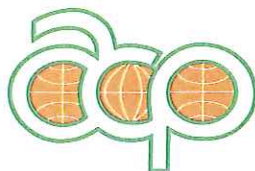


Organisation of
African, Caribbean and
Pacific States (OACPS)



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

REFERENCE

ACP/25/013/21 FINAL
Legal Services [EOA/mjb] eoa

Luanda, 3 December 2021

**DECISIONS AND RESOLUTIONS OF THE 113th SESSION
OF THE OACPS COUNCIL OF MINISTERS**

HELD BY VIDEOCONFERENCE

ON 30 NOVEMBER, 1 and 2 DECEMBER 2021

EOA

EN

SUMMARY

DECISIONS

- No. 1 Decision on the New OACPS-EU Partnership Agreement
- No. 2 Decision on the OACPS Secretariat's Budget for Financial Year 2022
- No. 3 Decision on the Financial Situation of the OACPS Secretariat
- No. 4 Decision on the Implementation of the Organisational Structure of the OACPS
- No. 5 Decision on the Organisation of African, Caribbean and Pacific States (OACPS) and the European Union (EU): Cooperation at the International Level
- No. 6 Decision on collaboration with the Organisation for Economic Cooperation and Development (OECD)
- No. 7 Decision on the Manual for the Implementation of the OACPS' Sanctions Policy
- No. 8 Decision on the Creation of an OACPS Cultural Foundation
- No. 9 Decision on the Establishment of Relations with the Republic of Indonesia
- No. 10 Decision on the Appointment of the Members of the Board of Directors of the ACP Endowment and Trust Fund Management Committee
- No. 11 Decision on the Setting of the Maximum Contribution Rate of the Members of the ACP Endowment and Trust Fund Management Committee
- No. 12 Decision on the Terms of Reference for the OACPS Small Island Developing States Forum (SIDS)

RESOLUTIONS

- No. 1 Trade issues: World Trade Organization Ministerial Conference, Economic Partnership Agreements, Intra-ACP Trade and UNCTAD Quadrennial Ministerial Conference
- No. 2 Commodities and Value Chains
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DECISIONS

200

**DECISION No. 1/CXIII/21
OF THE 113th SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD BY VIDEOCONFERENCE ON
30 NOVEMBER, 1 AND 2 DECEMBER 2021**

NEW OACPS-EU PARTNERSHIP AGREEMENT

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021,

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

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

WHEREAS the New OACPS-EU Partnership Agreement was initialled on 15 April 2021;

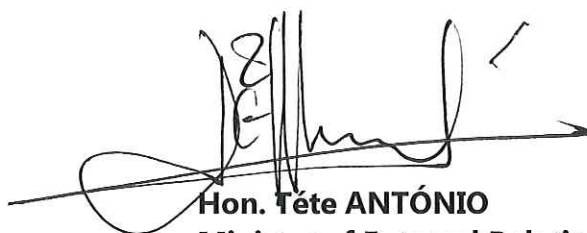
HAVING REGARD to the report of the Committee of Ambassadors entitled, "New OACPS-EU Partnership Agreement: state of play and next steps" [ACP/00/022/21 Rev.1];

HEREBY DECIDES TO:

1. **Welcome** the extension of transition measures in order to extend the application of the Cotonou Agreement from 30 November 2021 to 30 June 2022 or until the entry into force of the new Agreement or the provisional application of the Agreement, whichever comes first.
2. **Approve**
 - a. the amendments that provide for inclusion of European Union Member States into the EU Party; and
 - b. the technical corrections made regarding the reference to declarations in Article 6(1);
3. **Take note** of the list of issues to be excluded from the provisional application (so-called negative list); 209

4. **Mandate** the Committee of Ambassadors to:
 - a. approve the technical corrections made to the provisions in the new Agreement regarding the rules of procedures for joint institutions in Articles 88(7), 89(3), 93(4), 90(3), 92(4) sub-paragraph iv, and 94(3) sub-paragraph 4 and any other correction that may be necessary; and
 - b. conclude with the European Union partners the plans for the signing of the new Agreement.
5. **Call** on the European Union to expedite its internal procedures to enable early signing of the new Agreement; and
6. **Instruct** the Secretary-General to convey this decision to the President of the Council of the European Union, the President of the European Commission, the President of the European Parliament, and the Heads of OACPS Regional Organisations. *209*

Done at Luanda, 3 December 2021



Hon. Tete ANTÓNIO
Minister of External Relations of the Republic of
Angola
President of the OACPS Council of Ministers

DECISION No. 2/CXIII/21
OF THE 113th SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD BY VIDEOCONFERENCE ON
30 NOVEMBER, 1 AND 2 DECEMBER 2021

THE OACPS SECRETARIAT'S BUDGET FOR FINANCIAL YEAR 2022

The OACPS Council of Ministers,

- Meeting by video conference on 30 November, 1 and 2 December 2021,

HAVING REGARD to the provisions of the Georgetown Agreement, as revised in 2019, and the Financial Regulations of the Secretariat of the OACPS;

CONSIDERING the report of the Committee of Ambassadors to the 113th Session of the OACPS Council of Ministers on the draft Budget of the OACPS Secretariat for the Financial Year 2022 [ACP/41/089/21 Rev 3];

HEREBY DECIDES TO:

APPROVE the draft Budget of the OACPS Secretariat for the Financial Year 2022 (Financial, Operational and Personnel) with a total expenditure amounting to **€ 13,670,003**. The projected contributions to the Budget will be as follows: -

