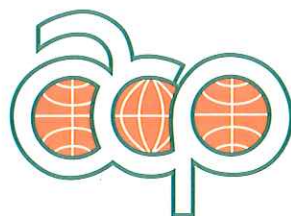


Groupe des Etats d'Afrique
des Caraïbes et du Pacifique
(Groupe ACP)



African, Caribbean and
Pacific Group of States
(ACP Group)

REFERENCE

ACP/25/013/19
[Final version] *esa*

Nairobi, 7 December 2019

**DECISIONS AND RESOLUTIONS OF THE 110TH SESSION
OF THE ACP COUNCIL OF MINISTERS**

**HELD IN NAIROBI, KENYA
ON SATURDAY, 7 DECEMBER 2019**

esa

EN

SUMMARY

DECISIONS

- N° 1 Decision on the Revision of the Georgetown Agreement**
- N°2 Decision on the Appointment of the Secretary-General of the ACP Group for 2020 - 2025**
- N°3 Decision on the Distribution of High-level Posts**
- N°4 Decision on the Financial situation of the ACP Secretariat**
- N°5 Decision on the Endorsement of the Audited Financial Statements for the year ended 31 December 2018**
- N°6 Decision on the Establishment of an Audit and Budget Committee**
- N°7 Decision on the ACP Secretariat's Budget for Financial Year 2020**
- N°8 Decision on the Derogation from the provisions of the Staff regulations concerning temporary appointments**
- N°9 Decision on the Establishment of the ACP Endowment and Trust Fund in the Jurisdiction of Luxembourg and Nomination of Members of the Board of Directors**
- N°10 Decision on the Samoa Declaration adopted by the 6th Meeting of ACP Ministers in charge of Fisheries and Aquaculture**
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RESOLUTIONS

- N° 1 ACP Agricultural Value Chains Development**
- N° 2 ACP-EU Economic Partnership Agreements (EPAs)**
- N° 3 Human Rights situation in the West Papua province of Indonesia (West Papua)**
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DECISIONS

**DECISION No.1/CX/19
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019**

THE REVISED GEORGETOWN AGREEMENT

204

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,

HAVING REGARD to Decision No. 1/CIX/19 of the 109th Session of the ACP Council of Ministers held in Brussels, Belgium, from 21 to 22 May 2019;

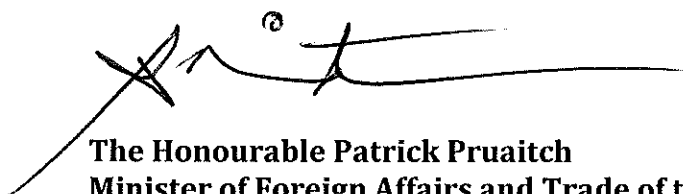
HAVING REGARD to the provisions of the Georgetown Agreement, in particular Article 30 thereof;

CONSIDERING the Report of the Committee of Ambassadors on the Revision of the Georgetown Agreement to the 110th Session of the ACP Council of Ministers [ACP/27/019/19];

HEREBY DECIDES TO:

1. **Approve** the revision of Article 30 of the Georgetown Agreement as revised in 2003, as follows: "The provisions of this Agreement may be amended by decision of the Summit, upon the recommendation of the Council of Ministers";
2. **Approve the** proposed amendments to the Georgetown Agreement as revised in 2003; and
3. **Forward** the text of the revised Georgetown Agreement, as set out in document [ACP/27/005/18 Rev. 13] to the Summit for endorsement and recommend that the Summit mandate the Council of Ministers to fully assess the financial implications relating to the establishment of the proposed subsidiary and consultative organs, as set out in Annexe II and those referred to in Articles 17 and 37, prior to any such decision to establish any such proposed subsidiary and consultative organs.

Done in Nairobi, 7 December 2019



**The Honourable Patrick Pruaitch
Minister of Foreign Affairs and Trade of the
Independent State of Papua New Guinea
President of the ACP Council of Ministers**

DECISION No.2/CX/19
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019

APPOINTMENT OF THE SECRETARY-GENERAL OF THE ACP GROUP
FOR 2020 - 2025

2019

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,

HAVING REGARD to the Georgetown Agreement as amended by Decision No. 1/LXXVIII/03 of the 78th Session of the Council of Ministers, Brussels, 27 and 28 November 2003; (Article 25 (2));

HAVING REGARD to the Staff Regulations of the ACP Secretariat [**ACP/41/050/11 Rev.1**];

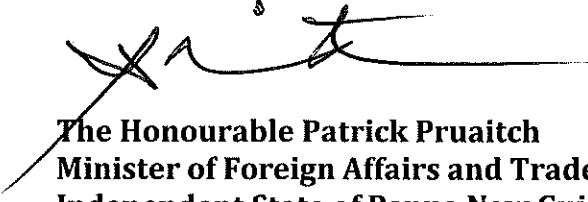
CONSIDERING that the term of office of the current Secretary-General expires on 29 February 2020;

