DECISIONS, RESOLUTIONS AND DECLARATION OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS HELD IN BRUSSELS, BELGIUM FROM 29th TO 30th NOVEMBER 2016
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DECISION No.1/CIV/16
OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29 TO 30 NOVEMBRE 2016

FUTURE PERSPECTIVES:
THE EPG PROCESS AND THE WAY FORWARD

The ACP Council of Ministers,

- meeting in Brussels, Belgium, from 29 to 30 November 2016,

RECALLING the objectives of the Georgetown Agreement, including consolidating and strengthening the solidarity of the ACP Group;

HAVING REGARD to the Sipopo Declaration of the 7th Summit of ACP Heads of State and Government held on 13 and 14 December 2012, entitled “The Future of the ACP Group in a changing World: Challenges and opportunities”;

HAVING REGARD to the Decision of the 8th Summit of ACP Heads of State and Government held in Port Moresby, Papua New Guinea, from 31st May to 1st June 2016, commending the report of the ACP Eminent Persons Group and seeking the views of the respective regions before consideration and approval of the recommendations by Council. In particular, the 8th Summit mandated the “Council of Ministers, subject to the outcome of the consultations at regional and national levels, to put in place implementation modalities for recommendations of EPG report, by the end of 2016 and report to the Summit thereafter”;

HAVING REGARD to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Union and its member State, of the other Part, signed in Cotonou on 23 June (Cotonou Agreement), and to its revisions of 2005 and 2010; and

HAVING REGARD to the outcome of the ACP Ambassadors’ retreat held on the 5 and 6 November 2016 at Dolce La Hulpe, Brussels, on “the Future of the ACP Groups and its relations”;

NOTE the impact of Peace and Security on the socio-economic development of ACP Member States and the need to assess further the work of the ACP Group in this area.

HEREBY DECIDES TO:

A. INTRA-ACP

1. Make recommendations with respect of a review of the Georgetown Agreement in order to modernize it and enshrine in it a new vision;

2. Approve in principle the following three (3) strategic pillars to guide the work and focus of the Group’s activities post-2020:
(i) Trade, Investment, Industrialisation and Services;
(ii) Development cooperation, technology, science and innovation/research; and
(iii) Political dialogue and advocacy.

3. **Mandate** the Committee of Ambassadors to commence work on the structure, governing organs and institutional arrangements to allow the Group to successfully accomplish its vision, mission and strategic pillars to steer its work post-2020 taking into consideration the resources needed to undertake such work;

4. **Further mandate** the Committee of Ambassadors to develop proposals for ensuring greater intra-ACP Cooperation, trade, and commercial venture.

**B. ACP AND EU RELATIONS**

5. **Mandate** the Committee of Ambassadors to:

   (i) Undertake a thorough assessment of the Cotonou Partnership Agreement and
   (ii) Use Article 8 for political dialogue with the EU to allow the ACP to take greater ownership of its role in this relationship.

6. **Further mandate** the Committee of Ambassadors to immediately commence work on preparing a roadmap in readiness for negotiations with the EU of a new Agreement post-2020, in so doing, engage in the work required to prepare negotiating briefs, core principles to guide negotiations, and establishment of appropriate negotiating groups/clusters including a central negotiating group;

7. **Further mandate** the Committee of Ambassadors to conclude its work and submit a report on these matters to the 105th Council.

Done at Brussels, 30th November 2016

Honourable Lindsay F.P. Grant
Minister for Tourism, International Trade, Industry and Commerce of St Kitts and Nevis
President of ACP Council of Ministers

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DECISION No.2/CIV/16
OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29 TO 30 NOVEMBRE 2016

ACP SECRETARIAT’S BUDGET FOR FINANCIAL YEAR 2017

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 29th to 30th November 2016.

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 2017 [Document ACP/45/010/16 Rev 4] as recommended by the Committee of Ambassadors;

NOTING the observations and recommendations made by the Council of Ministers;

HEREBY DECIDES TO:

1. Adopt the ACP Secretariat’s Budget for 2017 with a total expenditure amounting to €16,013,381. The contributions to the ACP Secretariat budget will be as follows:

   (i) From ACP Member States: €9,763,381 (60.97%);

   - Member States Assessed Contributions to budget 2017: €6,414,867;
   - Recovered arrears in contributions: €1,700,000;
   - Interests on arrears in contributions: €128,000;
   - Internal Tax on Staff emoluments: €1,520,514;

   (ii) From the European Development Fund (EDF): €6,250,000 (39.03%)
2. Postpone the review of the scale of contribution to next year and that the current scale of contribution remains in force for the purpose of the 2017 budget.

Done at Brussels on 30th November 2016

Honourable Lindsay F.P. Grant
Minister of Tourism, International Trade, Industry and Commerce of St Kitts and Nevis
President of ACP Council of Ministers
DECISION N°3/CIV/16
OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29 TO 30 NOVEMBRE 2016

ENDORSEMENT OF THE AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED
31st DECEMBER 2015

The ACP Council of Ministers,
- Meeting in Brussels, Belgium from 29th to 30th November 2016;

HAVING REGARD TO Article 18 (h) of the Financial Regulations of the Secretariat of the ACP Group [Document ACP/45/018/03 Rev. 5]; and

CONSIDERING THE FACT THAT The External Auditor has certified that the Secretariat’s accounts for 2015 give a “true and fair view of the ACP Group of States’ Secretariat’s assets, liabilities and financial position in accordance with its financial rules”.

