

REFERENCE **ACP/27/001/20**
Legal Services/EOA/cna *EOA*

NOTE VERBALE

The Secretariat of the African, Caribbean and Pacific Group of States – Legal Services – presents its compliments to all ACP Embassies and Missions in Brussels, and wishes to remind all Member States that have not yet signed the revised Georgetown Agreement to do so, in accordance with Article 40 of the revised Agreement. To date, 18 Member States have signed the revised Agreement.

In accordance with Article 7(2) of the Vienna Convention on the Law of Treaties, Heads of State, Heads of Government, and Ministers of Foreign Affairs are eligible to sign the Revised Georgetown Agreement. However, Ambassadors based in Brussels may sign on behalf of their countries once they obtain appropriate full powers from their governments, in accordance with Article 7(1)(a) of the Vienna Convention.

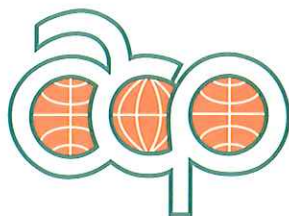
The Secretariat of the African, Caribbean and Pacific Group of States – Legal Services – thanks ACP Embassies and Missions for their cooperation and avails itself of this opportunity to renew to them the assurances of its highest consideration. *EOA*



Brussels, 16 January 2020

To all ACP Embassies and Missions

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



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

REFERENCE **ACP/27/005/18 Rev.13**
Legal Unit/EOA/cna *es*

Brussels, 6 December 2019

THE REVISED GEORGETOWN AGREEMENT

es

Table of Contents

| | |
|--|----|
| PREAMBLE: | 2 |
| CHAPTER I: Definitions | 4 |
| CHAPTER II: Establishment and Legal Status | 5 |
| CHAPTER III: Principles and Objectives | 5 |
| CHAPTER IV: Membership, Associate Membership and Observer | 7 |
| CHAPTER V: Rights, Obligations, Immunities and Privileges | 8 |
| CHAPTER VI: Organs | 9 |
| CHAPTER VII: Meetings | 18 |
| CHAPTER VIII: Decision-making Modalities | 19 |
| CHAPTER IX: Financial Provisions | 19 |
| CHAPTER X: Sanctions | 20 |
| CHAPTER XI: Dispute Settlement | 21 |
| CHAPTER XII: Foreign Relations | 21 |
| CHAPTER XIII: Final Provisions..... | 22 |
| ANNEX I: Arrears in Contribution | 25 |
| ANNEX II: Consultative Organs of the OACPS | 26 |

PREAMBLE

[WE, the Heads of State or Government of:

List of all ACP Heads of State ...] hereinafter referred to as the ACP States;

PURSUANT to the Georgetown Agreement as amended on 28 November 2003;

REAFFIRMING the solidarity among the Member States of the OACPS, their unity in diversity, their commitment to the promotion of good governance, and the rule of law, as well as social justice;

DETERMINED to reinforce intra-ACP cooperation and extend it to all strategic sectors, as a mean of promoting the socio-economic development of the Member States of the OACPS and achieving and surpassing the basic needs of their peoples;

REAFFIRMING their commitment to adherence to the fundamental human rights defined in the Universal Declaration of Human Rights, particularly with regard to compliance with democratic principles, the rule of law, the right to development, as well as the right to self-determination;

DETERMINED to promote and develop greater and closer trade, economic, political, social, and cultural relations among the Member States and regions of the OACPS;

COMMITTED to the purposes and principles enshrined in the United Nations Charter, to the defence of multilateralism and to international law;

REJECTING the application of unilateral coercive measures to the Member States of the OACPS, including those measures with extraterritorial effects;

RESOLVED to consolidate and reinforce the existing solidarity and unity of the OACPS to address regional specificities in the implementation of the sustainable socio-economic development goals of the Member States of the OACPS and their peoples;

RECOGNISING the importance of regional integration and continental, intra OACPS cooperation, as well as North-South, South-South, and Triangular Cooperation as instrumental in promoting development based on the principles of subsidiarity, complementarity, and proportionality;

RECOGNISING that the objective of achieving sustainable development for all the Member States of the OACPS can only be achieved through the transformation of their economies, including by taking advantage of the benefits of regional trade, intensifying further trade cooperation and trade facilitation;

CONVINCED that the realisation of all internationally agreed development goals, as well as the integration of the Member States of the OACPS into the global economy, and the responsible management of the environment, are legitimate objectives reflecting the aspirations of the peoples of the Member States of the OACPS;

DETERMINED to ensure that all ACP Partnership Agreements contribute to the realisation of the common aspirations of developing countries, to self-reliant, endogenous and self-sustained development, based on their systems of cultural and social values;

COGNISANT of the need to maintain favourable multifaceted relations with our traditional partners, in particular those with the European Union, and to extend these to all other strategic international relations actors;