HAVING EXAMINED the Report of the Special Bureau of Council of Ministers dated 7 December 2019;

HEREBY DECIDES:

1. **to appoint H.E. Mr Georges Rebelo Pinto Chikoti from the Republic of Angola** as Secretary-General of the ACP Group for a period of five (5) years, with effect from 1 March 2020; and
2. **that the term of office of H.E. Mr Georges Rebelo Pinto Chikoti shall be governed by the Georgetown Agreement and any other relevant text adopted by the competent organs of the ACP Group.**

Done in Nairobi, 7 December 2019


The Honourable Patrick Pruaitch
Minister of Foreign Affairs and Trade of the
Independent State of Papua New Guinea
President of the ACP Council of Ministers

DECISION No.3/CX/19
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019

DISTRIBUTION OF HIGH-LEVEL POSTS

ea

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,

HAVING REGARD to Decision No.2/CIX/19 of the 109th Session of the ACP Council of Ministers held in Brussels, Belgium, from 21 to 22 May 2019, under Article 3;

HAVING REGARD to the Georgetown Agreement as amended by Decision No. 1/LXXVIII/03 of the 78th Session of the Council of Ministers, Brussels, 27 and 28 November 2003; (Article 25 (3));

HAVING REGARD to the Staff Regulations of the ACP Secretariat [ACP/41/050/11 Rev.1];

CONSIDERING the Report of the Committee of Ambassadors to the 110th Session of the ACP Council of Ministers meeting on the Distribution of High-level posts as set out in document [ACP/26/096/19];

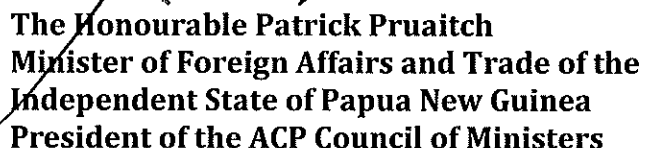
HAVING DELIBERATED further on the recommendation contained in the above-mentioned report;

HEREBY DECIDES TO:

1. **Approve** the creation of an additional position of Assistant Secretary-General (ASG);
2. **Adjust** the budget of the Secretariat for 2020 to take into account the creation of the new post;
3. **Instruct** the Secretariat to submit to the Committee of Ambassadors for adoption, by end of January 2020, a proposal for Job Description and duties of the new ASG position;

4. **Instruct** the new Secretary-General to take into account this new position in the appointment of high level positions;
5. **Mandate** the Committee of Ambassadors to commission a complete review of the Organisation's structure and to submit its report to the next Council. *esq*

Done in Nairobi, 7 December 2019



**The Honourable Patrick Pruaitch
Minister of Foreign Affairs and Trade of the
Independent State of Papua New Guinea
President of the ACP Council of Ministers**

DECISION No.4/CX/19
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019

FINANCIAL SITUATION OF THE ACP SECRETARIAT

eoz

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,

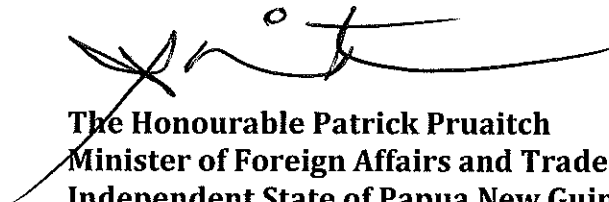
HAVING REGARD to the Georgetown Agreement, in particular Article 27;

HAVING REGARD to the Financial Regulations of the Secretariat of the ACP Group, in particular Article 6a;

CONCERNED by the fact that contributions from Member States stood at just 72%, as at 30 September 2019, and not 100%, as stipulated by the Financial Regulations;

HEREBY DECIDES to appeal to all Member States with arrears in contributions to regularise their situations without delay.

Done in Nairobi, 7 December 2019



The Honourable Patrick Pruaitch
Minister of Foreign Affairs and Trade of the
Independent State of Papua New Guinea
President of the ACP Council of Ministers

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**DECISION No.5/CX/19
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019**

**ENDORSEMENT OF THE AUDITED FINANCIAL STATEMENTS FOR
THE YEAR ENDED 31 DECEMBER 2018**

259

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,


HAVING REGARD to Articles 18 (c) and (h) and Article 19 (b) of the Financial Regulations of the Secretariat of the ACP Group [**Document ACP/45/018/03 Rev. 6**];

CONSIDERING that the External Auditor has issued an unqualified opinion of the Secretariat's accounts for 2018, which gave a "*true and fair view of the ACP Group of States' Secretariat's assets, liabilities and financial position in accordance with its financial rules*" [ACP/45/013/19];

HEREBY DECIDES TO:

1. **Approve** the External Auditor's report for financial year ended 31 December 2018; and
2. **Grant** discharge to the Authorising Officer for financial year 2018.