HEREBY DECIDES TO:

1. Approve the External Auditor’s report for financial year ended 31st December 2015; and

2. Grant discharge to the Authorizing Officer for financial year 2015.

Done at Brussels on 30th November 2016

Honourable Lindsay F.P. Grant
Ministry of Tourism, International Trade, Industry and Commerce of St Kitts and Nevis
President of ACP Council of Ministers

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DECISION No.4/CIV/16
OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29 TO 30 NOVEMBRE 2016

AMENDMENT TO THE FINANCIAL REGULATIONS OF THE ACP GROUP

The ACP Council of Ministers,
- Meeting in Brussels, Belgium, from 29th to 30th November 2016,

HAVING REGARD TO Article 27 of the Georgetown Agreement;

REFERRING TO Article 19(b) of the Financial Regulations of the ACP Group;

HAVING EXAMINED the Financial Controller's report on the implementation of the
Secretariat's Budget for 2015 [ACP/45/004/16] and the recommendation of the
Committee of Ambassadors; and

RECOGNISING the importance of continuously improving on the internal processes of the
Secretariat;

HEREBY DECIDES TO:

Amend the Financial Regulations by inserting a new Article 16(L) to read as follows: “In the
absence of the Financial Controller, the Secretary-General shall appoint a staff member of
equivalent rank other than the accountant to act on his/her behalf.”

Done at Brussels on 30th November 2016

Honourable Lindsay F.P. Grant
Minister of Tourism, International Trade,
Industry and Commerce of St Kitts and Nevis
President of ACP Council of Ministers

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DECISION No.5/CIV/16
OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29 TO 30 NOVEMBRE 2016

GUIDELINES TO BE FOLLOWED IN THE EVENT OF A NATURAL DISASTER IN AN ACP STATE

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 29th to 30 November 2016,

RECALLING the objectives of the Georgetown Agreement, including consolidating and strengthening the solidarity of the ACP Group;

HAVING REGARD to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Union and its Member States, of the other part, signed in Cotonou on 23 June (Cotonou Agreement), and to its revisions of 2005 and 2010; especially Article 72 and 73 on Humanitarian, Emergency and Post-Emergency Assistance and its implementation;

NOTING THAT all regions of the ACP Group are vulnerable to the effects of natural hazards, environmental damage and extreme phenomena such as severe floods, droughts, tropical cyclones, hurricanes and earthquakes;

RECOGNIZING that ACP Small Island Developing States (SIDS) as well as low-lying countries are among the most vulnerable countries in the world and continue to face disproportionately high economic, social and environmental costs which further delay the attainment of sustainable development;

REAFFIRMING the ACP Group's commitment to promote programs aimed at strengthening national, regional and all-ACP natural disaster risk reduction initiatives through resilience and capacity building interventions; and

COGNIZANT of the need to respond in a prompt and timely manner to all appeals from affected ACP states to the Group and the international community for humanitarian, technical and developmental assistance, in the aftermath of a natural disaster.
HEREBY DECIDES TO:

Approve the Guidelines to be followed in the Event of a Natural Disaster in an ACP State as proposed by the Committee of Ambassadors in document [ACP/29/008/15 Rev. 3] noting the need to exercise due caution with respect to the coordination role played by the Member States to reduce the potential for duplication of effort.

Done at Brussels, 30th November 2016

Honourable Lindsay F.P. Grant
Minister of Tourism, International Trade, Industry and Commerce of St Kitts and Nevis
President of ACP Council of Ministers
DRAFT GUIDELINES TO BE FOLLOWED IN THE EVENT OF A NATURAL DISASTER IN AN ACP STATE
A. CONTEXT/ BACKGROUND

(i) At present a principal challenge facing the six regions of the ACP Group is their ongoing and increasing vulnerability to the effects of natural hazards, environmental damage and related disaster risks. In sub-Saharan Africa, environmental threats have resulted in the frequency of crisis situations, as countries continue to be subjected to extreme weather phenomena such as floods and droughts. The frequency of natural disasters continue to present great challenges to the African continent’s efforts to achieve sustainable development, particularly as there is insufficient capacity to predict, monitor and mitigate disasters. Reducing the vulnerability of the African regions to natural hazards remains an integral component if past development achievements are to be protected.

(ii) Similarly, ACP Small Island Developing States (SIDSs) in the Caribbean and the Pacific, and countries that are below sea level are amongst some of the most vulnerable countries in the world, particularly in relation to the increasing impact of the intensity and frequency of natural disasters in recent years. As a result of increased levels of hurricanes and cyclones in the last five years, including the fact that the building of resilience has not kept pace with increased exposure to risks, SIDSs continue to face disproportionately high economic, social and environmental costs further delaying the achievement of their sustainable development. These States urgently require initiatives to improve existing urban, rural infrastructure and community based resilience thereby strengthening effective disaster risk management. ACP SIDSs and vulnerable states urgently require increased technical, scientific and financial assistance and commitment for the continued development and strengthening of disaster risk reduction and disaster management policies, planning and programmes, including mitigation, preparedness, and policies to support long term reconstruction and rehabilitation programmes.

(iii) It is clear that there is increasing need among ACP states for ACP support in accessing assistance in the aftermath of natural disasters. The ACP now has a track record in this area and can add further value and effectiveness to the process of its support to ACP states based on clear guidelines. These guidelines will ensure that the ACP Group and its Secretariat provide a prompt and sustained level of support to the affected state, both in terms of short term emergency relief measures and long term Disaster Risk Management.

(iv) Under the 10th EDF framework, the ACP Secretariat is currently playing a key administrative role in collaborating with regional and international organisations, to help strengthen the capacity of affected states experiencing humanitarian crises caused by the onslaught of natural disasters. As the ACP state is an international
organisation and not an aid agency, it is imperative that strategic partnerships are forged with regional and international organisations.