- | | | |
|----|--|----------------------------|
| 1. | From the Member of the OACPS: | €9,230,313 (67.52%) |
| | (i) Member States assessed contributions: | €7,446,517 |
| | (ii) Recovered arrears in contributions: | €688,182 |
| | (iii) Interests on arrears in contributions: | €172,908 |
| | (iv) Internal tax on staff emoluments: | €922,706 |
| 2. | Contribution from the European Union: | €4,439,691 (32.48%) |

Done at Luanda, 3 December 2021



Hon. Tété ANTÓNIO
Minister of External Relations of the
Republic of Angola
President of the OACPS Council of Ministers

DECISION No. 3/CXIII/21
OF THE 113th SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD BY VIDEOCONFERENCE ON
30 NOVEMBER, 1 AND 2 DECEMBER 2021

FINANCIAL SITUATION OF THE OACPS SECRETARIAT

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021,

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

HAVING REGARD to the revised Georgetown Agreement, in particular Article 30 (5), which stipulates that "Each Member State shall contribute to the Budget in accordance with provisions and Scale of Contributions established by the Council of Ministers";

HAVING REGARD to the Council of Ministers Decision No 4/CVI/17 adopting the revised scale of contributions based on the principle of burden-sharing and each Member State's capacity to pay;

HAVING REGARD to Article 6a (3) of the Financial Regulations of the Secretariat of the OACPS, which requires Member States to pay at least fifty percent (50%) of their assessed contributions by 31 March each year;

CONSIDERING the Report of the Committee of Ambassadors to the 113th Session of OACPS Council of Ministers [**ACP/26/077/21 Rev.2**];

CONCERNED with the level of contributions from Member States;

NOTING that the delays in payment or non-payments impact negatively on the implementation of the activities of the Secretariat and is in breach of the Financial Regulations;

esa

HEREBY DECIDES TO:

1. **Urge** Member States to honour their obligations as provided for in the Financial Regulations; and
2. **Instruct** the Committee of Ambassadors and the Secretary-General to strictly apply the regime of sanctions provided for in Annex 1 of the Georgetown Agreement. 209

Done at Luanda, 3 December 2021



Hon. Tete ANTÓNIO
Minister of External Relations of the
Republic of Angola
President of the OACPS Council of Ministers

DECISION No. 4/CXIII/21
OF THE 113th SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD BY VIDEOCONFERENCE ON
30 NOVEMBER, 1 AND 2 DECEMBER 2021

**IMPLEMENTATION OF THE ORGANISATIONAL STRUCTURE OF
THE OACPS**

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021,

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

HAVING REGARD to Decision No.3/CX/19 of its 110th session held in Nairobi, Kenya, on 7 December 2019, during which the Committee of Ambassadors was mandated to commission a complete review of the Secretariat's structure;

HAVING REGARD ALSO to Decision No 4/CXII/21 of its 112th session during which the proposed organisational structure of the OACPS Secretariat was approved;

HAVING REGARD to the update of the report of the Committee of Ambassadors on the implementation of the organisational structure of the OACPS Secretariat;

HAVING REGARD to the report of the Committee of Ambassadors on the recruitment strategy of the OACPS Secretariat;

HEREBY DECIDES TO:

1. **Approve** the proposed remuneration for Technical Assistants; and
2. **Mandate** the Committee of Ambassadors to oversee the process, and provide an update on the organizational structure and knowledge management strategy. *2021*

Done at Luanda, 3 December 2021



Hon. Tete ANTÓNIO
Minister of External Relations of the
Republic of Angola
President of the OACPS Council of Ministers

DECISION No. 5/CXIII/21
OF THE 113th SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD BY VIDEOCONFERENCE ON
30 NOVEMBER, 1 AND 2 DECEMBER 2021

ORGANISATION OF AFRICAN, CARIBBEAN AND PACIFIC STATES
(OACPS) AND THE EUROPEAN UNION (EU): COOPERATION AT
THE INTERNATIONAL LEVEL

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021,

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

HAVING REGARD to the Port Moresby Declaration committing to strengthening coordination and dialogue among Member States in all international fora;

RECALLING the Joint ACP-EU Declaration on the 2030 Agenda and the implementation of the Sustainable Development Goals, adopted in New York on 24 September 2019;

RECALLING the Nairobi Nguvu Ya Pamoja Declaration, which reaffirms the OACPS' commitment to multilateralism;

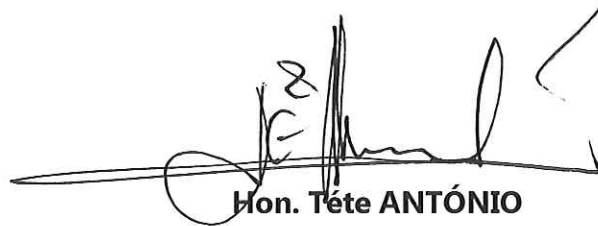
RECALLING the commitments made under the new OACPS-EU Partnership Agreement, in which the parties reaffirm the importance of cooperating at the international level as outlined in Part III of the new agreement on global alliance and international cooperation;

HAVING REGARD to the Committee of Ambassadors Report set forth in document [ACP/26/077/21 Rev.2]; *eda*

HEREBY DECIDES TO:

1. **Note** the international cooperation between the Organisation of African, Caribbean and Pacific States and the European Union as set out in document **[ACP/00/012/21 FINAL]**;
2. **Mandate** the Committee of Ambassadors to implement the next steps; and
3. **Request** the Committee of Ambassadors to submit a progress report on this issue at its next meeting. *25/4*

