Implementation of the OACPS Sanctions Policy;

**HAVING REGARD TO** the exceptional circumstances that have led the Union of the Comoros to submit its request for cancellation of 75% of its arrears of contribution as well as the subsequent sanctions, while undertaking to pay the remaining 25% in a single instalment; and

**CONSIDERING** the report of the Committee of Ambassadors of the OACPS to the 115<sup>th</sup> session of the Council of Ministers of the OACPS on the request for the cancellation of the arrears of contributions of the Union of Comoros to the OACPS budget [ACP/26/066/22 Rev.2].

**HEREBY DECIDES TO :**

1. **Cancel** 75% of the current arrears of contribution owed by the Union of Comoros;
2. **Order** the Union of the Comoros to pay in one instalment the balance of 25% due before the next Session of Council;
3. **Inform** the Union of Comoros that this decision will no longer be valid if payment is not made by the next Session of Council; and
4. **Mandate** the Committee of Ambassadors to revise the OACPS Manual on the Implementation of Sanctions. *209*

**Done at Brussels, 28 November 2022**



**H.E. Dr. Amery BROWNE  
Minister of Foreign and CARICOM  
Affairs of the Trinidad and Tobago  
President of the OACPS Council  
of Ministers**

**DECISION No. 6/CXV/22  
OF THE 115<sup>th</sup> SESSION OF THE OACPS COUNCIL OF MINISTERS  
HELD IN HYBRID FORMAT ON 27 AND 28 NOVEMBER 2022**

**EXTENSIVE RENOVATION OF THE ACP HOUSE PROJECT** *2009*

**The Council of Ministers of the OACPS,**

- Meeting held in hybrid format on 27-28 November 2022,

**HAVING REGARD TO** the Georgetown Agreement, as revised by Decision No. 1/CX/19 of the 110<sup>th</sup> Session of the ACP Council of Ministers held on 7 December 2019 in Nairobi, Kenya, and approved by the 9<sup>th</sup> Summit of Heads of State and Government held on 9 and 10 December 2019 in Nairobi;

**HAVING REGARD TO** the Decision No. 4/CI/15 of the 101<sup>st</sup> Session of the ACP Council of Ministers regarding funding for a new building for the Headquarters of the OACPS;

**HAVING REGARD TO** the Decision No. 11/CII/15 of the 102<sup>nd</sup> Session of the ACP Council of Ministers regarding the OACPS Headquarters building;

**CONSIDERING** the decision of the Committee of Ambassadors during its 946<sup>th</sup> meeting to create an ad hoc Ambassadorial Working Group to monitor the project and support the OACPS Secretariat in its management – Ambassadorial Working Group on OACPS Pillar Compliance and Extensive Renovation of the ACP House Project;

**CONSIDERING** the report of the Ambassadorial Working Group on the OACPS Pillar Compliance and the Extensive Renovation of the ACP House Project to the 115<sup>th</sup> Session of the Council of Ministers of the OACPS [**ACP/26/066/22 Rev.2**].

**HEREBY DECIDES TO:**

1. **Authorize** the Secretariat to commission an update of the previous report on the evaluation of a turn-key option to determine its current feasibility; and

.../..

2. **Mandate** the Committee of Ambassadors to take a decision on the:
- a. renovation or sale and inform the Council of Ministers at its next Session; and,
  - b. temporary office to house the OACPS Secretariat upon expiry of the current lease.

