

**ACP-EU COTONOU AGREEMENT**

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

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**COUNCIL OF  
THE EUROPEAN UNION**

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**Brussels, 12 July 2019**

**ACP-UE 2113/19**

**COVER NOTE**

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From: Secretary-General of the ACP Group of States  
To: EU Co-Secretary of the ACP-EU Council of Ministers  
Subject: Decisions and Resolutions of the 109th session of the ACP Council of Ministers held in Brussels, Belgium, from 21 to 22 May 2019

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Delegations will find attached the Decisions and Resolutions adopted by the 109th session of the ACP Council of Ministers held in Brussels, Belgium, from 21 to 22 May 2019.

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**ACP/25/007/19 Rev.1**  
*Legal Services/EOA/cna*  
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**Brussels, 22 May 2019**

**DECISIONS AND RESOLUTIONS  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF  
MINISTERS HELD IN BRUSSELS, BELGIUM,  
FROM 21 TO 22 MAY 2019**

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**DECISION No.1/CIX/19  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 21 TO 22 MAY 2019**

**REVIEW OF THE GEORGETOWN AGREEMENT**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 21 to 22 May 2019,

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

**HAVING REGARD** to the Decision No. 1/CVIII/18 of the 108<sup>th</sup> Session of the ACP Council of Ministers held in Brussels, Belgium, from 13 to 14 December 2018;

**CONSIDERING** the Report of the Committee of Ambassadors to the 109<sup>th</sup> Session of the ACP Council of Ministers, about the progress made towards the implementation of Decision No.1/CVIII/18 of the Council of Ministers and taking note of the views expressed by Ministers there on.

**HEREBY DECIDES TO:**

1. **Commend** the work of the Editing Committee set out in document [ACP/27/006/19 Rev. 3]; and
2. **Mandate** the Committee of Ambassadors to finalize the revised Georgetown Agreement for submission to the next session of the Council of Ministers, taking into account the decisions reached by the Ministers on the proposals, in accordance with Article 30 (4) of the Georgetown Agreement.

**Done in Brussels, 22 May 2019**

**Honourable Mr. Tjekero TWEYA  
Minister of Industrialisation, Trade and  
SME Development of the Republic of Namibia  
President of the ACP Council of Ministers**

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**DECISION No.2/CIX/19  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 21 TO 22 MAY 2019**

**APPOINTMENT OF THE SECRETARY-GENERAL AND ASSISTANT  
SECRETARIES GENERAL TAKING OFFICE IN 2020**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 21 to 22 May 2019,

**HAVING REGARD** to the Second revised Georgetown Agreement;

**HAVING REGARD** to the Committee of Ambassadors Report on the Legal and Procedural aspects for Appointing the Secretary-General and Senior Management of the ACP Group [ACP/27/005/19 Rev. 2];

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

**CONSIDERING** that the term of office of the incumbent Secretary-General and the Assistant Secretaries-General ends on 29 February 2020.

**HEREBY DECIDES TO:**

1. **Allocate** the post of the next Secretary-General to the Southern Africa Region;
2. **Adopt** the timetable set out below for appointing the Secretary-General to take office on 1 March 2020:
  - **22 May 2019** (109<sup>th</sup> session of Council): The Council of Ministers adopted the selection criteria and procedures for appointing the Secretary-General;
  - Immediately after Council and no later than **31 May 2019**: The President of the Council of Ministers shall notify all ACP Member States of the Region allocated, through their Diplomatic Missions in Brussels, of the appointment criteria and modalities adopted;
  - All applications shall be submitted to the ACP Secretariat **by 31 July 2019**;

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- **By 30 August 2019**, the ACP Secretariat shall forward all candidatures received to the Region, together with all necessary comments with regard to administrative compliance;
  - **30 September 2019** at the latest: The region shall submit 3 candidates, based on the criteria notified by the Council;
  - **110<sup>th</sup> Session of the Council of Ministers (Nov./Dec)**: Appointment of the Secretary-General by the Council; and
  - **1 March 2020**, the Secretary-General takes office and shall assume duties on Monday **2 March 2020** for a **term of five (5) years ending on 28 February 2025**.
3. **Mandate** the Committee of Ambassadors to determine the regional distribution of the Four (4) Assistant Secretaries-General posts among the geographical regions and report to the next Council.