DESIROUS of enhancing the political identity of the OACPS to enable it to speak with one voice and to act as a single entity in the international arena on all issues of common interest, and to actively participate in global governance in order to meet global challenges and to contribute to the search for solutions to them;

RECOGNISING the ongoing impact of climate change on the well-being and sustainable development of the Member States of the OACPS, especially the Small Island Developing States (SIDS), and the importance of working together to identify and put in place measures to face the challenges presented by climate change;

RESOLVED to establish the OACPS as an international organisation, in order to achieve common objectives, thereby helping to create conditions that favour the socio-economic development of Member States of the OACPS and their peoples;

HAVE AGREED as follows:

CHAPTER I

DEFINITIONS

Article 1

Definitions

In this Agreement,

“This Agreement” means the Revised Georgetown Agreement;

“ACP State” means a State that has acceded to the Georgetown Agreement as amended in 2003;

“Committee of Ambassadors” means Committee of Ambassadors of the OACPS established under Article 18;

“Council of Ministers” means Ministers of Foreign Affairs or such other Ministers or Authorities as are designated by the Government of Member States and established under Article 14;

“External Parties” means the partners and non-observers of the OACPS in line with Article 36;

“Funds” means resources available at a given time for the implementation of the Endowment and Trust Fund provided for under Article 31;

“IROCC” means the Inter-Regional Organisations Coordination Committee of the OACPS established under ANNEX II;

“Member State” means a Member State of the OACPS in line with Article 6;

“National Focal Point” means the liaison between the Government and the Secretariat established under Annex II;

“OACPS” means Organisation of African, Caribbean and Pacific States;

“Parliamentary Assembly” means a consultative organ representing the voice of the peoples of the Member States of the OACPS within the institutions of the OACPS provided for under Article 21;

“Region” means geographical area of Member States of the OACPS referred to under Article 2(2);

“Secretary-General” means the Chief Executive Officer of the OACPS appointed under Article 24;

“Small-Island Developing States Forum” means the SIDS Forum established under ANNEX II;

“Subsidiary and Consultative Organs” means organs created by the Council of Ministers in line with Article 25;

“Summit” means the Summit of Heads of State or Government of the OACPS established under Article 11;

“Troika” means the President-in-office, the outgoing President, and the designated incoming President. The Troika also applies to the Organs referred to under Article 10(2).

CHAPTER II
ESTABLISHMENT AND LEGAL STATUS

Article 2

Establishment

1. The Organisation of African, Caribbean and Pacific States, designated as the OACPS, is hereby established;
2. The OACPS shall be organised on the basis of geographical regions, namely Central Africa, East Africa, Southern Africa, West Africa, the Caribbean, and the Pacific, or any other configuration agreed to by the Summit.

Article 3

Legal Status

The OACPS shall be an international organisation, established under international law, with legal personality.

CHAPTER III
PRINCIPLES AND OBJECTIVES

Article 4

Principles

In the context of the objectives set out in Article 5, the OACPS and its Member States reaffirm their commitment to the purposes and principles of the United Nations Charter.

Article 5

Objectives

The objectives of the OACPS shall be to:

- a) promote the efforts of Member States of the OACPS to eradicate poverty, achieve sustainable development, and fully benefit from the advantages of trade, through their gradual and more effective participation in the world economy;
- b) promote and strengthen unity and solidarity among the Member States of the OACPS as well as understanding among their peoples;
- c) consolidate, strengthen, and maintain peace and stability as a precondition for improving the well-being of the peoples of the OACPS, in a democratic and free environment;
- d) deepen and strengthen economic, political, social, and cultural relations among the Member States of the OACPS, through regional integration, strategic partnerships between OACPS regions, and inter-regional cooperation in the fields of trade, science and technology, industry, transport and communications, education, training and research, information and communication, the environment, demography, and human resources;

- e) promote policies, especially in the areas of the environment and the rational management of natural resources, in pursuit of sustainable development of the Member States of the OACPS;
- f) serve as a forum for formulating and coordinating common positions on global issues;
- g) advocate for a multilateral system that is fair, equitable, and rules-based, and which contributes to economic growth and sustainable development of the Member States of the OACPS,
- h) develop strategic relations and partnerships with external parties including within the global South, as well as with regional and international organisations for the purposes of building global consensus on South-South and Triangular Cooperation;
- i) strengthen the political identity of the OACPS to enable it to act as a coherent political force in international bodies and to ensure that due regard is accorded to its specific interests;
- j) promote and reinforce political dialogue within the OACPS so as to consolidate the unity and solidarity of the OACPS;
- k) strengthen regional mechanisms for the prevention, management, and peaceful settlement of conflicts, by pursuing and developing cooperation among the Member States of the OACPS and between the Member States of the OACPS and other States.