Done at Luanda, 3 December 2021



Hon. Tete ANTÓNIO
Minister of External Relations of the
Republic of Angola
President of the OACPS Council of Ministers

DECISION No. 6/CXIII/21
OF THE 113th SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD BY VIDEOCONFERENCE ON
30 NOVEMBER, 1 AND 2 DECEMBER 2021

**DECISION ON COLLABORATION WITH THE ORGANISATION FOR ECONOMIC
COOPERATION AND DEVELOPMENT (OECD)**

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021,

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

RECALLING the initialling of the New OACPS-EU Partnership Agreement that took place on 15 April 2021, marking the official conclusion of negotiations;

NOTING that the signing of the New OACPS-EU Partnership Agreement will take place in 2022;

HAVING REGARD to the Report of the OACPS Committee of Ambassadors to the Council of Ministers contained in document [ACP/26/077/21 Rev.2];

HEREBY DECIDES TO:

1. **Approve** the concept note on the collaboration with the OECD'S Open Government Unit on stakeholder consultation and engagement in the New OACPS-EU Partnership Agreement and its phases as outlined in the Concept Note;
2. **Mandate** the Committee of Ambassadors to continue with the finalization of the modalities of the implementation of this concept note; and
3. **Request** the Committee of Ambassadors to submit a progress report on this issue at its next meeting. *2021*

Done at Luanda, 3 December 2021



Hon. Tete ANTÓNIO
Minister of External Relations of the
Republic of Angola
President of the OACPS Council of Ministers

DECISION No. 7/CXIII/21
OF THE 113th SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD BY VIDEOCONFERENCE ON
30 NOVEMBER, 1 and 2 DECEMBER 2021

MANUAL FOR THE IMPLEMENTATION OF THE
OACPS' SANCTIONS POLICY

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021,

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

RECALLING Article 32 and Annexe I of the Georgetown Agreement as revised in 2019;

HAVING REGARD to the Report of the OACPS Committee of Ambassadors to the Council of Ministers contained in document [ACP/26/077/21 Rev.2];

HEREBY DECIDES TO:

1. **Approve** the Manual for the Implementation of the OACPS' Sanctions Policy;
2. **Request** that the Committee of Ambassadors ensure that the applicable texts on sanctions are consistent with the spirit and letter of the revised Georgetown Agreement, in particular by amending the Financial Regulations; and
3. **Mandate** the Committee of Ambassadors to develop objective criteria and treat, with exception, Annex 1 of the Revised Georgetown Agreement. *209*

Done at Luanda, 3 December 2021



Hon. Tété ANTÓNIO
Minister of External Relations of the
Republic of Angola
President of the OACPS Council of Ministers

DECISION No. 8/CXIII/21
OF THE 113th SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD BY VIDEOCONFERENCE ON
30 NOVEMBER, 1 and 2 DECEMBER 2021

CREATION OF AN OACPS CULTURAL FOUNDATION

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021

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

HAVING REGARD to the recommendations in paragraph 59 of the Report of the OACPS Committee of Ambassadors to the Council of Ministers contained in document [ACP/26/077/21 Rev. 2];

HEREBY DECIDES TO :

1. **Approve** the creation of the OACPS Cultural Foundation; and
2. **Instruct** the Committee of Ambassadors to present the legal structure and a fundraising strategy for the Foundation to Council at its next meeting. *202*

Done at Luanda, 3 December 2021



Hon. Tete ANTÓNIO
Minister of External Relations of the
Republic of Angola
President of the OACPS Council of Ministers

DECISION No. 9/CXIII/21
OF THE 113th SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD BY VIDEOCONFERENCE ON 30 NOVEMBER, 1 AND 2
DECEMBER 2021

ESTABLISHMENT OF RELATIONS WITH THE
REPUBLIC OF INDONESIA

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021,

HAVING REGARD to Article 34 Chapter XII of the Georgetown Agreement, as revised in 2019, on the Conduct of Foreign Relations;

HAVING REGARD also to the Report of the OACPS Committee of Ambassadors to the 113th Session of the Council of Ministers [**ACP/26/077/21 Rev. 2**];

WHEREAS many Members of the OACPS have bilateral relations with the Republic of Indonesia;

HEREBY DECIDES TO:

1. **Welcome** the initiative of the Secretary-General to expand the external relations of the OACPS and to promote partnerships in the interest of the Organisation;
2. **Approve** the establishment of a working relationship between the OACPS Secretariat and the Embassy of the Republic of Indonesia in Brussels;
3. **Mandate** the Secretary-General to sign a Letter of Intent (LoI) with the Embassy of the Republic of Indonesia; and
4. **Instruct** the Secretary-General to report to the next Session of the Council of Ministers on the implementation of the Letter of Intent. *eda*

Done at Luanda, 3 December 2021



Hon. Tete ANTÓNIO
Minister of External Relations of the
Republic of Angola
President of the OACPS Council of Ministers

DECISION NO. 10/CXIII/21
OF THE 113TH SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD ON 30 NOVEMBER, 1 AND 2 DECEMBER 2021 BY
VIDEOCONFERENCE

APPOINTMENT OF THE MEMBERS OF THE BOARD OF DIRECTORS OF
THE OACPS ENDOWMENT AND TRUST FUND MANAGEMENT
COMMITTEE

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021,

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

HAVING REGARD to Decision No. 9/CX/19 of the 110th Session of the OACPS Council of Ministers held on 7 December 2019;