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**Done at Brussels, 28 November 2022**



**H.E. Dr. Amery BROWNE**  
**Minister of Foreign and CARICOM**  
**Affairs of the Trinidad and Tobago**  
**President of the OACPS Council**  
**of Ministers**

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**DECISION No. 7/CXV/22  
OF THE 115<sup>th</sup> SESSION OF THE OACPS COUNCIL OF MINISTERS  
HELD IN HYBRID FORMAT ON 27 AND 28 NOVEMBER 2022**

**ROAD SAFETY IN MEMBERS OF THE OACPS**

*200*

**The Council of Ministers of the OACPS,**

- Meeting held in hybrid format on 27-28 November 2022,

**HAVING REGARD** to the Georgetown Agreement, as revised by Decision No. 1/CX/19 of the 110<sup>th</sup> Session of the ACP Council of Ministers held in Nairobi, Kenya, on 7 December 2019, and endorsed by 9<sup>th</sup> Summit of the Heads of State and government, Nairobi, Kenya, 9 - 10 December 2019;

**REAFFIRMING** our commitment to the global sustainability agenda in pursuit of sustainable development Goals;

**SUPPORTING** the UN General Assembly Resolution 74/299 on improving global road safety to attain the SDG target 3.6 to halve road traffic deaths and injuries by 2030; and **CALLS** for the implementation of its relevant provisions;

**SERIOUSLY CONCERNED** that road traffic injury is the leading cause of death of young people globally;

**HAVING REGARD** the recommendations of the Committee of Ambassadors contained in document **[ACP/26/066/22 Rev.2]**,

**HEREBY DECIDES TO:**

1. **Call** on Member States to integrate the promotion of road safety into their national sustainable development strategies and related domestic budgets, as well as respect their international commitments with a view to achieving in particular the objectives set by the United Nations in this field;
2. **Urge** Member States to include the promotion of road safety among the priority areas of their development cooperation with key partners at international level;

.../...

3. **Mandate** the Committee of Ambassadors to take appropriate steps to support Member States in addressing road safety challenges as well as engage at relevant multilateral forums; and
4. **Request** the Committee of Ambassadors to submit a progress report on this issue at its next Session. *209*

**Done at Brussels, 28 November 2022**



**H.E. Dr. Amery BROWNE**  
**Minister of Foreign and CARICOM**  
**Affairs of the Trinidad and Tobago**  
**President of the OACPS Council**  
**of Ministers**

**DECISION No. 8/CXV/22  
OF THE 115<sup>th</sup> SESSION OF THE OACPS COUNCIL OF MINISTERS  
HELD IN HYBRID FORMAT ON 27 AND 28 NOVEMBER 2022**

**OACPS SMALL ISLAND DEVELOPING STATES FORUM (OACPS SIDS FORUM) -  
JOINT OACPS-EU RESOURCE MOBILISATION CONFERENCE FOR  
FINANCING SIDS-OCTS RECOVERY, RESILIENCE AND SUSTAINABILITY**

*ESA*

**The OACPS Council of Ministers,**

- Meeting held in Brussels on 27 and 28 November 2022;

**HAVING REGARD** to the Georgetown Agreement, as revised in 2019;

**HAVING REGARD ALSO** to Article 25 and in particular Annexe II of the revised Georgetown Agreement, which establishes the OACPS SIDS Forum as a Subsidiary and Consultative Organ;

**RECALLING** Decision No.12/CXIII/21 of the 113<sup>th</sup> Session of the OACPS Council of Ministers, held on 30 November, 1 and 2 December 2021, mandating the Committee of Ambassadors to support efforts to mobilise financial resources, including climate finance to address increasing vulnerabilities of OACPS SIDS;

**RECALLING ALSO** Decision N° 6/CXIV/ of the 114<sup>th</sup> Session of the OACPS Council of Ministers, held on 8 and 9 June 2022, mandating the OACPS SIDS Forum to pursue with the European Union and key partners the convening, as soon as possible, of a joint OACPS-EU Resource Mobilisation Conference with the proposed theme '*Financing SIDS-OCTS Recovery, Resilience and Sustainability*';

**WELCOMING** the breakthrough agreement made at the UNFCCC 27<sup>th</sup> Session of the Conference of the Parties held in Sharm-El-Sheikh, Egypt for a Global Loss and Damage Fund ; and

**WELCOMING ALSO** the financing solution proposed by the '2022 Bridgetown Initiative', which seeks a reform of the global financial architecture, for developing countries;

.../...

