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Reference: C.N.136.2002.TREATIES-2 (Depositary Notification)

AGREEMENT ESTABLISHING THE INTERNATIONAL PEPPER COMMUNITY
BANGKOK, 16 APRIL 1971

AMENDMENTS

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

At its Eighth Session, held in Cochin, India, from 15 to 17 September 1980, and at its Twentieth Session held in Madras, India, from 20 to 21 August 1992, the International Pepper Community amended the above Agreement, in accordance with article 15 of the Agreement.

..... The English text of the Agreement, incorporating the above amendments, is transmitted herewith. (*The annex is transmitted in hard copy format only.*)

20 February 2002



Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned.

Agreement Establishing the
International Pepper Community

AGREEMENT ESTABLISHING THE INTERNATIONAL PEPPER COMMUNITY

PREAMBLE

THE CONTRACTING PARTIES TO THIS AGREEMENT,

CONVINCED that the present situation of and future outlook for pepper (*piper nigrum*) necessitates their joining together and developing a well-planned programme of concerted action to solve their common problems and to enable them to obtain the benefits of co-operation in the areas of production, research and marketing,

RECOGNIZING that the formation of an organisation among the producing countries having a substantial interest in the production and marketing of pepper is a necessary and effective instrument for implementation of the basic strategy of plan harmonisation and co-operation on a commodity basis for achieving accelerated development of their economies,

BELIEVING that such a grouping is in accordance with the principle endorsed by the ***United Nations Economic Social Commission for Asia and the Pacific***¹ at its twenty-third and twenty-fourth sessions held in 1967 and 1968, by the United Nations Economic and Social Council at its forty-third and forty-fifth sessions, by the United Nations Conference on Trade and Development in General Principle Ten of the Final Act of its first session in 1964, and by the declaration of the United Nations General Assembly at its 1883rd plenary meeting on International Development Strategy for the Second Development Decade,

REALIZING that the co-ordination of national efforts among the producing countries that could be effected by such an organisation would lead to better utilisation of resources and yield quicker results, and

RECOGNIZING that such an organisation would be of immense value in the mobilisation of resources to improve the pepper economy and promote its rapid development,

HAVE RESOLVED to combine their efforts and have agreed as follows:

1

Formerly known as "United Nations Economic Commission for Asia and the Far East". Hereinafter will be written as above.

Article 1

ESTABLISHMENT OF THE COMMUNITY

There shall be established an organisation to be known as "The *International Pepper Community*"² (hereinafter called the Community) having the membership, functions and powers hereinafter prescribed.

Article 2

MEMBERSHIP

1. Initially the Community shall consist of the Contracting Parties only, namely, India, Indonesia, Malaysia.....
2. Other Pepper producing countries may apply to become members of the Community and may become members on the unanimous decision of the then existing members of the Community and by accession to this Agreement.
3. *Small pepper producing countries may apply to become associate members of the Community and may become associate members on the unanimous decision of the then existing members of the Community*³.

Article 3

OBJECTIVES AND FUNCTIONS

The functions of the Community shall be to promote, co-ordinate and harmonize all activities relating to the pepper economy with a view to achieving the following broad objectives:

1. To co-ordinate and stimulate research on technical and economic aspects of production, including research on diseases affecting the pepper plant, research on development of disease-resistant and high-yielding varieties;
2. To facilitate the exchange of information on programmes and policies, and on any other aspects relating to production;
3. To develop programmes for increasing consumption in traditional and new markets, including programmes of co-operation in promotion activities;

² *The name Pepper Community is changed to International Pepper Community at the 8th Session of IPC, 15-17 September 1980, Cochin, India.*

³ *Amended in the 20th Session of the IPC, 20-21 August 1992, Madras, India*

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4. To intensify and co-ordinate research on new uses of pepper;
 5. To further joint action for the relaxation of tariff and non-tariff barriers and for the removal of other obstacles to trade;
 6. To co-ordinate standards of quality so as to facilitate international marketing;
 7. To keep under constant review developments relating to supply, demand and prices of pepper;
 8. To carry out investigations into the causes and consequences of fluctuations in the price of pepper and suggest appropriate solutions;
 9. To improve statistical and other information on pepper production, consumption, trade and prices, including techniques of production and consumption forecasting; and
 10. To undertake such other activities and functions as may be deemed desirable in the interests of the world pepper economy.