Done in Nairobi, 7 December 2019


**The Honourable Patrick Pruaitch
Minister of Foreign Affairs and Trade of the
Independent State of Papua New Guinea
President of the ACP Council of Ministers**

**DECISION No.6/CX/19
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019**

ESTABLISHMENT OF AN AUDIT AND BUDGET COMMITTEE

esa

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,

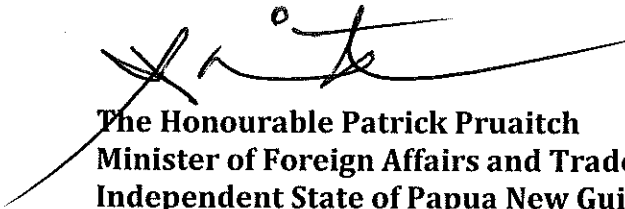
HAVING REGARD to Council Decision No.1/CVI/17 adopted at the 106th Session held in December 2017;

HAVING REGARD to Council Decision No.5/CVIII/18 of the 108th Session of 14 December 2018 on the establishment of an Audit and Budget Committee;

HEREBY DECIDES TO:

1. **Approve** the establishment of an Audit and Budget Committee as set forth in document [ACP/45/010/19 rev. 1]; and
2. **Mandate** the Committee of Ambassadors to amend the relevant provisions of the Financial Regulations of the ACP Group, as set forth in document [ACP/45/014/19], to implement the above initiative

Done in Nairobi, 7 December 2019


**The Honourable Patrick Pruaitch
Minister of Foreign Affairs and Trade of the
Independent State of Papua New Guinea
President of the ACP Council of Ministers**

DECISION No.7/CX/19
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019

ACP SECRETARIAT'S BUDGET FOR FINANCIAL YEAR 2020

2019

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,

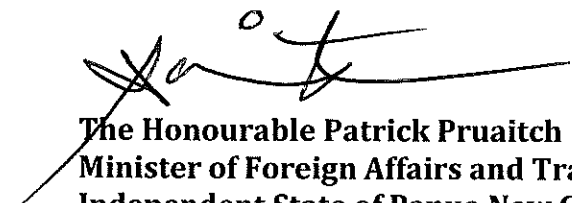
HAVING REGARD TO the provisions of the Georgetown Agreement, in particular Article 27, and Articles 5 and 6 of the Financial Regulations of the Secretariat of the ACP Group;

HAVING EXAMINED the ACP Secretariat's draft budget for 2020 [ACP/45/007/19 Rev 2] as recommended by the Committee of Ambassadors;

HEREBY DECIDES to adopt the ACP Secretariat's Budget for 2020 with a total expenditure amounting to **€15 908 671**. The contributions to the ACP Secretariat budget will be as follows:

1. From ACP Member States:	€9 458 671 (59.46%)
• Member States Assessed Contributions:	€5 933 965
• Recovered arrears in contributions:	€1 877 263
• Interests on arrears in contributions:	€192 589
• Internal Tax on Staff emoluments	€1 451 354
• Other revenue:	€3 500
2. From the European Development Fund	€6 450 000 (40.54%)

Done in Nairobi, 7 December 2019


The Honourable Patrick Pruaitch
Minister of Foreign Affairs and Trade of the
Independent State of Papua New Guinea
President of the ACP Council of Ministers

**DECISION No.8/CX/19
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019**

**DEROGATION FROM THE PROVISIONS OF THE STAFF REGULATIONS
CONCERNING TEMPORARY APPOINTMENTS**

eog

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,

HAVING REGARD to the Staff Regulations [ACP/41/050/11 rev.1], and in particular Annexe I on temporary appointments;

HAVING REGARD to Council Decision No. 4/CVIII/18 limiting the hiring of experts to temporary appointments;

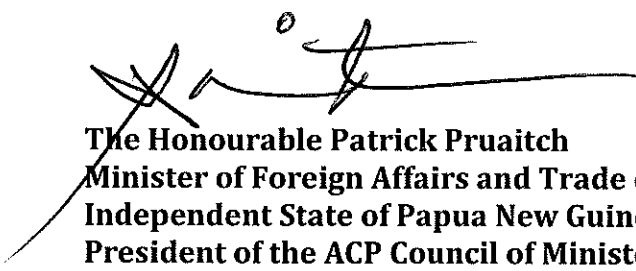
HAVING REGARD to the ongoing negotiations for a post-Cotonou agreement between the African, Caribbean and Pacific Group of States (ACP) and the European Union (EU);

CONCERNED by the need to ensure continued high-quality professional support to its governing organs during this critical negotiation period;

CONSIDERING that the temporary contracts concluded between the Secretariat and the staff members concerned are set to expire in the coming months;

HEREBY DECIDES to authorise the Secretary-General, on an exceptional basis, to renew the temporary appointments provided for in the abovementioned Annexe I, more than once, for a period not exceeding six months, subject to the conduct of the performance evaluation of the incumbent and the requirements of the post.