HAVING REGARD to Luxembourg's Law of 21 April 1928 on Non-Profit Associations and Foundations;

HAVING REGARD to the Articles of the OACPS Endowment and Trust Fund Management Committee (OACPS-ETF) dated 26 February 2021;

HAVING REGARD to the recommendations of the Board of Directors of the OACPS-ETF Management Committee to the 113th Session of the Council of Ministers;

CONSIDERING the progress made since the establishment of the OACPS-ETF and its governance, and the next steps towards the Fund's effective operationalisation; *esa*

HEREBY DECIDES TO :

1. **Approve** the appointment of the following members to the Board of Directors of the OACPS-ETF Management Committee:
 - H.E. Mr. Colin Michael CONNELLY, Ambassador of Trinidad and Tobago, representing the Caribbean region, and replacing H.E. Ms. Sieglien Ria Odetta BURLESON, Ambassador of the Republic of Suriname; and
 - H.E. Dr. Mekondjo KAAPANDA-GIRNUS, Ambassador of the Republic of Namibia, representing the Southern African region, and replacing, H.E. Prof. Esther Munalula NKANDU, Ambassador of the Republic of Zambia;
2. **Invite** the Board of Directors to submit these appointments to the General Assembly of the OACPS-ETC Management Committee for approval. 209

Done at Luanda, 3 December 2021



Hon. Tété ANTÓNIO
Minister of External Relations of the
Republic of Angola
President of the OACPS Council of Ministers

DECISION NO. 11/CXII/21
OF THE 113TH SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD ON 30 NOVEMBER, 1 AND 2 DECEMBER 2021 BY
VIDEOCONFERENCE

SETTING OF A MAXIMUM CONTRIBUTION RATE OF THE MEMBERS OF
THE OACPS ENDOWMENT AND TRUST FUND MANAGEMENT
COMMITTEE

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021,

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

HAVING REGARD to Decision No. 9/CX/19 of the 110th session of the OACPS Council of Ministers held on 7 December 2019;

HAVING REGARD to Luxembourg's Law of 21 April 1928 on Non-Profit Associations and Foundations;

HAVING REGARD to the Articles of the OACPS Endowment and Trust Fund Management Committee (OACPS-ETF) dated 26 February 2021;

HAVING REGARD to the recommendations of the Board of Directors of the OACPS-ETF Management Committee to the 113th Session of the Council of Ministers;

CONSIDERING the progress made since the establishment of the OACPS-ETF and its governance, and the next steps towards the Fund's effective operationalisation;

REITERATING the need for the OACPS to strengthen its financial viability, in keeping with the Declaration of the 9th Summit of ACP Heads of State and Government held in December 2019;

HEREBY DECIDES TO:

1. **Approve** the maximum rate of 500 euros as the annual contribution of each member of the - OACPS-ETF Management Committee; and
2. **Invite** Member States to pay their contributions as members of the OACPS-ETF Management Committee. *lma*

Done at Luanda, 3 December 2021

A handwritten signature in black ink, appearing to be 'Tete António', written over a horizontal line.

Hon. Tete ANTÓNIO
Minister of External Relations of the
Republic of Angola
President of the OACPS Council of Ministers

DECISION No. 12/CXIII/21
OF THE 113th SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD BY VIDEOCONFERENCE ON
30 NOVEMBER, 1 AND 2 DECEMBER 2021

**TERMS OF REFERENCE FOR THE OACPS SMALL ISLAND
DEVELOPING STATES FORUM (SIDS)**

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021,

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

HAVING REGARD to Article 25 and Annexe II of the revised Georgetown Agreement, *Subsidiary and Consultative Organs*, which authorised the creation of a SIDS Forum to be established to address the specificities and needs of Small Island Developing States (SIDS);

RECALLING that the revised Georgetown Agreement mandated the SIDS Forum to improve the resilience of SIDS before and after disasters, and to further address the vulnerabilities and challenges caused by climate change, through the adoption and implementation of adaptation and mitigation measures;

HAVING REGARD to the Report of the Committee of Ambassadors to the 112th Session of the OACPS Council of Ministers held (virtually) on 7 and 8 July 2021 on OACPS SIDS Priority Issues [ACP/26/041/21 Rev.1], and intent on implementing SIDS - related decisions in the Nairobi Nguvu Ya Pamoja Declaration, adopted by the 9th Summit of OACPS Heads of State and Government, held in Nairobi Kenya from 9 to 10 December 2019;

RECALLING the Decision No.5/CXII/21 of 112th Session of the OACPS Council of Ministers, held on 7 and 8 July 2021, to support all actions for a coordinated integrated approach to implement the priority issues of the OACPS SIDS to address debt distress and debt sustainability, access to concessional finance and advocacy for a universal multidimensional vulnerability index;

FURTHER RECALLING the 112th Session of the OACPS Council of Minister's instruction to the Committee of Ambassadors to urgently engage the relevant institutions of the European Union to ensure that in the allocation of resources under the Neighbourhood Development and International Cooperation Instrument (NDICI-Global Europe), priority is given to countries in need , including Small Island Developing States (SIDS), in order to effectively address their multiple inherent constraints and specificities;

HAVING considered the Report of the Committee of Ambassadors to the 113th Session of the OACPS Council of Ministers [**ACP/26/077/21 Rev. 2**] and the deliberations of the Council of Ministers thereon;

HEREBY DECIDES TO:

1. **Instruct the** Committee of Ambassadors to ensure the terms of Reference of the OACPS SIDS Forum aligns with its status and functions as a Subsidiary and Consultative Organ of the OACPS, in accordance with Article 25 and Annex II of the Georgetown Agreement;
2. **Instruct** the Committee of Ambassadors to expedite and finalise a multidimensional Vulnerability Index for consideration at the next Session of the Council; and
3. **Instruct** the Committee of Ambassadors to support the SIDS Forum's efforts in the mobilisation of financial resources from the relevant EU financial instruments, including climate finance to support OACPS SIDS to address their increasing vulnerabilities. *esa*

Done at Luanda, 3 December 2021



Hon. Tété ANTÓNIO
Minister of External Relations of the
Republic of Angola
President of the OACPS Council of Ministers

RESOLUTIONS²⁰⁹

RESOLUTION No. 1/CXIII/21
OF THE 113th SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD BY VIDEOCONFERENCE ON 30 NOVEMBER, 1 AND
2 DECEMBER 2021

TRADE ISSUES:
WORLD TRADE ORGANIZATION MINISTERIAL CONFERENCE,
ECONOMIC PARTNERSHIP AGREEMENTS, INTRA-ACP TRADE AND
UNCTAD QUADRENNIAL MINISTERIAL CONFERENCE

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021,
- A. **HAVING REGARD** to the Georgetown Agreement, as revised in 2019;
- B. **HAVING REGARD** to the outcome document and conclusions of the virtual meeting of the OACPS Ministers of Trade held on 28 October 2021 **[ACP/61/056/21]**;
- C. **HAVING REGARD** to the overview of the state of play of WTO negotiations on key areas in which the OACPS Group has been participating, as reflected in **[ACP 61/049/21]**;
- D. **HAVING REGARD** to the 12th World Trade Organization (WTO) Ministerial Conference (MC12) which has been postponed due COVID 19;
- E. **HAVING REGARD** to updates provided by the seven Economic Partnership Agreements (EPA) configurations on the EPA process in their countries and regions **[Doc ACP/61/045/21 Rev 1]**;
- F. **AWARE** that only 32 out of 79 Members of the OACPS are applying an EPA and that some EPA parties have not ratified the agreements so far and therefore the EPA are applied on a provisional basis; 209

- G. **CONCERNED** that Economic Partnership Agreements (EPAs) have not resulted in substantial benefits for members in most, if not all, the EPA configurations;
- H. **NOTING** that the share of the market, range and quantity of exports have not improved and that although a few countries have performed relatively well, as a whole, EPA implementation is facing challenges of converting market access to market presence;
- I. **CONCERNED** that multiple trade regimes within the same customs union is cause for concern due to the harmful impact they have on regional integration;
- J. **ANXIOUS** about the uncertainty and unpredictability of the new European Union Neighbourhood Development and International Cooperation instrument (NDICI) – Global Europe as a financial tool, to support EPA implementation;
- K. **NOTING WITH CONCERN** that the "*Octroi de Mer*" (Dock Dues) are negatively affecting trade, particularly in the EPA configurations of CARIFORUM and ESA-5 with French Outermost Regions (FOR);
- L. **COGNISANT** of the fact that BREXIT will have an impact on the EPAs since the United Kingdom (UK) was a major trading partner for most EPA configurations and its commitments were relatively more liberal, coupled with a large proportion of Foreign Direct Investment (FDI) inflows;
- M. **HAVING REGARD** to the report on progress in the implementation of the free trading arrangements (FTAs) – the Africa Continental Free Trade Area (AfCFTA), the Caribbean Single Market and Economy (CSME), and the Pacific Island Countries Trade Agreement (PICTA) in the three main OACPS regions, namely Africa, the Caribbean, and the Pacific **[ACP/61/051/21]**.
- N. **HAVING REGARD** to the outcome of the 15th session of the United Nations Conference on Trade and Development (UNCTAD 15) as highlighted in a briefing statement of Senator Dr. The Honourable Jerome Walcott of Barbados and contained in "The Spirit of Speightstown - A political declaration" and "The Bridgetown Covenant - From inequality and vulnerability to prosperity for all"; 209

HEREBY RESOLVES TO:

On global trade issues

1. **Endorse** the OACPS Ministerial Declaration for WTO MC12 – Document [ACP/61/046/21] and **welcome** its inclusion as a WTO MC 12 Conference document;
2. **Encourage** the OACPS negotiating team in Geneva to continue to advance positions in the OACPS Declaration, especially on fisheries subsidies, agriculture, the WTO's response to the Covid-19 pandemic, and WTO Reform;
3. **Highlight** the critical importance of the e-commerce work programme in addressing the issues of the digital divide, data flows, localisation, the moratorium, treatment of taxes on e-transmissions, discriminatory treatment between digital and physically traded goods, impact of duties on e-transmissions on government revenue and on consumers and businesses in Members of the OACPS;
4. **Commend** the Minister and delegation of Jamaica for the leadership and coordination role it has and is continuing to play at the WTO MC 12;

On the EPA process and other bilateral trade relations

5. **Call on** all the Parties, particularly the concerned European Union Member States, to complete their ratification processes for the entry into force of the EPAs;
6. **Request that** the European Union work in concert with the Members of the OACPS that are party to the EPAs, to ensure increased market share, diversity, and quantum of exports for the latter;
7. **Stress** that in regions where not all countries are in a position to sign, ratify and implement the EPA, the application of variable geometry should be considered; 209