**Done in Brussels, 22 May 2019**

**Honourable Mr. Tjekero TWEYA  
Minister of Industrialisation, Trade and  
SME Development of the Republic of Namibia  
President of the ACP Council of Ministers**

**DECISION No.6/CIX/19  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 21 TO 22 MAY 2019**

**DELEGATION OF POWERS TO THE COMMITTEE OF AMBASSADORS  
ON TRANSITIONAL MEASURES**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 21 to 22 May 2019,

**CONSIDERING** that the Cotonou Agreement expires on 29 February 2020, and that, in accordance with Article 95 (4) of the Agreement, negotiations towards a new ACP –EU Partnership Agreement were launched in September 2018;

**CONSIDERING FURTHER** that the new Agreement is not ready to be applied by the above expiry date, measures need to be in place to avoid a legal vacuum in ACP-EU relations;

**HAVING REGARD** to the provisions of the Georgetown Agreement, in particular Article 2;

**HAVING REGARD** to Article 19 of the Georgetown Agreement, which states that “the Committee of Ambassadors shall assist the Council of Ministers in the performance of its functions, and shall carry out any mandate instructed to it by the latter”;

**HAVING REGARD** to Decision No. 2/CVII/18 of the 107<sup>th</sup> Session of the ACP Council of Ministers held in Lomé, Togo from 30 May to 1 June 2018, in which Council adopted the ACP Negotiations Mandate;

**HAVING REGARD** to the Cotonou Partnership Agreement, in particular Article 95(4), second paragraph, which states that “the Council of Ministers shall adopt any transitional measures that may be required until the new agreement comes into force “;

**HAVING REGARD** to the Cotonou Partnership Agreement, Article 15(4), which stipulates that “the Council of Ministers may delegate powers to the Committee of Ambassadors”.

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**HEREBY DECIDES TO:**

**Delegate** powers to the ACP Committee of Ambassadors to adopt in the Joint ACP-EU Committee, transitional measures that may be required for the extension of the provisions of the Cotonou Partnership Agreement, until the new Agreement comes into force.

**Done in Brussels, 22 May 2019**

**Honourable Mr. Tjekero TWEYA  
Minister of Industrialisation, Trade and  
SME Development of the Republic of Namibia  
President of the ACP Council of Ministers**

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**DECISION No.7/CIX/19  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 21 TO 22 MAY 2019**

**INTER-REGIONAL ORGANISATIONS COORDINATION  
COMMITTEE**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 21 to 22 May 2019,

**HAVING REGARD** to the provisions of the Georgetown Agreement;

**HAVING REGARD** to the Sipopo Declaration entitled “The Future of the ACP Group in a Changing World and Opportunities” adopted at the 7<sup>th</sup> Summit of the ACP Heads of State and Government, held on 13 and 14 December 2012;

**HAVING REGARD** to Decision No. 1/CVII/18 of the 108<sup>th</sup> Session of the ACP Council of Ministers held in Brussels on 13 and 14 December 2018 on the revision of the Georgetown Agreement;

**CONSIDERING** the document resulting from the Inter-Agency Consultation with Regional and Continental Organisations on the ACP Group’s Negotiating Framework for a Post-Cotonou Agreement, which the EU adopted in Lomé, Togo, 26 May 2018;

**HAVING REGARD** to the growing importance of regionalism in the context of multilateralism;

**CONSIDERING** that regional integration processes constitute an instrument for deepening intra-regional ACP cooperation towards the achievement of sustainable development goals;

**UNDERSCORING** the need for inter-institutional coordination to reinforce regional integration processes aimed at consolidating Intra-ACP cooperation;

**CONSIDERING** the need to review the Georgetown Agreement with a view to adapting it to the realities of the present time;

**WELCOMING** the Secretary-General’s Report to the Council of Ministers set out **in document [ACP/11/001/19 Rev. 1]**

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**HEREBY DECIDES TO:**

1. **Institutionalise** an Inter-Regional Organisations Coordination Committee (IROCC); and
2. **Mandate** the Secretary General to take necessary measures in operationalising the IROCC.