CHAPTER IV
MEMBERSHIP AND OBSERVERSHIP

Article 6

Membership

1. A Member State of the OACPS is any State, which has ratified or acceded to this Agreement, in accordance with its own internal procedures.
2. New Member States may be admitted to the OACPS in accordance with the preceding paragraph in this Agreement.
3. The procedure for the application and admission of new Member States to the OACPS shall be established by the Council of Ministers.
4. On the recommendation of the Committee of Ambassadors, the Council of Ministers may recommend to the Summit the grant of membership of the OACPS to:
 - a) Independent States belonging to the African, Caribbean and Pacific regions; or
 - b) Independent States with comparable economic structures or needs, irrespective of their geographical location.
5. Admission to the OACPS shall be based on the following criteria:
 - a) Recognition by the majority of Member States;
 - b) Commitment to be bound and abide by this Agreement; and
 - c) Ability and willingness to assume and fulfil all the rights and obligations arising from this Agreement.
6. Admission shall be decided by consensus by the Summit, on the recommendation of the Council of Ministers.
7. An applicant State whose membership has been decided by the Summit shall be admitted to the OACPS upon deposit of an instrument of accession to this Agreement.

Article 7

Observers

1. On the recommendation of the Committee of Ambassadors, the Council of Ministers may grant observer status in the OACPS to:
 - a) Independent States;
 - b) Continental and regional bodies to which Member States of the OACPS belong; and
 - c) International organisations pursuing objectives similar to those of the OACPS, on the basis of reciprocity.
2. Observers admitted to a meeting of the OACPS:
 - a) may not vote in formal decision-making procedures, as prescribed in the Rules of Procedures;
 - b) may not make oral statements during the meeting, except upon the invitation of the Chairman;
 - c) may not participate or attend the in-camera sessions of the Summit, the Council of Ministers and the Committee of Ambassadors;
 - d) may be invited to participate in sectoral Ministerial conferences, symposia, expert meetings, etc.; and
 - e) may receive non-confidential information and documentation disseminated by the Secretariat.

CHAPTER V

RIGHTS, OBLIGATIONS, IMMUNITIES AND PRIVILEGES

Article 8

Rights and Obligations

1. All Member States shall have equal rights and obligations under this Agreement.
2. Member States of the OACPS shall fulfil in good faith their obligations under this Agreement, so as to ensure the full enjoyment of the rights and benefits resulting from membership.
3. Member States shall take all appropriate measures to carry out all the obligations arising from membership of the OACPS under this Agreement or resulting from decisions adopted by the various Organs of the OACPS.
4. Member States shall facilitate the achievement of the objectives of the OACPS and shall refrain from adopting any measures that may negatively impact upon the achievement of the objectives of the OACPS.

Article 9

Immunities and Privileges of the OACPS

1. The OACPS shall enjoy in the territories of the Member States such immunities and privileges as are necessary for the fulfilment of its objectives.
2. The immunities and privileges under this Article shall be laid down in a separate agreement between the OACPS and the host Member State, in line with the Vienna Convention on Diplomatic Relations.

CHAPTER VI

ORGANS

Article 10

Organs

1. The following Organs are hereby established:
 - a) Summit of Heads of State or Government;
 - b) Council of Ministers;
 - c) Sectoral Ministerial Committees;
 - d) Committee of Ambassadors;
 - e) OACPS Parliamentary Assembly; and
 - f) OACPS Secretariat.
2. A Troika shall be established for the above-mentioned organs, with the exception of the OACPS Secretariat.

Article 11

The Summit

The Summit of Heads of State or Government of the OACPS is the supreme organ of the OACPS, and shall consist of the Heads of State or Government of the OACPS or their designated representatives.

Article 12

Powers and Functions of the Summit

1. The Summit shall:
 - a) be the supreme decision-making organ of the OACPS;
 - b) lay down the general policy of the OACPS and issue directives relative to its implementation to the Council of Ministers;
 - c) deliberate, provide policy guidance, and take decisions on key issues pertaining to the realisation of the objectives of the OACPS, important matters of interest to Member States, and all issues referred to it by the Council of Ministers and the Secretary-General;
 - d) approve the amendments made to this Agreement;
 - e) appoint the Secretary-General of the OACPS, through its Troika, on the recommendation of the Council of Ministers;
 - f) relieve the Secretary-General of his/her duties, through its Troika in the event of a serious breach of his/her obligations, under this Agreement, on the recommendation of the Council of Ministers;
 - g) instruct other relevant Organs to hold ad hoc inter-Ministerial meetings, and address cross-cutting issues;
 - h) on the recommendation of the Council of Ministers, consider emergency situations affecting the OACPS by taking appropriate actions;
 - i) act as an appellate body to resolve any dispute between Member States in accordance with Article 33;
 - j) play a facilitative and substantial role in political dialogue and advocacy with partner countries and organisations, as appropriate.
2. The Summit shall:
 - a) meet every three years, and shall be hosted by the Member State holding the Presidency of the OACPS;
 - b) be chaired by the Head of State or Government of the host country;
 - c) be convened, whenever necessary, as special or ad hoc meetings, and be chaired by the presiding Member State, at venues to be agreed upon by the Council of Ministers;
 - d) be convened on the initiative of the troika of the Summit or on the recommendation of the Council of Ministers;
 - e) take decisions in accordance with Article 27 of this Agreement;

3. The Summit shall be managed by a troika comprising the following:

- a) The President-in-Office;
- b) The outgoing President;
- c) The incoming President.