Done in Nairobi, 7 December 2019


**The Honourable Patrick Pruaitch
Minister of Foreign Affairs and Trade of the
Independent State of Papua New Guinea
President of the ACP Council of Ministers**

**DECISION No.9/CX/19
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019**

**ESTABLISHMENT OF THE ACP ENDOWMENT AND TRUST FUND IN
THE JURISDICTION OF LUXEMBOURG AND NOMINATION OF MEMBERS
OF THE BOARD OF DIRECTORS**

esa

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,

HAVING REGARD to the Georgetown Agreement establishing the African, Caribbean and Pacific Group of States;

HAVING REGARD to the Committee of Ambassadors' recommendations to the Council of Ministers at its 110th Session;

CONSIDERING the progress made towards establishing the legal framework of the ACP Endowment and Trust Fund;

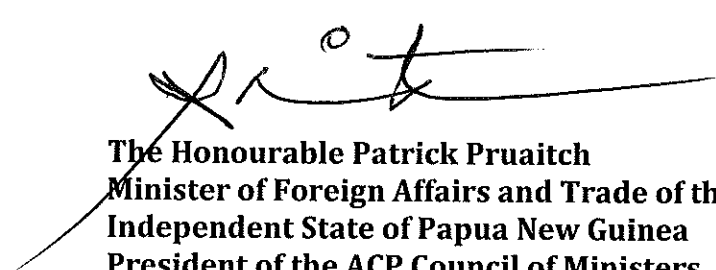
RECALLING the need for the ACP Group to foster its financial sustainability;

HEREBY DECIDES TO:

1. **Endorse** the setting up of the ACP Endowment and Trust Fund (ETF) in the jurisdiction of Luxembourg;
2. **Approve** the new proposed governance structure adjusted to the requirements of the jurisdiction of Luxembourg, which allows for a single Fund to establish windows, namely to receive voluntary donations from Member States; receive philanthropic and other donors' contributions; set up special Funds, such as Guarantee Fund; and facilitate project-specific investment funding;
3. **Approve** the new composition of the Board of Directors to comprise three Ambassadors from three ACP regions as per the already agreed roster, four independent external Members, three of whom will be from ACP regions not represented among the 3 Ambassadors nominated to the Board and one non-ACP member, with all members holding non-renewable mandates of two years in office;

4. **Approve** the nomination of the three Ambassadors as ACP Members of the Board of Directors and to endorse the nomination of the Secretary-General or the person whom he/she will designate to serve as an ex-officio Member of the Board of Directors as follows:
 - a. Southern Africa- H.E. Esther Munalula NKANDU, Ambassador of the Republic of Zambia in Brussels;
 - b. Central Africa -H.E. Daniel Emery DEDE, Ambassador of the Central Africa Republic in Brussels;
 - c. Caribbean – H.E. Sieglien Ria Odetta BURLESON, Ambassador of the Republic of Suriname in Brussels; and
 - d. Secretary General.
5. **Mandate** the Committee of Ambassadors to consider and approve the external independent members of the Board of Directors;
6. **Propose** that the 9th ACP Summit of Heads of States and Government formally launch the ACP Endowment and Trust Fund in the form specified; and
7. **Mandate** the Committee of Ambassadors to ensure the prompt entry into operation of the ACP ETF, availing itself of the ACP Secretariat to cover certain positions in the interim or transitioning periods.

Done in Nairobi, 7 December 2019



**The Honourable Patrick Pruaitch
Minister of Foreign Affairs and Trade of the
Independent State of Papua New Guinea
President of the ACP Council of Ministers**

**DECISION No.10/CX/19
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019**

**DECLARATION ADOPTED BY THE 6TH MEETING OF ACP MINISTERS IN
CHARGE OF FISHERIES AND AQUACULTURE**

esa

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,

HAVING REGARD to the Georgetown Agreement;

HAVING REGARD to the ACP Strategic Plan for Fisheries and Aquaculture adopted in 2012;

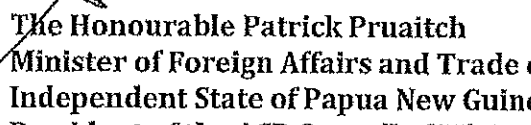
HAVING REGARD to the Resolution on Fisheries adopted at the 106th session of the ACP Council of Ministers in particular regarding the hosting of the 6th meeting of ACP ministers in charge of fisheries and aquaculture;

HAVING examined the outcomes of the 6th meeting of ACP Ministers in charge of Fisheries and Aquaculture held in Apia, Samoa, from 10 - 13 September, 2019;

HEREBY DECIDES TO:

1. **Endorse** the outcome Declaration of the 6th meeting of ACP Ministers in charge of Fisheries and Aquaculture;
2. **Instruct** the Committee of Ambassadors to take appropriate actions to revise the ACP Strategic Plan for Fisheries and Aquaculture to, inter alia, align it with the priorities identified in the Outcome Declaration adopted by the ministers during their 6th meeting and to further place high importance on funding the identified strategic priorities;
3. **Welcome** the launch of the FISH4ACP program for the Sustainable Development of Fisheries and Aquaculture Value Chains in ACP countries; and
4. **Further endorse** the offer by the Government of Ghana to host the 7th meeting of ACP Ministers in charge of fisheries and aquaculture scheduled to be held in 2021.