(v) The ACP Group strategy therefore is to collaborate with ACP regional organisations in the ACP regions (eg. ECCAS, IGAD, SADC, ECOWAS, CDEMA, SOPAC/SPC, African Development Bank; Caribbean Development Bank; SPREP), the European Commission and other international organisations in order to (i) promote programmes which effectively build ACP states' resilience to the long term impact of natural disasters at the national and sub-regional levels, and (ii) strengthen national, regional and all-ACP disaster risk reduction initiatives through capacity building.

B. Draft Guidelines to be followed in the event of a Natural Disaster in an ACP State

The guidelines to be followed in the event of the occurrence of a Natural Disaster in an ACP State are:

1. Once a natural disaster occurs in an ACP State, the diplomatic mission concerned may alert the ACP Group by first contacting the office of the ACP Secretary General. The affected state may provide preliminary status report of the disaster to the ACP Secretary General. This information will be communicated to the Chairperson of the Committee of Ambassadors.

The Secretary General of the ACP Group will immediately contact the Chairperson of the ACP Committee of Ambassadors, to:

   a) convey the information received and the latest state of play;

   b) share information on a preliminary estimate of the immediate emergency humanitarian assistance required;

   c) inform about the preliminary expectations of the priority sectors for long term rehabilitation and post-disaster recovery initiatives; and

   d) to discuss the range of appropriate options that should be considered by the ACP Group to address this crisis. The affected ACP state will be kept abreast of the range of options under consideration.
2. Upon receipt of this letter of appeal from the Embassy of the affected ACP State, the ACP Secretariat will in turn, prepare a letter of appeal for technical and financial assistance to the European Commission services (DEVCO, ECHO) and other international donor institutions, to assist the affected ACP State. Hence, the European Commission services of DEVCO, ECHO, and the relevant organisations of the UN family, international donor community may be contacted to provide urgent technical assistance to the countries (eg. Post Disaster Needs Assessments (PDNAs), Technical Assistance).

The ACP Secretariat, with the participation of the affected ACP State, will have regular follow up meetings with the European Commission's DEVCO and ECHO services in order to:

(i) collaborate and identify the source of additional financial resources which need to be earmarked and committed to respond to the affected state's letter of appeal;

(ii) assist the affected state to identify the possible access to EDF reserve financial envelope in the Regional Indicative Programme (eg. B envelope) or the intra-ACP resources (eg. Reserve funds);

(iii) prioritise a fast track response to address the immediate as well as long term needs of the affected state in the aftermath of the disaster.

3. The ACP Secretariat will prepare a short Brief (2/3 pages) to guide the Secretary General and the Chairperson of the Committee of Ambassadors in their first discourse with the Bureau. Once a date for the earliest possible meeting of the Bureau is decided upon, the Secretary General will:

(a) Inform the Management Team about the date and time of the scheduled meeting;

(b) Convene a special meeting of the ACP Committee of Ambassadors Bureau to discuss the disaster. If additional information is required from the affected ACP state, the Bureau through the Chairperson of the Committee of Ambassadors, will request such information from the Ambassador of the affected state. The latter may also be invited to brief the Bureau of the Committee of Ambassadors.

4. The decision on whether a Fact Finding Mission is sent, shall be guided by the 'General Principles for ACP Election Observation & Fact Finding Missions to ACP Countries' [ACP/29/008/14 Final].
5. The ACP Secretariat, after consultation with the affected state, will contact
the regional secretariat that routinely collaborates with the affected state,
to explore the possibility of use of the B envelope in the Regional
Indicative Program. The ACP Secretariat will further share the letter of
appeal with the offices of the Secretary General or President of that
regional organisation. This will ensure that there is a smooth collaboration
between the ACP Secretariat, the European Commission the ACP regional
institution, and the international donor community in the coordination of
financial and technical assistance offered to the affected state.

6. The ACP Secretariat will further prepare a Note Verbale which will
communicate the key points highlighted in the affected state’s letter of
appeal and circulate it to all the ACP diplomatic Missions in Brussels, with
a specific request for a show of ACP solidarity through voluntary donations
to a specially created ACP Secretariat bank account which will be clearly
outlined. The Bank account shall remain an open ended account dedicated
to natural disasters and other unforeseen calamities.

7. The ACP Secretariat will continue to liaise with the European Commission
and the international donor community and inform the affected state of the
latest state of play of the progress made in securing additional resources
and technical assistance from the respective parties. The partner agencies
(such as international organisations recognised by the European
Commission to conduct Post Disaster Needs Assessments/PDNAs (eg.
World Bank&UNDP) shall be invited to the relevant ACP Sub-Committee
with the view to share an update on the latest developments.

8. The ACP Secretariat will routinely inform the Chairperson of the ACP
Committee of Ambassadors, and the Chairperson of the relevant Sub
Committee about the latest developments in securing financial and
technical assistance for the affected state.

9. Similarly, the ACP Committee of Ambassadors will be kept regularly
informed by the presentation of the Sub-Committee reports at the Plenary
Session.

10. At the end of the intervention, the ACP Secretariat will prepare a Final
Report which will provide details on the specific disaster, the scope of the
Disaster Risk Management activities and the key lessons learnt.