Article 13

Appointment and Role of the President of the Summit

1. A Head of State or Government shall be appointed as the President of the Summit, based on the principle of rotation among the geographical regions of the OACPS.
2. The President of the Summit shall:
 - a) preside over meetings of the Bureau and the Summit;
 - b) use his/her good offices to actively promote and protect the interests of the OACPS;
 - c) provide an effective and timely response to urgent issues or crisis situations affecting the OACPS;
 - d) represent the OACPS in meetings required for strengthening and promoting closer relations with external partners, and for cooperation within the OACPS regions;
 - e) carry out such other tasks and functions as may be agreed upon by the Members of the OACPS.

Article 14

Council of Ministers

1. The Council of Ministers shall comprise Ministers of Foreign Affairs or such other Ministers or Authorities as designated by the Governments of Member States.
2. The Council of Ministers shall meet twice per year in ordinary session.
3. The Council of Ministers may decide to meet in special session on its own initiative, or based on a decision by the President, after consultation within the Troika and with the representative of each of the regions on the Bureau.

Article 15
Powers and Functions of the Council of Ministers

1. The Council of Ministers shall:
 - a) prepare the Summit meetings;
 - b) coordinate the implementation of agreements and decisions of the Summit;
 - c) coordinate the activities of the Sectoral Ministerial Committees so as to enhance policy coherence, efficiency, and cooperation among them;
 - d) examine the reports of the Sectoral Ministerial Committees;
 - e) approve the Budget, audit the functions of the Secretariat, and provide strategic direction and analysis of the Secretariat's work programme and implementation of mandates;
 - f) consider the annual reports of the:
 - i. Committee of Ambassadors;
 - ii. Secretary-General;
 - iii. Parliamentary Assembly; and
 - iv. Consultative Committees.
 - g) undertake any other tasks provided for in this Agreement, or such other functions as may be assigned by the Summit;
 - h) determine the modalities for the implementation of the general policy and objectives of the OACPS and periodically monitor and evaluate their state of execution;
 - i) determine the organisational structure of Secretariat, and approve its staff regulations, on the proposal of the Committee of Ambassadors;
 - j) propose to the Summit the establishment of other consultative Organs whenever necessary;
 - k) impose sanctions on a Member State which violates its obligation under this Agreement, upon the recommendation of the Committee of Ambassadors, in accordance with Article 32;
 - l) delegate some of its powers to the Committee of Ambassadors;
 - m) adopt its Rules of Procedure, in accordance with Article 28 of this Agreement;
 - n) establish Sectoral Ministerial Committees to which it may delegate specific duties;
 - o) establish satellite offices, as deemed necessary.

2. The acts of the Council of Ministers may take the form of a decision, resolution, recommendation or declaration, in accordance with Article 27 of this Agreement.
3. There shall be a Bureau of the Council of Ministers, which shall coordinate its work.
4. The Council of Ministers shall appoint the members of its Bureau at the end of each ordinary session.
5. The Bureau of the Council of Ministers shall be comprised of nine Members, as follows:
 - a) The President of the Council of Ministers;
 - b) The outgoing President and the incoming President;
 - c) One member from each of the four regions of Africa, one from the Caribbean and one from the Pacific, with the region holding the Presidency being represented by another country from the same region.

Article 16

Appointment and Role of the President of the Council of Ministers

1. The President of the Council of Ministers shall be appointed from among the Members of the Council, based on the principle of rotation among the regions of the OACPS;
2. The President of the Council shall:
 - a) preside over the meetings of the Bureau and the sessions of the Council;
 - b) use his/her good offices to actively promote and protect the interests of the OACPS;
 - c) provide an effective and timely response to matters affecting the OACPS, which require attention at the level of Council;
 - d) represent the OACPS in meetings required for strengthening and promoting closer relations with external partners, and cooperation within the regions of the OACPS;
 - e) carry out such other tasks and functions as may be agreed upon by its Members.
3. The President shall consult with the Bureau on matters of an urgent nature requiring attention.