Done in Nairobi, 7 December 2019


**The Honourable Patrick Pruaitch
Minister of Foreign Affairs and Trade of the
Independent State of Papua New Guinea
President of the ACP Council of Ministers**

**DECISION No.11/CX/19
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019**

**DECLARATION ADOPTED BY THE 5TH MEETING OF
ACP MINISTERS OF CULTURE**

259

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,

HAVING REGARD to the Georgetown Agreement;

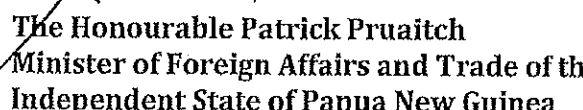
HAVING REGARD to the Brussels Declaration adopted by the 4th Meeting of ACP Ministers of Culture;

HAVING examined the outcomes of the 5th meeting of ACP Ministers of Culture held in Niamey, Niger, from 17 – 20 October, 2019;

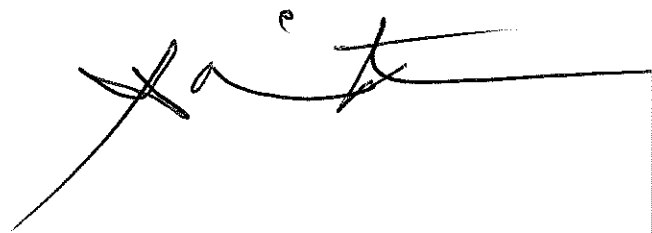
HEREBY DECIDES TO:

1. **Endorse** the outcome Declaration of the 5th meeting of ACP Ministers of Culture; and
2. **Invite** the Committee of Ambassadors to draft a plan of action for the effective implementation of the Niamey Declaration.

Done in Nairobi, 7 December 2019


**The Honourable Patrick Pruaitch
Minister of Foreign Affairs and Trade of the
Independent State of Papua New Guinea
President of the ACP Council of Ministers**

RESOLUTIONS *2009*

A handwritten signature in black ink, appearing to be 'H. K.', is written across the bottom right of the page.

**RESOLUTION
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019**

ACP AGRICULTURAL VALUE CHAINS DEVELOPMENT

EOA

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,
- A. HAVING REGARD** to the resolution on ACP Agricultural Value Chains Development adopted by the 109th Session of the ACP Council of Ministers held in Brussels, Belgium, 21 -22 May 2019;
- B. RECALLING** that the ACP New Approach on Support for the Development of Agricultural Value Chains (New Approach) targets actors along the value chain including family farmers, MSMEs, women, and youth, and aims at empowering them to participate fully in the transformation and modernisation of the agricultural sector at the national and regional level;
- C. RECOGNISING** the importance of the Four Pillars of the New Approach i.e Finance, Capacity Building, Trade and Investment and Climate Change in the development of Agricultural Value Chains:
- D. NOTING** that a weak position in Global and Regional Value Chains and the lack of value added activities restrain industrial development, hinder structural transformation and pursuance of the United Nations Sustainable Development Goals (UN SDGs);
- E. RECOGNISING** the ongoing negotiations for a post-Cotonou partnership agreement, which will redefine the partnership between the ACP States and the European Union (EU) and its Member States beyond 2020, including addressing issues of value chain development;
- F. UNDERSCORING** the importance of the attainment of the UN SDGs by ACP Member States and the vital contribution that the New Approach to support the agricultural value chains can make in that regard;
- G. DEEPLY** concerned with EU regulations, which have the potential to disrupt trade and generate tremendous macroeconomic shocks in commodity-dependent exporting countries, notably the new EU Regulations on organic production and the labelling of organic products, on protective measures against pests of plants and on maximum residue levels for Imazalil on bananas;

- H. **WELCOMING** the launch of the World Cotton Day on 7 October 2019 which emphasised the central role played by cotton in livelihoods, job creation and economic stability, especially for women's empowerment, offered an opportunity to announce the support from intra-ACP resources to the Cotton Roadmap programme, and was an occasion to recall the C4 appeal to developed countries to withdraw the internal support provided to their cotton sector;
- I. **EMPHASISING** the need to enhance the visibility of the ACP Group in the development and implementation of intra-ACP Programmes and the need to stress this role when formulating strategies and policies to respond to the challenges and opportunities of the commodities sector and value chains development in ACP States, while building synergies with international organisations;
- J. **NOTING** the EU's July 2019 Communication, "*Stepping up EU Action to Protect and Restore the World's Forests*", which aims to strengthen international cooperation to halt deforestation and forest degradation, and supports the availability and quality of information on forests and commodity supply chains such as cocoa;
- K. **RECALLING** the "*Call of Abidjan*" Declaration adopted on 20 September 2019, which called on the EU to not reduce tariffs below EUR75/tonne for the Andean and Central American countries and to implement a new Banana Support Programme and establish a regulatory mechanism replacing the stabilisation mechanism;
- L. **APPRECIATING** the European Parliament Development Committee's strong attachment to and support for developing countries, especially those of the ACP Group;
- M. **NOTING** that the Brexit process has not yet provided a clear direction of what to ultimately expect, especially in the event of a "no-deal" Brexit and that Brexit negotiations are yet to commence with third parties such as the ACP Group;
- N. **HAVING EXAMINED** the Report of the 12th ACP Ministerial Consultations on Agriculture Value Chains Development;
1. **Welcomes** the progress made in the implementation of the programmes under the various pillars of the New Approach and specifically commends the ACP Secretariat on the launch of the programme for Support to *Business Friendly and Inclusive National and Regional Policies, and Strengthening Productive Capabilities and Value Chains*, which provides support primarily to the following value chains: cocoa, coconuts, coffee, cotton, and kava;