**HEREBY DECIDES TO:**

1. **Mandate** the OACPS SIDS Forum to convene the OACPS Small Island Developing States (SIDS) - EU Overseas Countries and Territories (OCTs) Resource Mobilisation Conference in the first half of 2023, under the theme *Financing SIDS-OCTs Recovery, Resilience and Sustainability*.
2. **Mandate** the Committee of Ambassadors to set up a working committee for the Conference to provide the needed high-level engagement with EU and other Partners, conference planning, preparations and awareness raising;
3. **Ensure** requisite resources are secured to enable the Secretariat to provide the necessary technical assistance and support needed for convening the Conference; and
4. **Pursue** and secure the support of the EU at the 45<sup>th</sup> Session of the ACP-EU Joint Council of Ministers meeting to be held on 29 November 2022. 209

**Done at Brussels, 28 November 2022**



**H.E. Dr. Amery BROWNE**  
**Minister of Foreign and CARICOM**  
**Affairs of the Trinidad and Tobago**  
**President of the OACPS Council**  
**of Ministers**

**DECISION No. 9/CXV/22  
OF THE 115<sup>th</sup> SESSION OF THE OACPS COUNCIL OF MINISTERS  
HELD IN HYBRID FORMAT ON 27 AND 28 NOVEMBER 2022**

**SIGNING OF THE NEW OACPS-EU PARTNERSHIP AGREEMENT**

*EOG*

**The Council of Ministers of the OACPS,**

- Meeting held in hybrid format on 27-28 November 2022,

**HAVING REGARD** to the Georgetown Agreement (2019);

**HAVING REGARD** to its previous decisions on negotiation and conclusion of a new OACPS-EU Partnership Agreement;

**HAVING REGARD** to its deliberations on the status of the new OACPS-EU Partnership Agreement [**ACP/00/015/22 Rev.1**];

**WHEREAS** in the absence of signing and provisional application of the new Agreement by the previous deadline 30 June 2022, the transition measures of the Cotonou Agreement were extended to 30 June 2023 to avoid a legal vacuum in OACPS-EU cooperation; and

**EMPHASISING** the strong desire of the OACPS to proceed with the implementation of the new OACPS-EU Agreement, including the operationalisation of the joint institutions.

**HEREBY DECIDES TO**

1. **Reiterate serious concern** about the delay in signing the new Agreement which Council **notes** is a result of an EU Member State(s) blocking EU approval of the new Agreement;
2. **Note** that extending the transition measures beyond 30 June 2023 would not be in the interest of the OACPS, and could further diminish the trust and confidence in the Partnership;
3. **Call on the European Union** to take all measures necessary for the signing and provisional application of the new Agreement to take effect before 30 June 2023 and thereby normalise the OACPS-EU relations,

.../...

*EOG*

4. **Mandate** the Committee of Ambassadors to:
  - a. **Engage** the EU side in order to commence preliminary work to prepare for rules of procedures for the functioning of institutional bodies set up by the new Agreement – namely the Joint Committee and the Joint Council at the OACPS-EU and regional levels; and
  - b. **Explore** with the EU side practical solutions that can ensure the signing and provisional application of the new Agreement by 30 June 2023.
5. **Reaffirm** Samoa as the venue for signing “The Samoa Agreement”;
6. **Commend** the Secretary-General for his engagement with the European Union on the issue of delayed signing of the new Agreement, and **mandate** the Secretary-General to continue these efforts, including with the highest authorities of the European Union; and
7. **Commend** the European Parliament for its position and positive attitude towards the expeditious signing of the new OACPS-EU Partnership Agreement;
8. **Mandate** the Secretary-General to convey this decision to the European Council, European Commission, European Parliament and High Representatives of the European Union for Foreign Affairs and Security Policy and Vice President of the European Commission, and the Africa Union Commission, as well as OACPS Regional Organisations. *209*