11. In the event the affected state may opt to host an Awareness Raising and
Fund Raising Donor Conference, the ACP Secretariat shall facilitate the
event by liaising with partner agencies to assist in the organisation of the
event.
DECISION No.6/CIV/16
OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29 TO 30 NOVEMBRE 2016

ACP INFORMATION CENTRE ON SOUTH-SOUTH AND
TRIANGULAR COOPERATION IN MALABO

The ACP Council of Ministers,
- Meeting in Brussels, Belgium, from 29th to 30 November 2016,

REAFFIRMING our deep commitment to the objectives and principles enshrined in the Georgetown Agreement establishing the ACP Group of States and our unwavering commitment to the principles of South-South Cooperation;

HAVING REGARD to the Sipopo Declaration of the 7th Summit of ACP Heads of State and Government held on 13 and 14 December 2012, entitled "The Future of the ACP Group in a Changing World: Challenges and Opportunities"; and

WELCOMING with appreciation, the offer made by the Republic of Equatorial Guinea to support the establishment of an ACP Information Centre on South-South and Triangular Cooperation in Malabo;

NOTING with deep appreciation the announcement made by the Minister of Commerce of Equatorial Guinea of the donation of 500,000 € towards promoting the objectives of the ACP Group of States.

HEREBY DECIDES TO:

1. Mandate the Committee of Ambassadors together with the Secretary-General to undertake due diligence on the proposed ACP Information Centre on South-South and Triangular Cooperation in Malabo;

2. Mandate the Committee of Ambassadors to propose a policy framework within which any future offers can be assessed; and

3. Direct the Committee of Ambassadors to submit a report on this matter to Council at its 105th Session.

Done at Brussels, 30th November 2016

Honourable Lindsay F.P. Grant
Minister of Tourism, International Trade, Industry and Commerce of St Kitts and Nevis
President of ACP Council of Ministers

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DECISION No.7/CIV/16
OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29 TO 30 NOVEMBER 2016

SUPPORT FOR THE CLAIM OF SOVEREIGNTY OF MAURITIUS
OVER THE CHAGOS ARCHIPELAGO

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 29th to 30 November 2016,

HAVING REGARD to the provisions of the Georgetown Agreement, including consolidating and strengthening the solidarity of the ACP Group;

HAVING REGARD to the Declaration of the 8th Summit of Heads of State and Government of the ACP Group of States adopted on 01 June 2016 in Port Moresby, Papua New Guinea;

RAPPELANT le détachement illégal de l’archipel des Chagos, y compris Diego Garcia, du territoire de Maurice par le Royaume-Uni, ancienne puissance coloniale, avant l’indépendance de Maurice, en violation du droit international et de plusieurs résolutions de l’ONU, notamment les résolutions 1514 (XV) du 14 décembre 1960 et 2066 (XX) du 16 décembre 1965 interdisant tout démembrement par les puissances coloniales des territoires coloniaux avant l’octroi de leur indépendance, ainsi que les résolutions 2232 (XXI) du 20 décembre 1966 et 2357 (XXII) du 19 décembre 1967;

REAFFIRMING that the Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of Mauritius;

DEPLORING the continued unlawful occupation by the United Kingdom of the Chagos Archipelago, thereby denying the Republic of Mauritius the exercise of its sovereignty over the Archipelago and making the decolonization of the Republic of Mauritius and of Africa incomplete;

CONSIDERING that the Government of the Republic of Mauritius has protested strongly against the recent unilateral decision of the Government of the United Kingdom aimed at denying Mauritian citizens of Chagossian origin their legitimate right of return to the Chagos Archipelago and reiterated that the denial of the right of Mauritians, particularly those of Chagossian origin, to settle in the Chagos Archipelago is a manifest breach of international law and outrageously flouts their human rights;

CONSIDERING also that the Government of the Republic of Mauritius is resolutely committed to taking all appropriate measures for the completion of the decolonization process of the Republic of Mauritius and the effective exercise by the Republic of Mauritius of its sovereignty over the Chagos Archipelago, including Diego Garcia, in keeping with the principles of international law;
HEREBY DECIDES TO:

1. **Reiterate** its support to the Republic of Mauritius in its legitimate pursuit to complete its decolonization process and effectively exercise its sovereignty over the Chagos Archipelago, including Diego Garcia;

2. **Support** the calls of Mauritius on the United Kingdom to expeditiously end its unlawful occupation of the Chagos Archipelago so that the decolonization process of the Republic of Mauritius can be completed and the Republic of Mauritius can effectively exercise its sovereignty over the Chagos Archipelago;

3. **Fully support** all appropriate measures that the Government of the Republic of Mauritius is committed to take, including at the UN General Assembly, to complete the decolonization process of the Republic of Mauritius, thereby enabling the Republic of Mauritius to effectively exercise its sovereignty over the Chagos Archipelago.

Done at Brussels, 30th November 2016

[Signature]

Honourable Lindsay F.P. Grant  
Minister of Tourism, International Trade, Industry and Commerce of St Kitts and Nevis  
President of ACP Council of Ministers
RESOLUTIONS
RESOLUTION
OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29th TO 30th NOVEMBER 2016

ACP-EU ECONOMIC PARTNERSHIP AGREEMENTS (EPAs)

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 29th to 30th November 2016,

A. HAVING received latest updates on the EPA process in the seven EPA regional configurations;

B. RECALLING that CARIFORUM-EU EPA that was concluded in 2008 is still under provisional application by all parties with the exception of one country, although CARIFORUM states have signed, the ratification is on-going;

C. NOTING that in West Africa, all but three countries have signed the full EPA in July 2014, further note that two countries have ratified and are implementing an interim EPA which was concluded with the EU in 2007;

D. WHEREAS the full EPA for the countries in SADC EPA Group is under provisional application following signing on 10 June 2016 and ratification by all SACU countries, making this the only full EPA being applied in Africa;