8. **Call on** the European Union to give favourable consideration to those members of the OACPS s that have not joined any EPA but are exploring possibilities and opportunities to re-engage the EU on strengthening the trade and development dimension of their relations, including options to resume negotiations on the comprehensive EPA, or the expansion of the existing interim EPAs to include development cooperation;
9. **Request that** adequate resources be made available under NDICI to support the implementation of the EPAs, and to develop the requisite capacity to deal with non-tariff measures as these measures have affected the competitive advantage contemplated by preferential trading arrangements;
10. **Call on** the French authorities to abolish the "*Octroi de Mer*" (Dock Dues) noting that it is not only inconsistent with the Single European Act which requires that the protection of local production be abandoned, but its application is contrary to the spirit behind the OACPS-EU Economic Partnership Agreements. **Further call for** consultations to be undertaken between the OACPS and the French authorities at the Ministerial level to address this issue;
11. **Request that** the UK authorities continue their collaboration with the OACPS, in spite of BREXIT, and **call** for the conclusion of a framework of cooperation between the Parties in order to further enhance the two-way flow of trade and foreign direct investments;

On Intra-ACP trade

12. **Commend** the Secretariats of the African Continental Free Trade Area, CARICOM, and the Pacific Island Forum for their efforts and accomplishments in fostering their respective free trade areas;
13. **Request** that the OACPS Secretariat update or undertake new studies on the feasibility of establishing an OACPS Free Trade Area by taking account of the significant developments that have been made over the years since previous studies on establishing the viability of negotiating an OACPS Free Trade Arrangement were conducted;
14. **Call** for issues affecting intra-ACP trade, such as cumulation in the rules of origin to be addressed through the application of the relevant provisions in the EPAs with the European Union;

15. **Note** that while the COVID-19 pandemic has caused numerous challenges, it has also created opportunities for further collaboration and joint action in areas such as vaccine production, which should be explored and acted upon;
16. **Invite** the OACPS Secretariat to explore and identify a financial facility that could be used to address challenges that inhibit intra-ACP trade;

On UNCTAD

17. **Express** satisfaction with the results of the Conference as most issues included in the two main outcome documents take account of the issues raised by OACPS Members, particularly the way forward on COVID-19- pandemic related issues, such as production and access to vaccines;
18. **Commend** the Kenyan and Barbadian authorities for their leadership role as Chairs for UNCTAD XIV and UNCTAD XV respectively;
19. **Call upon** the OACPS Secretariat to enhance its cooperation with UNCTAD to determine how best to ensure that Members' interests and needs are taken into account in the implementation of the Bridgetown Covenant; and
20. **Welcome** the recent discussions between the Secretary-General of the OACPS and the Secretary General of UNCTAD and the decision to revamp the Memorandum of Understanding between the two Organisations. *e d o*

Luanda, 3 December 2021

RESOLUTION No. 2/CXIII/21
OF THE 113th SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD BY VIDEOCONFERENCE ON 30 NOVEMBER, 1 AND
2 DECEMBER 2021

COMMODITIES AND VALUE CHAIN ISSUES

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021,
- A. **HAVING REGARD** to the Georgetown Agreement, as revised in 2019;
- B. **HAVING REGARD** to the outcome document and conclusions of the virtual meeting of the OACPS Ministers of Trade held on 28 October 2021 **[ACP/61/056/21]** and the report of the meeting of the Committee of Ambassadors **[ACP/26/077/21 Rev. 2]**;
- C. **HAVING REGARD** to information on programmes being implemented under the Joint Cooperation Framework for Private Sector Development and the ACP New Approach on Support for the Development of Agriculture Value Chains, namely the Agri Business Capital Fund (EUR 45 Million), Farmers Organisation for ACP Programme (EUR 40 Million), Fit for Market Programme (EUR 25 Million), Business Friendly Programme (EUR 34.7 Million) and the Framework Programme on Agriculture value chains (EUR 154 Million) **[ACP/61/056/21.]**;
- D. **HAVING NOTED** the good progress made in addressing the challenges of capacity building and access to Finance through the implementation of the Programmes;
- E. **UNDERSCORING** the need for selected Implementing Agencies of the Framework Programme on Agriculture Value Chains to work closely with national and regional partners in the implementation of the Programme; *eca*

- F. **NOTING** that the Sustainability Agenda entails the recognition of economic, social, and environmental factors surrounding the development of value chains and in every aspect of their trade relations, that an improvement in the livelihood of people and the environment could be achieved;
- G. **CONCERNED** that the aspects of sustainability and circular value chains if not addressed properly, may become barriers to trade for OACPS countries;
- H. **AWARE** that improving transparency and traceability has become a priority in ensuring responsible consumption and production, in line with SDG 12, however **NOTING** that setting up traceability and transparency systems can be challenging in view of the huge investments required;
- I. **RECALLING** that the EU has launched its new Trade Policy, which will focus, among others on strengthening sustainability and resilience in global value chains (GVCs), reform of the WTO, and ensuring that countries that have signed trade agreements with the EU honour the commitments made;
- J. **HAVING OBSERVED** that the EU has embarked on the "Farm to Fork" strategy of the European Green Deal, which has led to the creation of new regulations such as the Carbon Border Adjustment Mechanism (CBAM), Organic Regulation, Deforestation Regulation, and the Due diligence regulation that obliges EU companies to demonstrate that commodities and products imported have not contributed to child labour or Deforestation;
- K. **CONCERNED** that this situation, if not addressed jointly with our European partners, could translate into insurmountable Technical Barriers to Trade (TBT) for OACPS exporters, which may negatively affect the market access obtained under the various trade regimes including the Economic Partnership Agreement;
- L. **DEEPLY CONCERNED** that the EU market is increasingly becoming more restrictive, and less attractive particularly for OACPS producers and exporters, and less attractive because of the erosion of preferences in the EU Market as a result of an increase in the number of Free Trade Agreements being concluded; 209