Done at Brussels, 28 November 2022



**H.E. Dr. Amery BROWNE**  
**Minister of Foreign and CARICOM**  
**Affairs of the Trinidad and Tobago**  
**President of the OACPS Council**  
**of Ministers**

**DECISION No. 10/CXV/22  
OF THE 115<sup>th</sup> SESSION OF THE OACPS COUNCIL OF MINISTERS  
HELD IN HYBRID FORMAT ON 27 AND 28 NOVEMBER 2022**

**VANUATU'S CAMPAIGN FOR AN ADVISORY OPINION FROM THE  
INTERNATIONAL COURT OF JUSTICE** *2022*

**The Council of Ministers of the OACPS,**

- Meeting held in hybrid format on 27-28 November 2022,

**HAVING REGARD** to the Georgetown Agreement, as revised in 2019;

**HAVING REGARD ALSO** to the United Nations Framework Convention on Climate Change (UNFCCC) and its related agreements, the Kyoto Protocol and the Paris Agreement, and other relevant sources of international law, including international human rights law;

**RECALLING** Decision No. 11/CXIV/22 of the 114<sup>th</sup> Session of the OACPS Council of Ministers, held in hybrid format on 8 and 9 June 2022;

**FURTHER RECALLING** the ACP-EU Joint Parliamentary Assembly Resolution on the global challenges of climate change cooperation for adaptation and mitigation in the wake of COP 27, adopted on 2 November in Maputo, Mozambique, which called on the EU and its Member States and Members of the OACPS to adopt the UN General Assembly Resolution during its 77<sup>th</sup> Session, for an Advisory Opinion from the International Court of Justice on the obligations of States, under international law, to protect the rights of people and individuals of the present and future generations against the adverse effects of climate change;

**RECOGNISING** that all the 79 Members States of the OACPS are among the most vulnerable to the adverse impacts of climate change;

**RECOGNISING ALSO** the lack of urgency and ambition from the outcome of the recent UNFCCC Twenty-Seventh Conference of the Parties (COP 27) to limit the temperature increase to 1.5 °C in line with the latest science, including the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report, the World Meteorological Organisation State of the Climate 2022 Report, and the UNEP Emissions Gap Report 2022;

.../...

**ACKNOWLEDGING** the strong global support for this initiative from governments at all levels, legal experts, academics, technical agencies, youth groups and civil society organisations; and

**NOTING** the verbal update from Vanuatu during its 115<sup>th</sup> Session of the Council of Ministers.

**HEREBY DECIDES TO:**

1. **Reaffirm** the solidarity of all Members States of the OACPS to Decision No. 11/CXIV/22 of the 114<sup>th</sup> Session of the OACPS Council of Ministers, and call on Members States to strongly consider voting in support of the proposed Resolution during the 77<sup>th</sup> Session of the United Nations General Assembly for an Advisory Opinion from the International Court of Justice on the obligations of States, under international law, to protect the rights of people and individuals of the present and future generations against the adverse effects of climate change; and,
2. **Call** on all UN Member States to give strong consideration to vote in support of the Resolution during the 77<sup>th</sup> Session of the UN General Assembly. 209

**Done at Brussels, 28 November 2022**



**H.E. Dr. Amery BROWNE**  
**Minister of Foreign and CARICOM**  
**Affairs of the Trinidad and Tobago**  
**President of the OACPS Council**  
**of Ministers**

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**RESOLUTIONS** *252*

**RESOLUTION N° N°1/CXV/22  
OF THE 115<sup>th</sup> SESSION OF THE OACPS COUNCIL OF MINISTERS  
HELD IN HYBRID FORMAT ON 27 AND 28 NOVEMBER 2022**