Article 17

Sectoral Ministerial Committees

1. Each Sectoral Ministerial Committee shall:
 - a) function in accordance with its respective mandates established by the Summit;
 - b) implement the agreements and decisions of the Summit under its respective purview;
 - c) strengthen cooperation in its specific fields, in support of the objectives of the OACPS;
 - d) submit reports and recommendations to the Council of Ministers.
2. The meetings of the Sectoral Ministerial Committees shall be preceded by meetings of Senior Officials and subsidiary Organs to support them.
3. The decisions of the Sectoral Ministerial Committees shall be taken in accordance with Article 27 of this Agreement.

Article 18

Committee of Ambassadors

1. The Committee of Ambassadors shall comprise the representatives of Member States of the OACPS, at the level of Head of Missions.
2. The Committee of Ambassadors shall meet at least once every month, or as necessary to carry out its duties and functions.
3. In addition, the Committee of Ambassadors may decide to meet in special session on its own initiative, or based on a decision by the Chairman, after consultation with the Troika and with the representative of each of the regions on the Bureau.

Article 19

Powers and Functions of the Committee of Ambassadors

1. The Committee of Ambassadors shall:
 - a) support the Council of Ministers in the execution of its functions, and shall carry out any mandate assigned to it by the Council;
 - b) liaise with the Secretary-General of the OACPS and the Secretariat on all subjects relevant to its work;
 - c) facilitate cooperation with external partners;
 - d) perform such other functions as may be determined by the Council of Ministers and Sectoral Ministerial Committees;
 - e) present a report on its activities to each ordinary session of the Council of Ministers.

2. The Committee of Ambassadors shall act as an advisory body to the Council of Ministers on all matters, including trade and economic issues, forging linkages with new and emerging partners, and encouraging South-South Cooperation to facilitate development cooperation.
3. The Committee of Ambassadors shall oversee the audit activities of the Secretariat. To this end, an Audit and Budget Committee shall be established within the Committee of Ambassadors, to oversee the internal audit activities, and in particular to:
 - a) approve the Internal Audit Work Programme as well as the relevant Budget; and
 - b) receive the internal audit reports directly, examine them, and follow up on the implementation of recommendations approved by the Secretariat.
4. The acts of the Committee of Ambassadors shall take the form of a decision, resolution, or recommendation, and shall be adopted in accordance with Article 27.
5. There shall be a Bureau of the Committee of Ambassadors, which shall coordinate its work.
6. The members of the Bureau of the Committee of Ambassadors shall be the representatives, at relevant levels, of the States whose representatives comprise the Bureau of the Council of Ministers.
7. The Bureau of the Committee of Ambassadors, shall be comprised of nine Members, as follows:
 - i. The Chairman of the Committee of Ambassadors;
 - ii. The outgoing Chairman and the incoming Chairman; and
 - iii. One member from each of the four regions of Africa, one from the Caribbean and one from the Pacific, with the region which holds the Presidency being represented by another country from that region.

Article 20

Appointment and Role of the Chairman of the Committee of Ambassadors

1. The Chairman of the Committee of Ambassadors shall be appointed from among the membership of the Committee, based on the principle of rotation among the regions of the OACPS;
2. The Chairman of the Committee of Ambassadors shall:
 - a) preside over the meetings of the Bureau and the Committee;
 - b) use his/her good offices to actively promote and protect the interests of the OACPS;

- c) provide an effective and timely response to matters affecting the OACPS, which require attention at the level of the Committee of Ambassadors;
 - d) represent the OACPS in meetings required for strengthening and promoting closer relations with external partners, and cooperation within the regions of the OACPS;
 - e) carry out such other tasks and functions as may be agreed upon by its Members.
3. The Chairman shall consult with the Bureau on matters of an urgent nature requiring attention.

Article 21

Parliamentary Assembly

1. The Parliamentary Assembly is to be regularly informed by the Council of Ministers and the OACPS Secretariat, of the decisions and recommendations adopted and their implementation status.
2. The Parliamentary Assembly shall be comprised of one member of each Parliamentary House of each Member State of the OACPS.
3. It shall meet at least once per year.
4. It shall submit an annual report on its activities to the Council of Ministers.
5. The work of the OACPS Parliamentary Assembly shall be linked to and feed into the work of all the other Organs of the OACPS.
6. The OACPS Secretariat shall provide administrative and technical support to ensure the smooth functioning of the Parliamentary Assembly.
7. The Parliamentary Assembly shall adopt its rules of procedures.
8. The decisions of the Parliamentary Assembly shall be made in accordance with the Charter that it has freely adopted.

Article 22

Secretariat and Secretary-General

The OACPS shall have a Secretariat headed by a Secretary-General, who shall be the Chief Executive Officer.