E. WHEREAS in East Africa Community, two countries have signed the full EPA with the only non-LDC in the regional grouping, having also ratified, although all countries in this region have to ratify for the full EPA to come into force; therefore, concerned that the EU Parliamentarians have expressed reluctance to enjoin one country in the EAC EPA because it is under EU sanctions;

F. AWARE that in Central Africa, where only one country is provisionally implementing an interim EPA, the region is working towards a consensual approach that will cater for the interest all members in this region;

G. NOTING that four countries in the ESA configuration are implementing an interim EPA; further noting that negotiations of an inclusive and comprehensive EPA have not advanced due to inflexibility of the European Commission on proposals by the ESA States;

H. RECALLING that in the Pacific, only two countries are implementing an interim EPA while the region as a whole has accepted the EU’s proposals to suspend the negotiations for three years;

I. RECALLING that the European Union had unilaterally set 1 October 2016 as the deadline for the signing and implementation of the EPAs failing which countries concerned would be withdrawn from the Market Access Regulation 1528/2007 and thereby losing preferential benefits;

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J. **NOTING** that although no country was withdrawn from the Market Access Regulation 1528/2007, would-be affected countries were put under tremendous pressure to take action on preservation of access to the EU markets for their export products;

K. **CONCERNED** that although in the EPAs the EU grants duty free and quota free access, the ACP States and regions concerned have undertaken onerous commitments that pose a challenge and would require support from the EU and other cooperating partners;

L. **SERIOUSLY CONCERNED** that many ACP States remain outside the EPA framework with EPAs being deemed to be undermining regional integration due to the existence of different trade regimes operating in the various ACP regions;

M. **AWARE** that the increasing rhetoric against free trade, irrespective of whether or not it is justified, could destabilize the implementation of concluded EPAs and poses a risk to outstanding negotiations;

N. **MINDFUL** of the possible implications of the impending exit of the United Kingdom from the European Union on ACP-EU and ACP-UK trade relations; and

O. **DESIROUS** of ensuring that EPAs truly become “tools for development” that contribute to poverty reduction, sustainable development, strengthen regional integration and industrialization transformation through value chains and value addition, attracting investment, creating employment and stimulating trade and contribute to the beneficial integration of ACP States into the world economy.

RESOLVES TO:

1. **Reaffirm** our commitment to enhance ACP-EU trade relations through mutually beneficial trading arrangements;

2. **Call** on all parties, including the European Union, to exercise a spirit of true partnership both in the letter and spirit in the EPA process;

3. **Call** on the EU to resume discussions at the ministerial level with the countries and regions that so request so as to resolve the outstanding contentious negotiation issues in the EPA process;

4. **Endorse** the request for aid for trade to support ACP States and Regions to address areas such SPS, TBT, rules of origin and development of value chains recognizing that the EPA implementation phase requires predictable, additional and adequate financial resources as well as technical assistance;

5. **Reiterate** the need for effective follow-up and monitoring mechanisms to ensure that EPAs are implemented in a manner that meets the development objectives of the ACP States and regions;
6. **Further reiterate** the need for appropriate measures to safeguard the strides made in the regional integration efforts;

7. **Call** on the EU to engage in genuine consultations on its policy measures including commitments to be made to third parties in its FTA negotiations so as not to adversely affect the competitiveness of ACP exports to the EU market;

8. **Welcome** the convening of the ACP-EU Joint Ministerial Trade Committee on 9 December 2016 and **Call** on the Committee Members to address in an exhaustive manner all issues of interest and concern in the EPA process;

9. **Encourage** ACP States that have not done so to sign the agreement on Customs Administrative Cooperation, with a view to harness its full potential benefits;

10. **Request** the ACP Ministerial Trade Committee to initiate contacts with the UK authorities to explore future cooperation in the area of trade and development; and

11. **Instruct** the President of Council to forward this resolution to the European Commission, Council of the European Union and the European Parliament as well as to African Union Commission and the ACP Regional Integration Organizations.

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**Brussels, 30 November 2016**
RESOLUTION
OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29th TO 30th NOVEMBER 2016

COMMON EUROPEAN UNION LIST OF NON-COOPERATIVE TAX JURISDICTIONS

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 29th to 30th November 2016,

A. HAVING REGARD to the Declaration on fiscal jurisdiction in ACP Countries of the ACP Ministers of Trade issued following their 18th Meeting on 26 June 2015;

B. HAVING REGARD to tax good governance listing of ACP States by EU countries ostensibly on the basis of their assessment of how countries and territories around the world apply standards of tax good governance based on transparency, exchange of information, and fair tax competition;

C. WHEREAS as at 31 December 2015, thirty six (36) ACP States had been listed by certain EU Member States, most of which have little or no economic links with the ACP States they had listed, thereby raising questions regarding the credibility and legitimacy of the listing;

D. CONCERNED that the European Commission has developed a scoreboard to help EU Member States to determine which countries they should screen or start a dialogue regarding tax good governance issues;

E. NOTING that the three indicators used by the European Commission are (i) strength of economic ties with the European Union, (ii) magnitude of financial activity in the jurisdiction; and (iii) stability factors that would encourage tax avoiders;

F. DEEPLY CONCERNED by the unilateral action by the European Union Member States to develop criteria to list ACP countries without due and adequate consultations and RECALLING that the Cotonou Partnership Agreement provides for political dialogue and policy coherence as enshrined in Articles 3 and 12 respectively under which such consultations could have been held;

G. RECALLING that over two thirds of illicit financial flows from developing countries is generated by tax evasion through trade mis-invoicing and abusive transfer pricing by major corporations from developed countries, including from the European Union;