**Done in Brussels, 22 May 2019**

**Honourable Mr. Tjekero TWEYA  
Minister of Industrialisation, Trade and  
SME Development of the Republic of Namibia  
President of the ACP Council of Ministers**

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**DECISION No.10/CIX/19  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 21 TO 22 MAY 2019**

**HOST COUNTRY FOR THE SIGNING CEREMONY OF THE POST-  
COTONOU AGREEMENT**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, Belgium, from 21 to 22 May 2019,

**HAVING REGARD** to the report of the Committee of Ambassadors to the 109<sup>th</sup> Session of Council [ACP/26/029/19 Rev. 2];

**HEREBY DECIDES TO:**

**Approve** that the Independent State of Samoa be the Host country for the signing ceremony of the Post-Cotonou Agreement.

**Done in Brussels, 22 May 2019**

**Honorable Mr. Tjekero TWEYA  
Minister of Industrialisation, Trade and  
SME Development of the Republic of Namibia  
President of the ACP Council of Ministers**

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# RESOLUTIONS

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**EN**

**RESOLUTION  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 21 TO 22 MAY 2019**

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

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 21 to 22 May 2019,
  - A. **HAVING REGARD** to the Georgetown Agreement establishing the African, Caribbean and Pacific Group of States;
  - B. **HAVING REGARD** to the ACP-EU Cotonou Partnership Agreement, in particular Articles 8 and 12;
  - C. **HAVING REGARD** to the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda on financing for development adopted by the United Nations General Assembly;
  - D. **HAVING REGARD** to the conclusions of the EU Council on the EU list of non-cooperative jurisdictions for tax purposes, published on 5 December 2017, and its subsequent revisions;
  - E. **HAVING REGARD** to the ACP Council of Ministers' Decision No. 8/CVII/18 of 30 May 2018 on creating an ad hoc ACP Ministerial Contact Group on tax matters;
  - F. **HAVING REGARD** to the resolutions on the EU list of non-cooperative jurisdictions for tax purposes, the reports of the ad hoc ACP Ministerial Contact Group on tax matters, and the outcome of the 109<sup>th</sup> Session of the Council of Ministers;
  - G. **TAKING NOTE** of the developments concerning the EU list of non-cooperative jurisdictions for tax purposes and **NOTING** that, as at 12 March 2019, eight (8) ACP countries were included on the list, while fourteen (14) others made commitments to the EU to reform their tax policy;

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- H. **CONSIDERING** that the EU unilaterally established a standard for the definition of international tax good governance, which goes beyond that set by the OECD, without any prior consultation whatsoever with the ACP Group, and that the process for assessing tax systems, which led to the establishment of the list, was conducted in a unilateral fashion, without transparency or dialogue;
- I. **CONSIDERING** that the Organisation for Economic Cooperation and Development (OECD) remains the only body authorised to set standards and rules in terms of international tax cooperation, and that the majority of ACP countries included on the list are in compliance, for the most part, with the OECD's standards on international tax good governance;
- J. **RECALLING**, nonetheless, the relevance of the proposals for the creation of an intergovernmental tax body within the framework of the United Nations;
- K. **UNDERSCORING** the devastating economic, social, and political consequences of the list on the countries concerned and the harm done to their image and economy;
- L. **CONSIDERING** the major political, legislative, legal, and technical work undertaken by the countries to reform their tax policies, in order to comply with the EU's international tax good governance criteria;
- M. **AWARE** of the challenges of international tax governance for the economies of ACP countries and the importance of establishing fair and equitable international tax standards for all;
1. **Expresses** once again, its deep concern about the unilateral, non-transparent, and discriminatory approach adopted by the EU in the publication of a list purporting to be of non-cooperative jurisdictions for tax purposes, and its indignation that the EU has not responded appropriately to the ACP Group's call for political dialogue on this matter;
  2. **Does not** accept the nomenclature of "non-cooperative" to label and categorise ACP States that the EU have placed in a list as set out in Annex I of the Council's conclusions adopted most recently on March 12, 2019, as most, if not all ACP States listed have cooperated with the EU in the implementation of its tax good governance measures.