Article 23

The Secretariat

1. The Secretariat of the OACPS shall be located in Brussels, Belgium and shall function as the Headquarters of the OACPS. The Secretariat may be relocated to a Member State, if the Summit so decides.
2. There may be established satellite offices of the Secretariat of the OACPS, to carry out specialised functions, in keeping with the mandate of the OACPS.
3. The Secretariat of the OACPS shall:
 - a) implement the decisions of all Organs of the OACPS;
 - b) implement, as appropriate, agreements concluded with development partners;
 - c) provide services to the Organs of the OACPS and, as appropriate, the joint institutions established with all external parties;
4. The Secretariat shall work in collaboration with the National Focal Points of the OACPS.
5. The Secretariat shall be designated a Centre of Excellence, in keeping with the mandate of the OACPS.

Article 24

The Secretary-General

1. The Secretary-General:
 - a) shall be appointed for a non-renewable term of five years;
 - b) shall ensure that high quality work, technical and administrative support, and services are provided by the Secretariat to the Members and Organs of the OACPS;
 - c) shall be the Authorising Officer for the Budget;
 - d) shall be responsible for managing the staff, projects, and programmes of the OACPS;
 - e) shall be the designated spokesperson and representative of the OACPS and the Secretariat and may also be authorised by the Council of Ministers to negotiate, conclude, and sign agreements with external parties;
 - f) may present proposals to the Committee of Ambassadors for the effective achievement of the objectives of the OACPS;
 - g) shall present a report to each regular session of the Council of Ministers on the activities of the Secretariat;
 - h) shall recruit staff, in accordance with the Staff Regulations of the Secretariat.

2. The Secretary-General shall be supported in the discharge of his/her duties by Assistant Secretaries-General appointed in accordance with the modalities agreed upon by Member States.
3. The Secretary-General of the OACPS, assisted by the Secretariat or any other designated body, shall monitor compliance with the findings, recommendations, or decisions resulting from recourse to a dispute settlement mechanism as provided for in Article 34, and submit a report to the Summit.

Article 25

Subsidiary and Consultative Organs

1. The subsidiary and consultative Organs, including those mentioned in Annex II, deemed necessary for the implementation of the policies of the OACPS, may be created. They shall operate within the general framework of the Secretariat of the OACPS, both functionally and financially, in accordance with the principles of the OACPS, and as set out in the resolutions of the Council of Ministers.
2. These subsidiary and consultative Organs shall:
 - a) coordinate and support the national preparations for the meetings of the OACPS;
 - b) promote the identity of the OACPS, ensure the implementation of its decisions and resolutions in particular, and promote awareness at national level;
 - c) facilitate greater interactions among Member States, to promote public awareness on development issues;
 - d) promote democratic processes through dialogue and consultation.

CHAPTER VII

MEETINGS

Article 26

Quorum

The quorum for all meetings of the Organs of the OACPS shall be two-thirds of their membership.

CHAPTER VIII
DECISION-MAKING MODALITIES

Article 27

1. The acts of the Organs of the OACPS shall be adopted by consensus.
2. However, under special circumstances, and after consultation among its members, the Organs may decide on a matter by a majority of fourth-fifths of their members present and voting.
3. In the event that such a majority is not obtained after voting in the course of two meetings or sessions of an Organ, the matter shall be postponed to the next session, at which the Organ shall decide on the matter by a majority of two-thirds of its members present and voting.

Article 28

Rules of Procedure

The Organs of the OACPS shall determine their own Rules of Procedure.

CHAPTER IX
FINANCIAL PROVISIONS

Article 29

Financial Rules and Management

1. The Council of Ministers shall establish financial rules and procedures in accordance with international standards.
2. The OACPS shall observe sound financial management policies, practices, and budgetary discipline.
3. Financial accounts shall be subject to internal financial controls and external audits.

Article 30

Budget and Finances of the Secretariat of the OACPS

1. The Secretariat shall be provided with the necessary financial resources to perform its functions effectively.
2. The Budget of the Secretariat of the OACPS shall be met by Member States through annual contributions and any other sources, which shall be remitted in a timely manner, as prescribed in paragraph 6 of this Article.

3. The Secretary-General shall prepare the draft annual Budget of the Secretariat of the OACPS for approval by the Council of Ministers, upon the recommendation of the Committee of Ambassadors.
4. The Secretariat of the OACPS shall manage the Budget in accordance with the financial rules and procedures determined by the Council of Ministers, upon the recommendation of the Committee of Ambassadors.
5. Each Member State shall contribute to the Budget in accordance with the above provisions and Scale of Contributions established by the Council of Ministers.
6. Contributions to the Budget for each financial year shall be payable in freely convertible currency and shall become due on the first day of that financial year.

Article 31

Endowment and Trust Fund

In order to ensure the financial security required to finance the operational programmes and projects of the OACPS, an Endowment and Trust Fund shall be set up to solicit alternative means of financing the OACPS. The working modalities of this fund shall be determined by the Council of Ministers.