H. DEEPLY CONCERNED that at the Third International Conference on Financing for Development in Addis Ababa in 2015, agreement was not reached to create an intergovernmental tax body in the United Nations (UN) to replace the UN advisory committee of experts on international tax cooperation;
I. WHEREAS the OECD is the sole body for setting norms and standards on tax cooperation at the international level and as non-members in the OECD, developing countries do not participate in agenda setting and/or decision-making and therefore have so far been excluded but should have a say in global discussions and decisions on taxation issues;

J. NOTING however that a number of countries listed were and still are compliant or largely compliant with the OECD Standards on Tax Good Governance; FURTHER NOTING that some of the countries on the list ranked higher than some EU Member States in terms of Compliance under OECD standards;

K. RECALLING that the OECD and the Global Forum have stressed to the EU Commission that they are the only institutions that can give an agreeable assessment of countries as regards their cooperation in these matters;

RESOLVES TO:

1. Reiterate deep concern at the manner in which the European Commission has continued to arbitrarily list some ACP countries based on erroneous perception of some of the EU Member States;

2. Question the criteria for developing the scoreboard and the analysis carried out for unilaterally determining the countries to be further screened due to its subjectivity and lack of transparency and inclusiveness;

3. Urge the European Union to utilize the existing consultation mechanisms provided for in the Co:onou Agreement to discuss tax related or any other matters of concern in the spirit of true partnership;

4. Affirm the need for a universal and globally representative body to deal with international cooperation in tax matters; therefore Reiterates support for the urgent creation of an intergovernmental tax body in the United Nations;

5. Emphasize the need for urgent establishment of a forum for developing countries to discuss taxation issues of interest to them that should form the basis of a global agenda, and Request the Committee of Ambassadors to explore a role for the ACP on this matter;

6. Instruct the President of Council to forward this resolution to the European Commission, Council of the European Union and the European Parliament as well as to African Union Commission and the ACP Regional Integration Organizations.

Brussels, 30 November 2016

ACP/25/017/16 Final version ENG
RESOLUTION
OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29th TO 30th NOVEMBER 2016

CLIMATE CHANGE

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 29th to 30th November 2016;

A. **RECALLING** that the Paris Agreement adopted in December 2015 by 195 Parties to the United Nations Framework Convention on Climate Change (UNFCCC), was a historic turning point in the global fight against climate change;

B. **ACKNOWLEDGING** that the Paris Agreement aims to strengthen the global response to the threat of climate change, by holding the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels;

C. **NOTING WITH APPRECIATION** the early entry into force of the Paris Agreement on 4th November 2016;

D. **CONCERNED** that the adverse impacts of climate change are negatively affecting the efforts of all ACP Countries and in particular Small Island Developing States, Least Developed Countries and Landlocked Countries in Africa, to eradicate poverty and achieve sustainable development;

E. **HAVING EXAMINED** the "Marrakech Action Proclamation for Our Climate and Sustainable Development", issued by Heads of State and Governments attending the High level segment of the 22nd session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP22), which called for further climate action and support during the pre2020 period, taking into account the specific needs and special circumstances of developing countries, the least developed countries and those particularly vulnerable to the adverse impacts of climate change;

RESOLVES TO:

1. **Welcome** the positive outcomes of the Marrakech Climate Change Conference (COP22) which signal a shift towards a new era of implementation and action on climate and sustainable development;
2. **Reaffirm** that the transition required in our economies to meet the objectives of the Paris Agreement provides a substantial and positive opportunity for increased prosperity and sustainable development, once the requisite means of implementation, including finance for adaptation, technology development and transfer as well as capacity building support are provided;

3. **Request** those ACP Member States that have not yet ratified the Paris Agreement and the Doha Amendment, to deposit their instruments of ratification, acceptance, approval or accession, with the Depository as soon as possible;

4. **Also welcome** the notification that the Government of Fiji will serve as President for the 23rd Session of the Conference of the Parties (COP 23) to take place from 6 to 17 November 2017, in Bonn, Germany;

5. **Mandate** the Committee of Ambassadors to consult with the Government of Fiji to explore possibilities for an enhanced role for the ACP Group at COP23 with the aim of contributing to ensuring a successful outcome of the Conference, working in close collaboration with all likeminded groups including the G77 and China, the African Group of negotiators, the LDCs Group and the Alliance of Small Island States (AOSIS).

Brussels, 30 November 2016
RESOLUTION
OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29TH TO 30TH NOVEMBER 2016

ACP INVESTMENT FACILITY MANAGED BY THE
EUROPEAN INVESTMENT BANK

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 29th to 30th November 2016;

A. HAVING REGARD TO the first chapter of Annex II of the Cotonou Partnership Agreement determining the terms and conditions of financing of the Investment Facility, in particular, Article 6B regarding the performance of the Investment Facility.