- M. **ANXIOUS** that the new Generalised Scheme of Preferences (GSP) that enters into force from 1 January 2024 includes the extension of negative conditionalities to environmental and good governance conventions that could potentially affect trade negatively;
- N. **HAVING OBSERVED** that most OACPS Least Developed Countries (LDCs) are currently trading with the EU under the GSP EBA framework, however "graduation" out of LDC status has been accelerating and thus pressure is mounting on OACPS LDCs to join Economic Partnership Agreements (EPA), resulting in the gradual opening of their markets;
- O. **RECALLING** that the OACPS made a plea to the EU for the implementation of measures that will facilitate the "Cumulation in the Rules of Origin" between Members trading under Everything But Arms (EBA) and EPAs, with a view to promoting the establishment of integrated regional/continental value chains; and
- P. **ACKNOWLEDGING** with appreciation the actions being pursued by the OACPS in response to the above challenges that include: Participation in public consultations launched by the EU and the UK, setting up of an Early Warning Mechanism, strengthening ties with OACPS Missions in London with the objective of initiating discussions on an OACPS-UK Partnership Framework post-Brexit, strengthening ties with OACPS Missions in Geneva to effectively use the WTO platform to raise Brussels-based issues and concerns, setting up of an ad hoc sustainable cocoa working group, to among others, compile lessons learnt from the cocoa value chains on the sustainability agenda that can be shared and applied to other value chains, notably the concept of Living Income Differential (LID).

HEREBY RESOLVES TO:

1. **Take note** of the Programmes being implemented under the Joint ACP-EU Cooperation Framework for Private Sector Development and the ACP New Approach on support for the development of Agriculture Value Chains;
2. **Request** that the OACPS Secretariat ensure that the implementation of the Framework Programme on Agriculture Value Chains commences next year in 2022; *2022*

3. **Call upon** on the Secretariat to host a briefing session on the Framework Programme on Agriculture Value Chains prior to full implementation so that Members are aware of its intended benefits and are ready to support its successful implementation;
4. **Request that** the Committee of Ambassadors expedite the process of setting up an Early Warning Mechanism that would alert OACPS Members on new rules "governing" trade with the European Union, which might affect OACPS market access, with special attention to strategic agriculture value chains;
5. **Emphasise** to the EU that discussions and negotiations on "sustainability" be human-centred and include the economic aspect i.e. the concept of a Living Income Differential (LID) paid to farmers, in addition to the environmental and social issues of deforestation and child labour respectively;
6. **Request** that the Committee of Ambassadors promote the adoption of the concept of Living Income Differential (LID) developed by Côte d'Ivoire and Ghana, to other important commodities for OACPS Members;
7. **Call upon** the OACPS Secretariat to thoroughly examine the Carbon Border Adjustment Mechanism (CBAM) and other key regulations, to ascertain any likely impact on OACPS exports to the EU, and discuss with the EU, with a view to addressing the potential negative impact on trade with OACPS Members;
8. **Further request** that the OACPS Secretariat follow closely the discussion on the regulations on EU Due diligence, Deforestation, and the revised EU General Scheme of Preferences (GSP), that have the potential to disrupt trade in commodities and associated products;
9. **Call upon** the EU to ensure that OACPS stakeholders are invited to participate in the development of new regulations, as mandated by OACPS-EU cooperation agreements;
10. **Further call upon** the EU to ensure that OACPS exporters and farmers have sufficient time and resources to adapt to the ever-evolving regulations, such as the Organic Regulation; *209*

11. **Request** that the OACPS Secretariat facilitate intra-OACPS and OACPS-EU exchanges of best practices and cooperation;
12. **Invite** the EU to collaborate on necessary actions to be taken to reduce the negative impact of new EU regulations and/or voluntary private sector initiatives on OACPS MSMEs; and
13. **Call upon** the Committee of Ambassadors to work on the post-Brexit OACPS-UK Partnership Framework. *20^a*

Luanda, 3 December 2021

RESOLUTION No. 3/CXIII/21
OF THE 113th SESSION OF THE OACPS COUNCIL OF MINISTERS
HELD BY VIDEOCONFERENCE ON 30 NOVEMBER, 1 AND
2 DECEMBER 2021

EUROPEAN UNION (EU) LISTS OF NON-COOPERATIVE TAX
JURISDICTIONS AND HIGH-RISK THIRD COUNTRIES WITH
STRATEGIC DEFICIENCIES IN ANTI-MONEY LAUNDERING
AND COUNTERING THE FINANCING OF TERRORISM
(AML/CFT) REGIMES