CHAPTER X

SANCTIONS

Article 32

Sanctions

1. The Council of Ministers shall determine and impose sanctions on a Member State which breaches its obligations under this Agreement. These sanctions may be imposed upon a Member State which:
 - a) continuously fails to honour its obligations under this Agreement, without a valid reason;
 - b) implements policies that undermine the principles and objectives of the OACPS;
 - c) does not conform to the decisions and policies of the OACPS.
2. The Council of Ministers will review the situations on a case-by-case basis to determine the suitable political or economic measures to be imposed, in order to ensure that the Member State in question fulfils its obligations.
3. As stipulated in Annex I of this Agreement, the sanctions decided on shall be imposed by the Secretariat of the OACPS on a Member State that is in arrears in the payment of contributions to the budget of the Secretariat of the OACPS.

CHAPTER XI
DISPUTE SETTLEMENT

Article 33

Dispute Settlement

1. Member States shall endeavour peacefully to resolve all disputes concerning the interpretation or application of this Agreement and other instruments set up under OACPS in a timely manner, through dialogue, consultation, and negotiation in keeping with Article 33(1) of the Charter of the United Nations.
2. The OACPS shall maintain and establish dispute settlement mechanisms in all fields of cooperation.
3. Disputes relating to specific instruments shall be settled through the mechanisms and procedures provided for in such instruments.
4. Where not otherwise specifically provided, appropriate dispute settlement mechanisms, including arbitration, shall be established for resolving disputes.
5. Any Member State affected by the findings, recommendations, or decisions resulting from a dispute settlement mechanism may refer the matter to the Summit for a decision.

CHAPTER XII
FOREIGN RELATIONS

Article 34

Conduct of External Relations

1. The OACPS may conclude agreements with external countries or sub-regional, regional, and international organisations and institutions. The procedures for concluding such agreements shall be prescribed by the Council of Ministers or Sectoral Ministerial Committees, upon the recommendation of the Committee of Ambassadors.
2. The OACPS may collaborate with entities such as regional or international organisations that support this Agreement, its objectives and principles. In this regard, the Secretary-General shall be able to conclude a Memorandum of Understanding, where necessary.

Article 35

Relations with the United Nations System and other International Organisations and Institutions

1. The OACPS may seek Observer Status within the United Nations as well as with other sub-regional, regional, and international organisations and institutions.
2. The Council of Ministers shall decide on the participation in such sub-regional, regional, and international organisations and institutions.

Article 36

Status of External Parties

1. In conducting the external relations of the OACPS, the Council of Ministers may confer on an External Party the formal status of Dialogue Partner, Sectoral Dialogue Partner, Development Partner, Special and/or External Observer, Guest, or any other status that may be established.
2. External Parties may also be invited to attend meetings of the OACPS or to participate in collaborative activities without being conferred any formal status.

Article 37

Committees in Non-Member States and International Organisations

The OACPS may set up Committees in non-Member States comprising Heads of diplomatic missions of Member States. Similar Committees may be established relating to international organisations. Such Committees shall promote the interests and identity of the OACPS in the host countries and international organisations, including the United Nations.

CHAPTER XIII

FINAL PROVISIONS

Article 38

Languages

The official languages of the OACPS shall be English, French, Portuguese, Spanish, and any other language as the Summit may stipulate.

Article 39

Amendments

1. The provisions of this Agreement may be amended by decision of the Summit, on the recommendation of the Council of Ministers.
2. A proposal for an amendment shall be submitted in writing by any Member State to the OACPS Secretariat. It shall be accompanied by supporting documents.
3. The proposed amendment shall not be included on the Agenda of a meeting of the Council of Ministers unless a period of at least six months from the date of its submission to the Member States has elapsed.
4. The Council of Ministers shall approve the draft amendment and submit it to the Summit at its next session for adoption and signature.

Article 40

Signature, ratification, and accession

1. This Agreement shall be open for signature by Member States for a period of one year from the date of its conclusion.
2. This Agreement may be ratified subsequently by signatory States, in accordance with their internal constitutional procedures.
3. The instruments of ratification shall be deposited with the Secretariat of the OACPS.
4. Any new member that accedes to this Agreement after its entry into force shall deposit its instrument of ratification or accession with the Secretariat of the OACPS.

Article 41

Registration of the Agreement

This Agreement shall be registered by the Secretary-General with the Secretariat of the United Nations Organisation, pursuant to the provisions of paragraph 1 of Article 102 of the United Nations Charter.

Article 42

Entry into force

This Agreement shall enter into force thirty (30) days after being signed or ratified by one-third (1/3) of the Member States of the OACPS, in accordance with their internal constitutional procedures.