B. CONSIDERING the resolution on access of ACP small and medium enterprises (SMEs) to the Investment Facility, adopted during the 95th session of the ACP Council of Ministers held in Port Vila, Vanuatu, from 11 to 15 June 2012;

C. CONSIDERING the decision on the approval and implementation of the ACP private sector development strategy [ACP/85/070/14], adopted during the 100th session of the ACP Council of Ministers;

D. RECALLING that the Investment Facility is a risk instrument in the form of a renewable fund, intended to promote private and public sector initiatives that encourage economic growth and help to reduce poverty in ACP countries;

E. NOTING that the Investment Facility has been operational since the entry into force of the Cotonou Agreement and that to date, a total amount of EUR 3.637 billion has been allocated to the Facility under the 9th, 10th and 11th EDF, including EUR 500 million for the “Impact Financing envelope” under the 11th EDF;

F. ACKNOWLEDGING the positive role played by the EIB in supporting investment projects in ACP countries; NOTING HOWEVER, that many ACP Small and Medium Enterprises (SMEs) have difficulties in accessing financing from the EIB, owing to the challenging requirement to propose projects with a budget of over EUR 5 million among other requirements; and therefore RECOMMENDING that the best practices be replicated in the various ACP States;

G. REFERRING to the recommendations of the mid-term review of the Investment Facility undertaken in 2010;

H. CONVINCED of the crucial role of the private sector in the economic and social development of ACP States and regions, and youth entrepreneurship in ACP countries;
I. **TAKING NOTE OF** Goals nos. 8 and 17, of the United Nations' Sustainable Development Goals, respectively relating to promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; and revitalising the global partnership for sustainable development, and strengthening the means of implementation of this partnership;

J. **HAVING CONSIDERED** the Committee of Ambassadors' report on the European Investment Bank presented during the 104th session of the ACP Council of Ministers, on 29 November 2016;

**RESOLVES TO:**

1. **Instruct** the Committee of Ambassadors to conduct an assessment of the overall performance of the Investment Facility, in conformity with Article 6B of the Cotonou Agreement, which stipulates that a joint assessment be conducted upon the expiration of the financial protocol;

2. **Request** that the ACP Committee of Ambassadors in collaboration with the European Commission, do their utmost to ensure that both parties adhere to the joint nature of the abovementioned performance assessment, and ensure that recommendations are made on the relevance of the EIB's management of the Investment Facility;

3. **Invite** the Committee of Ambassadors to discuss the most suitable way in which to involve ACP regional banks in the management of the Investment Facility, and to have ACP Group representation in the decision-making bodies of the Facility in question.

**Brussels, 30 November 2016**
RESOLUTION
OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29TH TO 30TH NOVEMBER 2016

ACP AGRICULTURAL COMMODITY TRADE AND SECTOR
DEVELOPMENT

The ACP Council of Ministers,

- Meeting in Brussels, (Belgium), from 29th to 30th November 2016,

A. HAVING REGARD to the resolutions on cotton, sugar, bananas and new integrated approach to support the development of agricultural value chains adopted by the 103rd Session of the ACP Council of Ministers held in Dakar (Senegal), on 26 and 27 April 2016;


C. NOTING that the Support Programme for the Consolidation of the Framework for Action under the EU-Africa Partnership on Cotton comes to an end in June 2017;

D. CONCERNED with the lack of significant progress in concluding the Cotton dossier at the WTO, specifically on domestic support which remains the greatest source of pressure on world cotton prices;

E. RECALLING also that the Banana Accompanying Measures (BAM) were provided to ACP Countries in an effort to mitigate the negative impact of the Geneva Agreement on Trade in Bananas concluded in Geneva on 15 December 2009, and with the aim to foster competitiveness and encourage diversification;

F. RECALLING the commitment made by the European Commission not to go below the tariff rate floor of 75 euros per tonne applicable to third countries in the context of future Free Trade Agreements or those under negotiation;

G. WELCOMING the publication of the Banana Study on “Comparative analysis and assessment of the level of competitiveness of the banana value chain in the BAM countries”;

H. NOTING that the Joint ACP-EU Working Group on Bananas will be used as a platform to address challenges faced by the ACP banana Industry;

I. RECALLING that the abolition of EU sugar and isoglucose quotas in September 2017 would lead to a loss of preferential market share for the ACP States due to the open competition among ACP, EU and third countries;
J. **CONCERNED** with the use of Voluntary Coupled Support by the EU as this poses a real threat and is highly likely to lead to the increase in the supply of beet sugar and isoglucose which is expected to reduce EU imports and destroy the price preference from which ACP countries have benefitted in the past;

K. **WELCOMING ALSO** the finalisation of the Sugar Study on “Current and Forecast Market Developments for ACP Sugar Suppliers to the EU market”;

L. **REITERATING** the longstanding request to the EU for funding support to be secured for the next phase of the Sugar Research Programme which is one of the success stories of the ACP-EU relations;

M. **AWARE** of the urgency of strengthening the processing of commodities to meet the imperatives for better integration by ACP countries in global trade;

N. **UNDERSCORING** the need to address value-addition and support the formulation and implementation of diversification strategies in the ACP commodity sector;

O. **MINDFUL** that while family farms account for the largest portion of cultivated lands and represent 95% of all farms in ACP countries, many of them lack the production capacity required to both feed the family and have a significant enough surplus to sell on the market, and that modernising agriculture alone could result in a qualitative leap for family farms, thereby making agriculture more attractive to the youth;

P. **ACKNOWLEDGING** that the commodities sector is included among the core sectors for private sector development under the 11th EDF Intra-ACP strategy;

Q. **HAVING EXAMINED** the report of the Ministerial Consultations on Commodities held on 28th November 2016, in Brussels, Belgium and paying particular attention to the recommendations thereof;

**RESOLVES TO:**

1. **Welcome** the good results achieved by the Support programme for the Consolidation of the Action Framework under the EU-Africa Partnership on Cotton that comes to an end in June 2017;

2. **Invite** the Working Group on Cotton to work closely with the ACP Secretariat in ensuring that support to the sector is covered under the new ACP approach to support the development of agricultural value chains;

3. **Welcome** the endorsement of African Union as full member of COS Cotton;