2. **Calls** on the Committee of Ambassadors to expedite the implementation of other interventions on value chains including the Agricultural Value Chains Programme, which will support among others cashew, cocoa, coconut, coffee, cotton, kava, livestock, maize, rum, shea, and sugar;
3. **Urges** the EU to support the efforts of the ACP Group to attain the UN SDGs and ensure that priority is given to the joint initiatives to be pursued in that regard, within the framework of the ACP New Approach to Agricultural Value Chains;
4. **Commits** to undertake joint actions with partners at the international level to rebalance global value chains in commodity markets and help commodity-dependent countries better position themselves within the value chains to ensure that there is a transition to highly-productive economic activities;
5. **Further commits** to promote climate-smart value chains by mainstreaming climate resilience into sectoral policies and development plans;
6. **Calls** on the EU to reconsider providing resources to support the ACP banana sector, ensure that preferential access for bananas from ACP countries is maintained beyond 2020, and guarantee that the Stabilisation Mechanism is extended beyond 2019 and diligently and dutifully enforced;
7. **Recalls** the need for structural dialogue between ACP cocoa-producing countries and the EU on the ongoing consultations on the deforestation and degradation of tropical forests, in order to find a holistic approach to address cocoa sustainability and the livelihood of farmers;
8. **Further calls** on the EU to continue treating sugar as a sensitive product and to safeguard the interests of the suppliers of added-value specialty sugars, in their Free Trade Agreements (FTA) negotiations;
9. **Encourages** the Secretariat to advocate on behalf of, and provide advocacy support to Member States in the relevant international fora, on matters relating to the delivery of the outcomes of the ACP New Approach;

10. **Calls** on the EU to consider providing an additional financial package to enable ACP sugar-producing countries, and strengthen and transition their agricultural sector into a highly productive sector, taking into consideration the multi-dimensional importance of the sugar sector in ACP States particularly in the promotion of green tourism, food security, economic empowerment, climate change mitigation, carbon absorption and global warming;
11. **Instructs** the Secretariat to continue providing support to ACP Member States to ensure that they are prepared for the new EU regulations on protective measures against pests of plants, which come into force on 14 December 2019;
12. **Urges** the Committee of Ambassadors to develop synergies with international organisations and increase consultations with the European Parliament on matters of development and trade;
13. **Instructs** the ACP Negotiating Teams to ensure that the post-Cotonou agreement incorporates the ACP Group's offensive and defensive interests in the areas of trade, investment and industrialisation;
14. **Acknowledges** the Brexit initiatives carried out by the Secretariat and **calls** for further support to be provided to ACP Member States to prepare for Brexit and manage it;
15. **Requests** the Committee of Ambassadors to operationalise the Joint ACP-EU Technical Committee established on commodities and agriculture value chains;
16. **Invites** the President of the Council of Ministers to forward this Resolution to ACP regional economic integration organisations, the Commission of the African Union, the Council of the European Union, the European Parliament, EU Member States, and the European Commission.

Nairobi, 7 December 2019

**RESOLUTION
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019**

ACP-EU ECONOMIC PARTNERSHIP AGREEMENTS (EPAs)

2019

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,
- A. TAKING NOTE** that the States of the Eastern and Southern African (ESA) Region, signatories to the Interim Economic Partnership Agreement (IEPA), launched negotiations with the European Union to strengthen the ESA-EU IEPA;
- B. TAKING NOTE** that the delay in signing the West Africa EPA and the implementation of the IEPA raises some concerns regarding the seamless pursuit of regional integration in West Africa;
- C. TAKING NOTE** that Samoa completed its accession to the Pacific IEPA in 2019 and that the IEPA Trade Committee met in Suva, Fiji, in October 2019;
- D. TAKING NOTE** that 15 October 2019 marked the 11th anniversary of the CARIFORUM-EU EPA and that the preparations for the 2nd EPA five-year review are under way;
- E. TAKING NOTE** that the EU-SADC Joint Council held its first meeting on 18 February 2019 and approved its Rules of Procedure, those of the Trade and Development Committee, the list of Arbitrators, and their Code of Conduct;
- F. RECALLING** that Cameroon is the only country in the Central Africa Region that has signed an EPA, which was ratified in 2014;
- G. FURTHER NOTING** that in September 2019 the EU launched a process to update the 2002 negotiating directives for the negotiation of EPAs with ACP States and regions and to align the negotiating directives with recent developments and policies in the trade area which include the EU "Trade for All" Communication issued in 2015; the United Nations Agenda 2030, the Africa-Europe Alliance for Sustainable Investment and Jobs and the External Investment Plan;