3. **Condemns** in the strongest terms, the pressure put on ACP States to comply with the European Union imposed tax standard, in blatant violation of their sovereignty, and with complete disregard for the objective procedures and constraints they face to implement the commitments made;
4. **Also expresses** its concern about the EU Council's recommendation to its Member States, following the list's publication, calling for coordinated defensive tax measures, in keeping with their national legislation and obligations under European and international law, and about the considerable financial repercussions of any sanctions on the vulnerable economies of the countries concerned;
5. **Fears** that this attitude jeopardizes the mutual trust needed for the negotiations currently under way for a post-2020 ACP-EU partnership agreement;
6. **Invites** ACP Group Member States to provide coordinated support for any proposal on the creation of an intergovernmental tax body, within the framework of the United Nations, with the adequate means and power to set standards and rules in terms of international tax cooperation;
7. **Calls** on the EU to comply with and apply both the letter and the spirit of the ACP-EU Cotonou Partnership Agreement, to observe a moratorium on the publication of a list of so-called non-cooperative jurisdictions for tax purposes, and to engage in political dialogue with the ACP Group, in accordance with Articles 8 and 12 of the Cotonou Partnership Agreement , to find a fair solution ; and
8. **Instructs** the President of Council to forward this resolution to the European Commission, the Council of the European Union, the European Parliament, as well as the African Union Commission and the regional integration organizations.

Brussels, 22 May 2019

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**RESOLUTION  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 21 TO 22 MAY 2019**

**ACP AGRICULTURE VALUE CHAINS DEVELOPMENT**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 21 to 22 May 2019,
  - A. HAVING REGARD** to the resolution on ACP Agricultural Value Chains Development adopted by the 108<sup>th</sup> Session of the ACP Council of Ministers held in Brussels Belgium, on 13 and 14 December 2018;
  - B. RECALLING** that the New Approach to Support for the Development of Agricultural Value Chains targets actors along the value chain including family farms, MSMEs, women and youth, and aims to empower them to participate fully in the transformation and modernisation of the agricultural sector at national and regional levels;
  - C. ACKNOWLEDGING** the good progress made in the implementation of the New Approach through the Framework Programme on Support for Agricultural Value Chain Development which also aims to support and promote regional trade;
  - D. NOTING** the progress made on the negotiations on the Post-Cotonou Partnership Agreement, which will redefine the partnership between the ACP Group and the EU beyond 2020, including addressing issues of value chain development;
  - E. EMPHASISING** that the draft negotiating text on Inclusive sustainable economic growth and development aims to create an enabling environment which will attract and mobilise sustainable investment, intends to bring about economic transformation through industrialisation by placing value chain development at the centre of attracting, retaining and overall leveraging of investments in the productive sectors;
  - F. STRESSING** the need to have a paradigm shift which would allow ACP States to move from being producers of commodities to being producers of processed products, which is important for job and wealth creation;

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- G. UNDERSCORING** the importance of the attainment of the United Nations Sustainable Development Goals (UN SDGs) by ACP Member States and the vital contribution that the New Approach to support the Agricultural Value Chains can make in that regard;
- H. STRESSING** that ACP States are faced with a number of challenges in the commodities sector, including declining commodity prices, negative effects of climate change, stiff competition, Non-Tariff Barriers (NTBs), and subsidies such as the voluntary coupled support for beet sugar;
- I. DEEPLY** concerned about EU regulations, notably the New EU Organic Regulations, which have the potential to disrupt trade and generate tremendous macroeconomic shocks in commodity-dependent exporting countries;
- J. FURTHER** concerned about the EU notification to the WTO, on 5 April, of its intention to review the maximum residue levels for the active substance called Imazalil in bananas which will negatively impact the banana sector and other areas such as citrus fruits (particularly lemons), apples, pears, melons, pineapples, chinolas, avocados, and potatoes;
- K. DEPLORING** the ongoing actions by several institutions, which jeopardize the sustainability and respect for social and environmental standards in several agricultural sectors, including the cocoa sector, which are important for the economic and social development of ACP countries and **noting** that the ACP countries concerned are not being adequately consulted regarding these actions;
- L. ACKNOWLEDGING** the outcome on agricultural commodities during the 76<sup>th</sup> meeting of the ACP-EU Joint Subcommittee on Trade Cooperation held on 14 March and that of the Joint ACP-EU Committee of Ambassadors held on 12 April 2019, of the proposal to use the Joint Technical Committee on Sugar for commodity issues and further **noting** the increasingly horizontal treatment of all agricultural commodities by the EU;
- M. EMPHASISING** the need to build synergies with international organisations that formulate strategies and policies to respond to the challenges and opportunities of the commodities sector and value chain development in ACP States;
- N. APPRECIATING** the strong attachment and support of the European Parliament Development Committee towards developing countries, especially the ACP Member States;