4. **Urge** Regional Economic Communities to work closely with AU, in ensuring the political adoption of the Pan African Cotton Road Map (PACRM):
5. **Call upon** the ACP Ministerial Trade Committee to engage with the European Union on support for the implementation of WTO MC10 decisions including the Cotton dossier;

6. **Reiterate its concerns** with the continued proliferation of trade agreements linking the European Commission to rival countries or regions of the ACP banana-producing countries and the consequences of such agreements on the exports of ACP banana-exporting countries;

7. **Encourage** Member States to attend the Workshop on the Banana Accompanying Measures (BAM) scheduled for 12th -13th December in Brussels, Belgium which will examine the outcome of the study on “Comparative analysis and assessment of the level of competitiveness of the banana value chain in the BAM countries” and identify areas of future support for the ACP banana sector in light of the programme moving towards the end of the implementation phase;

8. **Reiterate its concerns** over the uncertainties in the lead up to and after the end of the EU sugar production quotas on 30th September 2017 and expresses the need therefore to continue to engage with the EU with a view to seeking remedial measures to mitigate the adverse effects of the end of production quotas;

9. **Urge** the Committee of Ambassadors to engage with the European Commission on the Sugar study on “Current and Forecast Market Developments for ACP Sugar Suppliers to the EU market” with a view to implementing the recommendations contained in the report, and securing funding for the second phase of the sugar research programme;

10. **Call upon the** EU to consider Sugar as a sensitive product in the context of bilateral FTAs that it intends to sign in view of the harmful impact that Tariff Rate Quotas (TRQs) on sugar, have on ACP sugar exports to the EU, and consult the ACP Group prior to conducting such FTAs;

11. **Mandate** the Committee of Ambassadors to further consult the stakeholders, with a view to approving and implementing the New Approach to ACP Group Support for the Agricultural Commodities Sector;

12. **Call upon the Secretariat** to ensure that the framework of the New Approach to the Commodities Sector pays special attention to financing and investment for the development of value chains at local and regional level taking into account the critical role played by small-scale producers; and

13. **Invite** the President of the Council of Ministers to forward this resolution to ACP regional integration organisations, the Commission of the African Union, the Council of the European Union, the European Parliament, EU Member States, and the European Commission.

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Brussels, 30 November 2016
RESOLUTION
OF THE 104th SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29th TO 30th NOVEMBER 2016

THE IMPORTANCE OF CORRESPONDENT BANKING SERVICES IN ACP STATES

The ACP Council of Ministers,
- Meeting in Brussels, Belgium, from 29th to 30th November 2016,

A. EXPRESSING grave concern that the continued loss of Correspondent Banking services may result in exclusion of the affected ACP States from the international financial system;

B. NOTING THAT the withdrawal of long-standing Correspondent Banking relationships by many international banks has resulted in the loss of important services to commercial banks particularly in the Caribbean and Pacific regions;

C. HAVING REGARD to the Secretary-General’s report to the 104th Session of the ACP Council of Ministers, wherein it was noted that migrant remittances to developing countries totalled US$422 billion, positively impacting developing states and are critical to their socio-economic development, and RECOGNISING that the loss of Correspondent Banking services is having a restrictive and discriminatory impact on remittances;

D. RECALLING ALSO that Correspondent Banking relationships are fundamental to the ability of countries to trade and that this ability is of particular importance to small developing economies reliant on trade for growth;

E. REITERATING the commitment of ACP States to their international obligations in respect of anti-money laundering/counter-terrorism financing;

RESOLVES TO:

1 Call for ACP solidarity in support of efforts to mitigate the impact of the imposition of regulations that adversely affect the financial services industry of ACP Member States.

2 Mandate the Committee of Ambassadors to include the issue of Correspondent Banking and de-risking as a priority for discussion with the European Union and to report on the outcome to the 105th Session of the ACP Council of Ministers.

Brussels, 30 November 2016

ACP/25/017/16 Final version ENG
DECLARATION
OF THE 104TH SESSION OF THE ACP COUNCIL OF MINISTERS
HELD IN BRUSSELS, BELGIUM, FROM 29TH TO 30TH NOVEMBER 2016

ON THE HUMANITARIAN SITUATION IN HAITI

The ACP Council of Ministers,

- Meeting in Brussels, Belgium, from 29th to 30th November 2016,

A. HAVING HEARD the report from the Committee of Ambassadors on the natural disasters that have recently affected certain Member States, in particular those in the Caribbean;

B. BEING DEEPLY CONCERNED about the gravity of the economic and social situation in Haiti and especially about the recurrence of natural disasters, as well as the scope of the human and material consequences in that country;

C. WELCOMING the supportive response of the international community, including Member States of the ACP Group, through an emergency intervention;

D. CONVINCED of the need for a more appropriate response, given the magnitude of the damage caused recently by Hurricane Matthew which has, among other things, impacted the environment, agriculture, means of communication, infrastructure, and the socio-economic structure in general;

In keeping with the ACP Group's guiding principles on natural disasters;

1. Reaffirms its solidarity with the Government and People of Haiti;

2. Appeals to the international community to increase its efforts and provide greater assistance to the Haitian people, beyond emergency aid, with a view to the revival of economic activity, the reconstruction of the country, and to build resilience and manage the impact of future natural disasters;

3. Further appeals to all Member States of the Group to participate fully and effectively in these efforts;

4. Requests that necessary additional funds be mobilized, to this effect, under the 11th EDF;

5. Requests the Committee of Ambassadors to monitor the progress of the situation in Haiti and to provide a report at its next meeting.

Brussels, 30 November 2016

ACP/25/017/16 Final version ENG