The OACPS Council of Ministers,

- Meeting by videoconference on 30 November, 1 and 2 December 2021,
- A. **HAVING REGARD** to the Georgetown Agreement, as revised in 2019;
- B. **HAVING REGARD TO** the ACP-EU Cotonou Partnership Agreement as revised in Ouagadougou on 22 June 2010, in particular its Articles 8 and 12;
- C. **HAVING REGARD TO** Resolution No. 4/CXII/21 of the 112th session of the Council of Ministers of 8 July 2021;
- D. **HAVING REGARD TO** European Commission Delegated Regulation (EU) 2020/855 of 7 May 2020 and the conclusions of the Council of the European Union on the revised EU list of non-cooperative jurisdictions for tax purposes of 5 October 2021;
- E. **HAVING REGARD TO** the decision of the FATF Plenary of 21 October 2021, to remove Botswana and Mauritius from its grey list, and as was previously the case for Ghana in June 2021, the Bahamas in December 2020 and Trinidad and Tobago in February 2020;
- F. **HAVING REGARD TO** the report of the Committee of Ambassadors to the 113th session of the OACPS Council of Ministers;
- G. **CONSIDERING THAT** the EU lists have serious negative consequences for the international reputation, economy and sustainable development of the OACPS Members concerned; *edg*

- H. **NOTING** that there was an understanding from FATF that criteria used to identify deficiencies of stakeholders should not be prejudicial or harmful to them in any way;
- I. **CONSIDERING THAT** the criterion of tax fairness is not in line with OECD international tax standards and is specific to the EU, and that the latter's use, evaluation and rating of third countries are problematic in view of its nature and effects bearing in mind that there is no level playing field and that is the sovereign right of countries to determine their fiscal policy;
- J. **CONSIDERING THAT** newfiscal transparency criteria relating to the operationalization of international exchange of information of the Global Forum on offshore financial accounts, access to the beneficial ownership registry, and the possible implementation of these criteria could risk the inclusion of new OACPS countries on the European Union list of non-cooperative tax jurisdictions;
- K. **CONSIDERING** the ambitious AML/CFT package that the European Commission has adopted on 20 July 2021 and, in this regard, **NOTES** the proposal for the creation of two lists – Grey and Black – to align it with the FATF lists;
- L. **CONSIDERING THAT** some members of the OACPS have reported that bank accounts of their diplomatic missions in Belgium are blocked or closed without any explanation;
- M. **CONSIDERING THAT** the OACPS and the EU have a strong and long-standing partnership, which should serve as a platform for structured dialogue at both bilaterally and "all ACP" levels to address challenges in accordance with Paragraph 1 of *Article 3* of the newly initialled OACPS-EU Partnership Agreement which stipulates that "*The Parties shall engage in regular, balanced, comprehensive and substantive partnership dialogue on all areas of this Agreement, leading to commitments and, where appropriate, actions on both sides, for the effective implementation of this Agreement.*";
- N. **NOTING THAT** the European Council and Commission have at the highest political level given commitment that the EU will remove automatically from its AML/CFT Black list those members of the OACPS which are removed from the FATF Grey list; *200*

- O. **NOTING WITH** serious concern the delays by the European Union to fulfil its commitment to delist Members of the OACPS which have already been removed by the FATF from its Grey list, and as such this is causing serious prejudice to those Members of the OACPS;
1. **WELCOMES** the European Union's decision in October 2021 to remove (i) Anguilla, Dominica and Seychelles from its list of non-cooperative jurisdictions (Annex I list), and (ii) Eswatini from its list of cooperative jurisdictions having taken commitments to implement tax good governance principles (Annex II), after the latter fulfilled their commitments;
 2. **WELCOMES** the European Commission's proposal for the establishment of two lists regarding AML/CFT, a grey and a black list, like the FATF, as well as the identification of specific mitigation measures and the taking into account of measures already implemented;
 3. **STRESSES** the importance of enhanced cooperation, unity and solidarity within the OACPS to address and prevent the inclusion of Members of the OACPS in the EU lists of non-cooperative tax jurisdictions and high-risk third countries with deficiencies in AML/CFT regimes;
 4. **INVITES** the EU to undertake prior consultations on tax and AML/CFT issues through a joint-mechanism for political dialogue and cooperation in accordance with the OACPS-EU Partnership Agreement while ensuring coherence in its policies and action as provided for in Article 4 of the new OACPS-EU Partnership Agreement;
 5. **CALLS ON** the EU to remove forthwith the Bahamas, Ghana, Botswana, Mauritius and Trinidad and Tobago from its list of so-called high-risk third countries with strategic deficiencies in their AML/CFT regimes;
 6. **INVITES** Members of the OACPS to submit through the Secretariat proposals and/or amendments to the July 2021 European Commission legislative proposals highlighting the OACPS position for transmission to the European Parliament and the Council, so that their concerns and interests may be taken into account in the final AML/CFT Regulations and Directives to be adopted by the EU;

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7. **MANDATES** the Committee of Ambassadors and the Secretariat to: (i) initiate discussions with the Global Forum and the EU on the new criteria for tax transparency and the possible implications of their implementation for OACPS Members; (ii) prepare a summary document outlining the opportunities, concerns and challenges as well as the arguments of the OACPS on non-cooperative tax jurisdictions and AML/CFT; and (iii) accelerate the necessary procedures to seek Observer status for the OACPS at the OECD and FATF and to report development at the next session of the Council;
8. **INVITES** Members of the OACPS to refer issues of non-cooperative tax jurisdictions and AML/CFT to the relevant bodies and agencies of the United Nations with a view to adopting a UN Convention on Tax Governance Matters and AML/CFT through an inclusive and transparent process;
9. **INSTRUCTS** the President of the Council of Ministers of the OACPS to transmit 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 Global Forum and the African Union Commission, CARICOM, PIF, and FATF-style regional bodies (FSRB) within the ACP.

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