- O. DEPLORING** the vote by the European Parliament's Committee on Agriculture to maintain Voluntary Coupled Support for sugar beets in the 2021-2027 Common Agricultural Policy;
- P. NOTING** that the BREXIT process has so far not provided a clear direction as to what to ultimately expect, especially in the event of a "no deal" and that BREXIT negotiations are yet to commence with Third Parties such as the ACP Group;
- Q. HAVING EXAMINED** the Report of the 11<sup>th</sup> Ministerial Consultations on Commodities and Value Chains Development to Council, which includes the interaction with the Private Sector;
1. **Instructs** the Committee of Ambassadors to ensure that the Post -Cotonou Agreement beyond 2020 incorporates ACP States' offensive and defensive interests in the area of trade, investment and industrialisation;
  2. **Calls** on the Committee of Ambassadors to ensure the implementation of other interventions on value chains under the Framework Programme, to be included in the Annual Action Plan for 2019, including support for coffee, cotton, sugar, cashew, cocoa, kava, rum, spices and livestock sectors;
  3. **Requests** the ACP Secretariat to implement the ACP Portal on Trade and Economic Opportunities, that will facilitate and enhance regional trade, in line with the Trade and Investment Pillar under the New Approach;
  4. **Requests** the Secretariat to undertake a study to explore alternative markets, including regional markets for commodities under regional FTA terms, e.g. CARICOM, CARIFORUM, the Continental Free Trade Area and other FTAs in the Pacific as a way of addressing challenges faced on the EU Market;
  5. **Instructs** the ACP Secretariat to engage the Private Sector with a view to establishing a Strategic Alliance that will facilitate local processing of agriculture products and enable ACP Products access local and international markets;
  6. **Urges** the EU to support the efforts of the ACP Group to attain the UN SDGs and to ensure that priority is given to the joint initiatives to be pursued in that regard, within the framework of the New Approach to Agriculture Value Chains;
  7. **Calls** on the EU to reconsider providing resources to support the ACP banana sector, ensure that preferential access for bananas from ACP countries is maintained beyond 2020 and guarantee that the Stabilisation Mechanism is extended beyond 2019 and diligently and dutifully enforced;

8. **Recalls** the need for dialogue between ACP cocoa- producing countries and the EU on the ongoing consultations on deforestation and degradation of tropical forests and **calls** upon the EU to refrain from taking unilateral decisions, and to work within regions and with countries, as sustainability issues are provided for, and dealt with, within the regional frameworks, such as the Regional Partnership Agreements;
9. **Further calls** on the EU to continue treating sugar as a sensitive product and to safeguard the interests of the suppliers of added value speciality sugars, in their FTA negotiations;
10. **Urges** the ACP Secretariat to finalise the analytical paper on the new EU Organic Regulation, which could be used as a basis to support Member States in taking mitigating measures to reduce the negative impact of the Regulation and urgently sensitise their constituencies, especially small farmers;
11. **Notes** the potential adverse impact of the EU-proposed regulation on the banana sector and **requests** the ACP Secretariat to circulate a template to ACP Member States to facilitate timely submissions to the WTO by the deadline of 4 June 2019;
12. **Calls** for inclusive discussions, including with the European Union, on social and environmental standards in several agricultural sectors which are important for the economic and social development of ACP countries, with the objective of ensuring that there is no disruption in trade;
13. **Endorses** the establishment a Joint Technical Committee on Commodities and Value Chain Development **and calls** on the EU to implement this proposal, which requires transforming the existing structure on sugar i.e. the Joint ACP-EU Technical Committee on Sugar into a committee that will not only address sugar-related matters, but any other aspects that relate to commodities;
14. **Urges** the Committee of Ambassadors to build synergies with international organisations and to increase consultations with the European Parliament on matters of development and trade;
15. **Invites** the Committee of Ambassadors to explore action at the WTO with regard to the issue of VCS which has negatively affected the ACP sugar sector and should therefore not be carried forward into the 2021-2027 Common Agricultural Policy proposal;