**COMMODITIES AND VALUE CHAINS  
GUARANTEERING CONTINUED MARKET ACCESS FOR OACPS GOODS  
IN THE EUROPEAN UNION'S MARKET IN THE LIGHT OF  
NEW EU LEGISLATION** *209*

**The OACPS Council of Ministers,**

- Meeting held in hybrid format on 27 and 28 November 2022,
- A. **RECALLING** the 114<sup>th</sup> Session of the OACPS Council of Ministers' Decision on Preferential Access for OACPS Agricultural Products on the European Union Market and Resolution on Commodities and Value Chain issues adopted on 9 June 2022;
- B. **HAVING REGARD** to the Post Cotonou agreement initialed by the EU and OACPS Chief Negotiators on 15 April 2021, in which sustainability is at the core of the Agreement;
- C. **AFFIRMING** the role of the World Trade Organization (WTO), in establishing, revising and enforcing the rules governing international trade;
- D. **TAKING NOTE** of the active role played by the World Trade Organisation (WTO), at the COP 27 meeting, and the emphasis on the critical role of trade in the global response to climate change;
- E. **HAVING REGARD** to the Principle of Common But Differentiated Responsibilities embedded in the Paris Agreement;
- F. **HAVING REGARD** to the regimes under which the Members of the OACPS trade with the European Union namely Economic Partnership Agreements (EPAs), the Everything But Arms (EBA) Initiative and the standard Generalised Scheme of Preference (GSP);

.../...

- G. **UNDERSCORING** the progress made on the implementation of value chain programmes under the ACP New Approach on support for development of Agriculture Value Chains meant to address supply side constraints with the objective of maximising market access;
- H. **BEING AWARE** of the deliverables of the European Green Deal, that include the Deforestation Free Products Regulation, the Carbon Border Adjustment Mechanism, the Corporate Sustainability Due Diligence Directive; and
- I. **RECALLING** the Resolution adopted by the 42<sup>nd</sup> Session of the ACP-EU Joint Parliamentary Assembly (JPA) on "Ensuring market access for OACPS commodity producing countries".

**HEREBY RESOLVE TO:**

1. **Note** with satisfaction the strengthened collaboration between the Brussels and Geneva Ambassadors;
2. **Welcome** the results of the Assessment Study on the impact of the new EU Legislation on OACPS Exports and the Opinion Briefs on the WTO compatibility of the new European Unions' Legislation;
3. **Engage** with the EU during the 45<sup>th</sup> Session of the ACP-EU Council of Ministers slated for 29 November 2022 and highlight the following:
  - a. **Call upon** the EU to ensure the market access obtained under EPAs, GSP, and EBA is not eroded in view of the new directives and regulations on sustainability emanating from the European Green Deal and farm to fork strategy;
  - b. **Request** the EU to provide dedicated accompanying measures in the form of technical and financial support to producers, exporters and national authorities in OACPS countries, in addition to sufficient time, so as to allow the necessary industrial and trade adjustment and domestication needed to comply with the new market access requirements;
  - c. **Request** the EU to commence discussions with OACPS as soon as possible on the operationalisation of the technical and financial accompanying measures;

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- d. **Emphasise** the need to ensure greater alignment between the EU's trade liberalisation policy and social and environmental policies and to ensure that its regulations and directives do not negatively affect OACPS exports, and are compatible with WTO rules; and
  - e. **Call upon** the EU to ensure that the costs of compliance are not transferred to producers, but instead shared fairly among actors in the supply chains, in accordance with their respective capacities;
4. **Support** the call by G20 to ensure that Trade and Environmental policies are mutually supportive, WTO compatible and contribute to sustainable development objectives and for an accelerated transformation towards sustainable food systems that delivers food security and nutrition;
  5. **Instruct** the Committee of Ambassadors to expediate the process of implementation of Component I on Capacity Building of the Framework Programme on Agriculture Value Chains;
  6. **Request** the Committee of Ambassadors to continue implementing the OACPS Approach on Trade, Commodities and Value Chains that includes measures to support Member States address the imminent market access challenges that could arise from EU Regulations and Directives;
  7. **Request** the Committee of Ambassadors to further explore ways of establishing an OACPS- UK Post Brexit Partnership Framework; and
  8. **Instruct** the OACPS Secretary-General to forward this resolution to the European Commission, the Council of the European Union, the European Parliament, and the African Union Commission, as well as the regional integration organisations. *esa*