- H. Concerned** that many ACP States remain outside the EPA framework, with EPAs causing friction at the regional level and posing a risk of undermining regional integration processes, due to the existence of different trade regimes operating in the various regions;
- I. NOTING** the ongoing negotiations on the post-Cotonou partnership agreement, which includes a Chapter on Trade Cooperation, and specifically an Article on Trade Arrangements that includes provisions on EPAs;
- J. DESIROUS** of ensuring that EPAs, truly become “tools for development” that contribute to poverty reduction, sustainable development, regional integration, and industrial transformation, through value chains and value addition, while attracting investment, creating employment, and stimulating trade for the beneficial integration of ACP States into the world economy;
- 1. Invites** the European Union (EU) to review the EPAs together with ACP States in order to redress shortcomings identified thus far and help ACP States seize the opportunities presented by global value chains;
 - 2. Calls** on the EU to ensure that the process of updating the 2002 negotiating directives for the negotiations of Economic Partnership Agreements (EPAs) with African, Caribbean and Pacific (ACP) countries and regions does not result the imposition of conditionalities on ACP States and trade disruptions;
 - 3. Further calls** on the EU to use the window provided by the review of the EU directives to ensure that the updated EU EPA mandate provides the necessary means to address their concerns;
 - 4. Urges** ACP States to continue with the EPA processes as collectively as possible with a view to supporting seamless regional integration;
 - 5. Reiterates** the need to strengthen the Joint ACP-EU Ministerial Trade Committee, to serve as a joint EPA monitoring implementation mechanism under the post-Cotonou agreement; and
 - 6. Invites** the President of the Council of Ministers to forward this Resolution to ACP regional economic integration organisations, the Commission of the African Union, the Council of the European Union, the European Parliament, EU Member States, and the European Commission.

etc

Nairobi, 7 December 2019

**RESOLUTION
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019**

**THE HUMAN RIGHTS SITUATION IN THE WEST PAPUA PROVINCE
OF INDONESIA (WEST PAPUA)**

E 181

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,
- A. HAVING HEARD** the report from the ACP Committee of Ambassadors on the human rights situation in West Papua;
- B. REAFFIRMING** the obligation of States under the United Nations Charter to promote universal respect for and the observance of human rights and fundamental freedoms;
- C. REAFFIRMING** the United Nations' appointment of the Special Rapporteur and Special Procedures and Mandate Holders on Human Rights;
- D. RECALLING** paragraphs 35 to 37 of the 2019 Pacific Islands Forum Leaders Communique recognising Indonesia's sovereignty over West Papua and acknowledging the reported escalation in violence and continued allegations of human rights abuses in West Papua and re-emphasising and reinforcing the Pacific Islands Forum's position of raising its concerns over violence and calling on all parties to protect and uphold the human rights of all residents and to work to address the root causes of the conflict by peaceful means and maintain open and constructive dialogue with Indonesia on the issue of alleged human rights abuses and violations in West Papua.
- E. ACKNOWLEDGING** efforts undertaken by the United Nations High Commissioner for Human Rights and her Office to draw attention to the serious and ongoing human rights violations in West Papua;
- F. ACKNOWLEDGING** that, following the issuance of an invitation by Indonesia in February 2018, the timing, scope, and make-up of a mission by the United Nations High Commissioner for Human Rights to independently assess the human rights situation in West Papua is yet to be finalised;
- G. EMBRACING** the United Nations Universal Declaration of Human Rights (UDHR) Resolution 217A as a milestone document of human rights, providing a common standard of achievement for all peoples and all nations and regions of the World;

- H. RECALLING** the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations in its Resolution 2625 (XXV) of 24 October 1970, and in particular, its annex under the preamble, on the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for fundamental human rights and developing friendly relations among nations irrespective of their political, economic, and social systems or their levels of development;
- I. RECOGNISING** that the ACP Member States have raised concerns about the ongoing human rights violations, communications restrictions and the independent media's lack of access to the provinces of West Papua; and
- J. IN KEEPING** with the ACP Group's unwavering commitment to respect human rights, the rule of law and democratic principles:

CALLS ON the parties concerned to:

- 1.** Conduct a mission to West Papua and provide an evidence-based, informed report on the human rights situation before the next meeting of the Pacific Islands Forum Leaders in July 2020;
- 2.** Give international media access to West Papua, to provide independent coverage of the human rights situation ahead of the next meeting of the Pacific Islands Forum Leaders in July 2020;
- 3.** Work together to address the root causes of the conflict in West Papua by peaceful means, and protect and uphold the human rights of all residents in West Papua; and
- 4.** Seek to include the human rights situation in West Papua as a standing item on the agenda of the United Nations Human Rights Council. *esa*