16. **Calls** on the EU and other international partners to intensify efforts within the framework of capacity- building, enhanced resilience, as well as targeted adaptation and mitigation programmes and initiatives;
17. **Calls** upon the EU to ensure that it informs and fully consults the ACP Group on the negotiations regarding the future trade relationship between the UK and the EU27, in line with the spirit of Article 12 of the Cotonou Partnership Agreement and similar provisions in EPAs;
18. **Calls** on the UK to ensure that Continuity Agreements are development oriented and will be an improvement on current trade agreements such as the Economic Partnership Agreements(EPAs) or the Everything but Arms (EBA) Initiative;
19. **Acknowledges** the initiatives carried out on BREXIT by the ACP Secretariat and **calls** for further support to be provided to ACP Member States; and
20. **Invites** the President of the Council of Ministers to forward this resolution to ACP regional economic integration organisations, the Commission of the African Union, the Council of the European Union, the European Parliament, EU Member States, and the European Commission.

**Brussels, 22 May 2019**

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**[Final version]**

**EN**

**RESOLUTION  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 21 TO 22 MAY 2019**

**BREXIT PROCESS**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 21 to 22 May 2019,
  - A. HAVING REGARD** to Decision No.11/CVI/17 of its 106<sup>th</sup> session, on the Brexit Process, and Resolution No. ACP/25/019/18 of its 108<sup>th</sup> session, on ACP-EU Economic Partnership Agreements (EPAs), including the Brexit Process;
  - B. RECALLING** its concerns about the potential negative effects of Brexit on ACP economic interests and, to some extent, on ACP-EU trade relations in the post-Brexit era;
  - C. RECOGNISING** the importance of maintaining long-term trade relations with the European Union (EU), on the one hand, and with the United Kingdom (UK) on the other hand, which are beneficial to all stakeholders; yet **DEEPLY CONCERNED**, as the Brexit process unfolds, by the uncertainty of the future trade deal between the UK and the EU, which may adversely affect conditions for ACP exporters' access to both markets;
  - D. HAVING CONSIDERED** the outcomes of the 76<sup>th</sup> meeting of the ACP-EU Subcommittee on Trade Cooperation [ACP/61/018/19 Rev.1], including the outcome of the Brexit process.

**HEREBY:**

1. **Endorses** the follow-up action on the Brexit process initiated by the Committee of Ambassadors to safeguard the interests of ACP exporters;
2. **Invites** the European Union and the United Kingdom to consider the ACP Group's priorities in their negotiations for the UK's withdrawal from the EU, which are to ensure the continuity of trade flows and the value of trade preferences, as well as to ensure continued triangular supply chains;

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3. **Urges** the EU to commit to maintaining the existing conditions for ACP exporters' access to the EU27's single market , and to reviewing the economic value of the existing EPAs without the UK;
4. **Calls on** the EU and the UK to expeditiously implement policy initiatives to reduce potential trade-related economic losses for ACP countries;
5. **Invites** the EU and the UK to set up a trilateral discussion, bringing together EU the EU, the UK, and ACP governments, with a view to preserving current value chains among ACP countries, the EU, and the UK; and
6. **Instructs** the President of the ACP Council of Ministers to forward this Resolution to the European Commission, the Government of the United Kingdom, and the European Parliament, as well as to the African Union Commission and ACP regional integration organisations.

**Brussels, 22 May 2019**

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**[Final version]**

**EN**

**RESOLUTION  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 21 TO 22 MAY 2019**

**RECENT DEVELOPMENTS RELATED TO RESOLVING  
THE GUATEMALAN TERRITORIAL CLAIM OF BELIZE**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 21 to 22 May 2019,
  - A. **COGNIZANT** that the ACP Group of States, in the Declaration of the 8<sup>th</sup> Summit of ACP Heads of State and Government and in Resolutions adopted at the 103<sup>rd</sup>, 106<sup>th</sup> and 108<sup>th</sup> Council of Ministers, has consistently declared support for Belize's sovereignty and territorial integrity in the context of the claim over Belize by the Republic of Guatemala;
  - B. **RECALLING** that, in their Special Agreement of 2008, Belize and the Republic of Guatemala committed to hold national referenda to decide whether to submit the claim for final resolution to the International Court of Justice (ICJ);
  - C. **RECOLLECTING** that the Republic of Guatemala held its national referendum on 15 April 2018, which resulted in an affirmative vote in that country to refer the claim to the ICJ;
  - D. **COMMENDING** Belize for successfully conducting its national referendum on 8 May 2019, in which the majority of the people of Belize voted 'YES' to submit the claim to the ICJ;
  - E. **WELCOMING** the recourse to the ICJ as an established peaceful option for states to resolve their disputes on the basis of international law, and that the way is now paved for the dispute between Belize and the Republic of Guatemala to be heard at the ICJ in the coming weeks;
  - F. **RECOGNISING** the significant role played by the ACP Group of States, the European Union, the Organisation of American States (OAS) and others in the international community to support the efforts of Belize and the Republic of Guatemala to seek a peaceful and final resolution to the dispute through the ICJ;
  - G. **CONCERNED** that in relation to the Sarstoon River, which forms Belize's southern boundary, the Republic of Guatemala, in a recent departure from the status quo established since the Boundary Convention of 1859, continues to pursue unfriendly actions in an attempt to assert ownership and control of the entire Sarstoon River in a manner that threatens peace and security with Belize.