Article 43

Withdrawal of a Member State

1. Any Member State that decides to withdraw from the OACPS shall submit a written notification to the Summit through the Secretary-General. At the end of one year from the date of such notification, unless revoked, the Agreement shall cease to apply to that State.
2. A Member State withdrawing under this Article undertakes to honour any financial obligations duly assumed during its membership of the OACPS.
3. In the event that a withdrawing Member State refuses to honour its obligations under this Agreement, the dispute shall be settled using the methods stipulated by international law.

Article 44

Annexes

The Annexes shall form an integral part of this Agreement.

ANNEXE I

Arrears in Contribution

1. Sanctions may be imposed on any Member State which is in arrears in the payment of contributions to the Budget of the Secretariat of the OACPS, for reasons other than those caused by natural disasters or exceptional circumstances seriously affecting its economy, and which has not been exempted from payment by the Council of Ministers;
2. The following sanctions may be imposed on a Member State:
 - a) When in arrears for one year, suspension of the Member State's right to speak, vote and to receive documentation at meetings of the OACPS;
 - b) When in arrears for two years, suspension:
 - i. of the Member State's right to speak, vote and receive documentation at meetings of the OACPS; and
 - ii. of recruitment of personnel originating from the Member State in question to work in the Secretariat of the OACPS, and of the renewal of the employment contracts of personnel employed from the Member State in question;
 - c) When in arrears for three years or more, suspension:
 - i. of the Member State's right to speak, vote and receive documentation at meetings of the OACPS;
 - ii. of recruitment of personnel originating from the Member State in question to work in the Secretariat of the OACPS, and of the renewal of the employment contracts of personnel employed from the Member State in question; and
 - iii. of the provision by the OACPS of funds for new projects in the Member State.
3. The sanctions referred to in this ANNEXE shall be applied by the Secretariat of the OACPS without referring the matter to the Council of Ministers or to the Committee of Ambassadors, once the application of these sanctions is brought to the attention of Member States.

ANNEXE II

Subsidiary and Consultative organs

The Inter-Regional Organisations Coordination Committee

1. The Inter-Regional Organisations Coordination Committee (IROCC) shall operate on the basis of the principles of subsidiarity, complementarity, and proportionality. It shall address crosscutting, thematic and all other issues necessary for the promotion of regional integration and cooperation.
2. The IROCC shall meet annually, and shall be composed of the Chief Executive Officers of the participating organisations.
3. In areas and sectors common to the OACPS and regional organisations, the Inter-Regional Coordinating Committee shall play a consultative role, while negotiating with external partners or any other development party.
4. The Inter-Regional Organisations Coordination Committee shall also form part of the structure responsible for the management of the Endowment Trust Fund established under Article 31.

Business Forum

1. The active involvement of the private sector as a driving force in the creation of a market-driven economy is crucial for the attainment of the objective of the OACPS. In this regard, a Business Forum shall be established, which shall also serve as a public and private sector forum.
2. This forum shall comprise the Chief Executive Officers of OACPS Member States' private sector organisations. It shall meet annually on the margins of the meeting of the Council of Ministers. It shall submit its report to the President of the Council of Ministers.
3. The operational modalities of the Business Forum shall be determined.

SIDS Forum

1. A SIDS Forum shall be established to address the specificities and needs of Small Island Developing States (SIDS).
2. This Forum shall support the economies of SIDS and improve their resilience before and after natural disasters. It will address the vulnerabilities and challenges caused by climate change, through the adoption and implementation of adaptation and mitigation measures.
3. Efforts shall be made to define common positions on the promotion and safeguard of the interests of SIDS, through the definition and adoption by the OACPS of a common position in all fora where relevant issues are discussed.

202

Cultural Foundation

1. The Member States of the OACPS shall place culture high on their political agenda, while recognising the economic importance of cultural industries and other cultural activities.
2. Culture helps to promote understanding among the peoples of the Member States of the OACPS, thereby contributing to the promotion of peace and security. Greater attention should be paid to cultural products and services during discussions with the European Union and other potential partners, particularly for the free movement of artists and cultural goods.
3. In order to develop cultural activities both between and among the Member States of the OACPS and partner countries, a Cultural Foundation shall be established.
4. The Foundation shall support the Secretary-General and collaborate with the relevant organs of the OACPS, in order to promote greater awareness of the identity of OACPS, increased interaction among populations, and closer collaboration among the business sector, civil society, academia, and other stakeholders.
5. The Foundation shall be accountable to the Secretary-General, who shall submit its report to the Summit, through the Council of Ministers.

National Focal Points

1. Each Member State shall establish appoint a National Focal Point which shall:
 - a) serve as the focal point for activities related to the mandate of the OACPS;
 - b) be the repository of information on all matters at the national level concerning the Organisation;
 - c) coordinate the implementation of all decisions at the national level;
 - d) coordinate and support national preparations for meetings of the OACPS; and
 - e) promote the identity of the OACPS, ensure implementation of its decisions and resolutions, and create awareness at the national level.