Nairobi, 7 December 2019

RESOLUTION
OF THE 110th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN NAIROBI, KENYA, ON 7 DECEMBER 2019

**EUROPEAN UNION LIST OF NON-COOPERATIVE
JURISDICTIONS FOR TAX PURPOSES**

2019

The ACP Council of Ministers,

- Meeting in Nairobi, Kenya, on 7 December 2019,
- A. HAVING REGARD** to the Georgetown Agreement establishing the African, Caribbean and Pacific Group of States;
- B. HAVING REGARD** to the ACP-EU Cotonou Partnership Agreement, in particular Articles 8 and 12;
- C. HAVING REGARD** to the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda on financing for development adopted by the United Nations General Assembly;
- D. TAKING INTO ACCOUNT** the conclusions of the EU Council on the EU list of non-cooperative jurisdictions for tax purposes, published on 5 December 2017, and its various revisions, including the developments as at 14 November 2019;
- E. UNDERSCORING** the devastating economic, social, and political consequences of the list on the countries concerned and the considerable harm done to their image and economy, in particular the serious blow dealt to economic competitiveness and resource mobilisation in the ACP countries concerned;
- F. CONSIDERING** that the EU unilaterally and arbitrarily established a standard for the definition of international tax good governance, which goes beyond that set by the OECD, without any prior consultation with the ACP Group, as stipulated in Article 12 of the Cotonou Partnership Agreement;
- G. CONSIDERING** that the Organisation for Economic Cooperation and Development (OECD) remains the only body authorised to set standards and rules in terms of international tax cooperation, and that the majority of ACP countries included on the list are in compliance, for the most part, with the OECD's standards on international tax good governance;
- H. RECALLING** the relevance of the proposals for the creation of an intergovernmental tax body within the framework of the United Nations and for the involvement of the ACP Group Member States;

- I. **AWARE** of the challenges of international tax governance for the economies of ACP countries and the importance of establishing fair and equitable international tax standards for all;
- J. **CONSIDERING** that the bilateral approach adopted by the EU in dealing with the affected ACP countries on the list is not equitable and has not yielded the expected results;
- K. **CONSIDERING** the major political, legislative, legal, and technical work undertaken by the countries to reform their tax policies, in order to comply with the EU's international tax good governance criteria;
- L. **HAVING REGARD** to the resolutions on the EU list of non-cooperative jurisdictions for tax purposes, the reports of the Ad hoc ACP Ministerial Contact Group on tax matters, and the outcome of the 110th Session of the Council of Ministers;
- M. **HAVING REGARD** to the letters from the ACP Group calling on the EU to effectively engage in political dialogue on the EU list of non-cooperative jurisdictions for tax purposes, under the Cotonou Partnership Agreement;
1. **Expresses** once again, its deep concern about the unilateral, non-transparent, and discriminatory approach adopted by the EU in the publication of this list of non-cooperative jurisdictions for tax purposes, and its indignation at the lack of political will and the fact that the EU has not responded appropriately to the ACP Group's repeated call for political dialogue on this matter;
 2. **Condemns** in the strongest terms, the pressure put on ACP States by the EU to comply with the European tax standard imposed, in blatant violation of their sovereignty, and with complete disregard for the objective procedures and constraints they face to implement the commitments made;
 3. **Also expresses** its concern about the EU Council's recommendation to its Member States, following the list's publication, calling for coordinated defensive tax measures, in keeping with their national legislation and obligations under European and international law, and about the considerable financial repercussions of any sanctions on the vulnerable economies of the countries concerned, as well as the publication by the Netherlands, of their own, more restrictive lists of non-cooperative jurisdictions for tax purposes;
 4. **Fears** that this attitude jeopardises the mutual trust needed for the negotiations currently under way for a post-2020 ACP-EU partnership agreement;

5. **Calls on the** ACP Group and its Member States to send a strong, high-level political message to the EU for real political dialogue at the all-ACP level on the list and on tax issues, in general, in the framework of the ACP-EU partnership agreement;
6. **Calls on** the EU for an urgent moratorium on the establishment and implementation of the EU list of non-cooperative jurisdictions for tax purposes and urges it to engage in constructive and frank political dialogue at the all-ACP level, at the earliest opportunity, in keeping with the Cotonou Partnership Agreement and the conclusion on this issue, of the 28th meeting of the ACP-EU Ministerial Committee on Development Finance Cooperation, held in Brussels on 23 May 2019;
7. **Calls on** the ACP Group's Member States to provide coordinated support for any proposal on the creation of an intergovernmental tax body, within the framework of the United Nations, with the adequate means and powers to set standards and rules which provide international tax architecture, using a universal approach; and
8. **Instructs** the President of Council to forward this Resolution to the European Commission, the Council of the European Union, the European Parliament, and the African Union Commission and regional integration organisations.

ecg

Nairobi, 7 December 2019