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1. **Declares** its support for Belize and the Republic of Guatemala to commence the judicial process of the case at the ICJ, as laid out in the Special Agreement of 2008;
2. **Urges** the Government of Guatemala to now move expeditiously to engage, as previously agreed in Istanbul in May 2016, with the Government of Belize to design and establish a mechanism of cooperation for the Sarstoon River;
3. **Calls** on the international community to continue its support for the peaceful and definitive resolution of the dispute arising from Guatemala's claim and, in particular, for the essential role of the OAS in facilitating the ongoing efforts by Belize and the Republic of Guatemala to implement the confidence building measures agreed between the two sovereign states in 2005;
4. **Reasserts** its steadfast support for the territorial integrity, sovereignty and security of Belize.

**Brussels, 22 May 2019**

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**[Final version]**

**EN**

**RESOLUTION  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 21 TO 22 MAY 2019**

**ECONOMIC, COMMERCIAL AND FINANCIAL BLOCKADE IMPOSED BY  
THE UNITED STATES OF AMERICA AGAINST CUBA**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 21 to 22 May 2019,
- A. RECALLING** Declarations adopted in Accra and in Port Moresby during the 6th and 8th Summits of the Heads of State and Government of ACP countries, respectively, condemning the use of unilateral coercive measures such as illegal sanctions against Cuba and certain other developing countries with a view to preventing those countries from exercising their right to determine their own political, economic and social system, and rejecting the application of unilateral and extra-territorial laws and measures contrary to international law such as the Helms-Burton Act;
- B. ALSO RECALLING** its Declaration adopted at the 102<sup>nd</sup> Council of Ministers on November 2015 and its Resolutions adopted at the 105<sup>th</sup> and 106<sup>th</sup> Council of Ministers held in May and December 2017;
- C. REITERATING** its support for United Nations General Assembly Resolution 73/8 entitled “Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba”, adopted on 1 November 2018;
- D. ALSO RECALLING** General Assembly Resolution 72/201 on “Unilateral economic measures as means of political and economic coercion against developing countries “ adopted on 20 December 2017, urging the international community to adopt urgent and effective measures to eliminate the use of unilateral coercive economic measures against developing countries that are not authorised by relevant organs of united nations or are inconsistent with the principles of international law as set forth in the Charter of the United Nations and that contravene the basic principles of the Multilateral Trade System;

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**E. TAKING NOTE** of the statement by the Representative of the Republic of Cuba on the increasing extraterritorial application of the economic, commercial and financial blockade imposed by the US against Cuba, through the activation of Title III of “Cuban Liberty and Democratic solidarity at of 1996 ( Helms-Burton Act) whose devastating effects will not only affect Cuba’s economic and social development but also foreign investments in the country , the interest of companies from third countries as well as those of American entities;

1. **Expresses** its full support for, and solidarity with the Cuban people and government and its resolute opposition to the unilateral and illegal economic, commercial and financial blockade imposed by the US against Cuba;
2. **Also expresses** its deep concern and rejection to the activation of Titles III of the Helms Burton Act and its extraterritorial effects;
3. **Urges** the government of the United States of America to lift the long standing and unjustifiable economic , commercial and financial blockade imposed on the Cuban people;
4. **Acknowledges** that the blockade is the main obstacle to Cuba’s implementation of the United Nations 2030 Agenda for Sustainable Development;
5. **Invites** the international community as a whole to continue to express its support for, and solidarity with, the people of Cuba for the immediate and unconditional lifting of the Blockade;
6. **Requests** the Secretary-General of the ACP Group to keep it informed of any development in this area;
7. **Also Requests** the Secretary-General of the ACP Group to forward this Resolution to the Secretary General of the United Nations.