**RESOLUTION N° N°2/CXV/22  
OF THE 115<sup>th</sup> SESSION OF THE OACPS COUNCIL OF MINISTERS  
HELD IN HYBRID FORMAT ON 27 AND 28 NOVEMBER 2022**

**SUPPORT FOR THE UNITED NATIONS CONVENTION ON INTERNATIONAL  
TAX COOPERATION** 209

**The OACPS Council of Ministers,**

- Meeting held in hybrid format on 27 and 28 November 2022,
  
- A. **HAVING REGARD TO** the Georgetown Agreement as revised by Decision No. 1/CX/19 of the 110<sup>th</sup> Session of the ACP Council of Ministers, which entered into force on 5 April 2020;
  
- B. **HAVING REGARD TO** the ACP-EU Cotonou Partnership Agreement, as extended, in particular Articles 8 and 12;
  
- C. **HAVING REGARD TO** the OACPS Common Strategy on EU lists of Non cooperative jurisdictions for tax purposes and that on third countries regarding AML/CFT ;
  
- D. **HAVING REGARD TO** Resolution No. 3/CXIII/21 of the 113<sup>rd</sup> session of the Council of Ministers of 3 December 2021 calling on OACPS members to bring the issues of non-cooperative tax jurisdictions and AML/CFT to the attention of the relevant UN bodies and agencies, with a view to adopting a UN convention on tax governance and AML/CFT issues through an inclusive and transparent process;
  
- E. **HAVING REGARD TO** the resolution at the 109<sup>e</sup> session of the Council of Ministers of 22 May 2019 inviting the Member States of the OACPS to give coordinated support to any proposal for the establishment within the United Nations framework of an intergovernmental tax body with sufficient means and powers to set norms and standards for international tax cooperation;
  
- F. **HAVING REGARD TO** the report of the Committee of Ambassadors to the 115<sup>e</sup> session of the Council of Ministers;
  
- G. **AWARE THAT** the fight against illicit financial flows is a key development issue, **concerned about** the increasing level of such flows and noting that OACPS members, in particular those in Africa, are particularly exposed to the negative effects of such flows, stressing that they, including tax evasion and avoidance as well as money laundering and financing of terrorism, reduce the resources available for financing development; and

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- H. **REAFFIRMING** also the commitment at the highest political level of the Members of the OACPS and that made by States in the Addis Ababa Action Programme to reduce illicit financial flows by 2030, flight money laundering and combating terrorism financing and tax evasion.

**HEREBY RESOLVE TO:**

1. **Takes note of and welcomes** the resolution adopted on 23 November 2023 which mandates the United Nations to initiate intergovernmental discussions under the auspices of the United Nations on ways to enhance the inclusiveness and effectiveness of international tax cooperation, including the possibility of developing an international tax cooperation framework or instrument as a historic step to strengthen the pursuit of fairer, more inclusive and transparent international tax policies;
2. **Commends** the hard work of the African Group in bringing this resolution to fruition, and **calls** on the OACPS to work closely with Member States in New York and with the relevant UN bodies to shape future global tax rules by sharing the experiences and best practices of the Members of the OACPS; and
3. **Instruct** the OACPS Secretary-General to forward this resolution to the European Commission, the Council of the European Union, the European Parliament, the Joint Parliamentary Assembly, the Secretary General of the United Nations, the FATF, the OECD, as well as to the African Union Commission, CARICOM and PIFS, as well as regional integration organisations.

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