**Done in Brussels, 22 May 2019**

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**RESOLUTION  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 21 TO 22 MAY 2019**

**DECOLONISATION OF MAURITIUS**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 21 to 22 May 2019,
  
- A. **HAVING REGARD** to the Port Moresby Declaration adopted by the 8th ACP Summit on 31 May and 1 June 2016;
  
- B. **HAVING REGARD** to Decision No.7/CIV/16 on Chagos Archipelago adopted by ACP Council of Ministers at its 104<sup>th</sup> Session held on 29 to 30 November 2016; and
  
- C. **HAVING REGARD** to other Declarations and positions adopted by the ACP Group of States to support the effective exercise by Mauritius of its sovereignty over the Chagos Archipelago, which is an integral part of the territory of Mauritius, including.
  1. **Commends** the ACP Member States which participated in the various stages of the International Court of Justice legal proceedings on the Chagos Archipelago;
  
  2. **Welcomes** the advisory opinion of the International Court of Justice rendered on 25 February 2019, in which the Court found, *inter alia*, that:
    - i) Having regard to international law, the process of decolonization of Mauritius was not lawfully completed when that country acceded to independence in 1968, following the separation of the Chagos Archipelago,
  
    - ii) The United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible, and
  
    - iii) All Member States are under an obligation to co-operate with the United Nations in order to complete the decolonization of Mauritius

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3. **Urges** Member States of the ACP Group to redouble their efforts to contribute to the complete decolonization of Mauritius;
4. **Requests** Members of the ACP Group in New York to fully support all actions at the United Nations General Assembly (UNGA) that are necessary to contribute to the immediate and complete decolonization of Mauritius, including the implementation of the conclusions of the Advisory Opinion International Court of Justice; and
5. **Decides** to remain actively seized of the matter.

**Brussels, 22 May 2019**

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**EN**

**RESOLUTION  
OF THE 109<sup>TH</sup> SESSION OF THE ACP COUNCIL OF MINISTERS  
HELD IN BRUSSELS, BELGIUM, FROM 21 TO 22 MAY 2019**

**GUYANA-VENEZUELA BORDER CONTROVERSY**

**The ACP Council of Ministers,**

- Meeting in Brussels, Belgium, from 21 to 22 May 2019,
- A. RECALLING** the Declaration of the 8<sup>th</sup> Summit of ACP Heads of State and Government issued at Port Moresby on 1<sup>st</sup> June 2016, in which the Heads of State and Government reaffirmed their unequivocal support for the principles of sovereignty, territorial integrity and international law, the sanctity of international treaties as well as the peaceful and lawful resolution of territorial and maritime disputes;
- B. FURTHER RECALLING** that in referring to the escalating territorial and maritime claims by Venezuela on Guyana's territory, the Heads of State and Government had noted the adverse impact of the controversy on Guyana's development and the welfare and the wellbeing of its people;
- C. RECOGNISING** the commendable efforts of the Secretary General of the United Nations to resolving the controversy within the confines of International Law in keeping with his responsibilities and principles set out and agreed by all signatories to the 1966 Geneva Agreement;
- D. HAVING BEEN INFORMED** of the decision of the United Nations Secretary General to place this matter before the International Court of Justice in The Netherlands and the developments thus far;
- E. RECEIVING WITH CONCERN** the report of the interception and attempted boarding by a Venezuelan military vessel, a civilian vessel carrying out seismic work on Guyana's EEZ and a new Venezuelan Decree 3732 of 22 December 2018 purporting to annex not only the entire EEZ but also to be exercising sovereignty over this maritime space, the seabed and associated continental shelf .

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**HEREBY URGES THE PARTIES TO:**

1. **Refrain** from illegal and military actions in particular which constitute a threat to the peace and security of the region;
2. **Adhere** to the principles of international law by respecting the process before the International Court of Justice; and
3. **Participate** in good faith in the efforts to peacefully resolve the controversy.

**Brussels, 22 May 2019**

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