Article 4

RELATIONSHIP WITH UNITED NATIONS ORGANIZATIONS

The Community shall maintain close relations with United Nations bodies and the specialized agencies. In carrying out its functions in any particular field the Community may consult, co-operate with and seek assistance from the United Nations bodies or specialized agencies having particular responsibility in that field.

Article 5

ORGANIZATION

1. (i) Each member State shall be represented in the Community by one representative with plenipotentiary authority and may if it so desires also appoint one or more alternates. A member state may also designate one or more advisers to accompany its representative or alternate.
- (ii) *Each Associate Member shall be represented in the Community by one representative and may if it so desires also appoint one or more alternates. An associate member may also designate one or more advisers to accompany its representative or alternate.*⁴

⁴ Amended in the 20th Session of the IPC, 20-21 August 1992, Madras, India

2. The chairmanship of the Community shall be held in turn by the representatives of member States in the alphabetical order of the member States. Each representative shall hold office for one year.

3. The Community shall be serviced by a secretariat comprised of a "Executive Director"⁵ and such other staff as the Community may decide. The Executive Director and other staff shall be selected and appointed by the Community to hold office for a period and on terms and conditions established by the Community.

4. Pending the establishment of the secretariat, the Community may request the secretariat of the United Nations Economic and Social Commission for Asia and the Pacific to provide secretariat assistance to service the Community.

5. The Community shall submit reports on its activities not less than once a year to the Governments of member States *and associate members*⁶.

Article 6

MEETINGS OF THE COMMUNITY

1. Subject to the provisions of this Agreement, the Community shall adopt its own rules of procedure.

2. The Community shall meet as often as necessary but in any case not less than once in each calendar year. In addition, the Community shall meet if a request to that effect is made in writing to the Executive Director by any two members of the Community. The Executive Director shall be responsible for convening all meetings of the Community.

3. Decisions of the Community shall be by majority vote of the members present. No decision shall be given effect to unless: a) members voting represent not less than eighty-five per cent of the quantum of production of the Community, or b) members voting represent not less than seventy-five per cent of the quantum of export of the Community (average production and exports of the preceding four years).

⁵ Formerly referred to as Director. Amended in the 8th Session of the IPC, 15-17 September 1980, Cochin, India

⁶ Amended in the 8th Session of the IPC, 15-17 September 1980, Cochin, India

4. *Associate members of the Community shall be entitled to participate without vote in the meetings of the Community*⁷.

Article 7

OBSERVERS

The Community may invite representatives of Governments of non-member States and of United Nations bodies and specialized agencies and of other organizations to attend meetings of the Community in the capacity of observers without the right to vote.

Article 8

FINANCE

1. The administrative and operational expenses as approved by the Community shall be met by contributions from member States on the following basis: fifty per cent to be shared equally, twenty-five per cent on the basis of quantum of production and the remaining twenty-five per cent on the basis of quantum of exports (average production and exports of the preceding four years).

2. *Each associate member of the Community shall be required to contribute US\$5,000 to the annual budget of the Community*⁸.

Article 9

GENERAL PROVISIONS

1. Subject to the provisions of this Agreement the Community shall adopt such regulations, including financial and staff regulations, as are necessary to carry out the provisions of this Agreement.

2. The Community shall be a separate legal entity with the capacity to contract and the right to acquire, hold and dispose of property.

⁷ *Amended in the 20th Session of the IPC, 20-21 August 1992, Madras, India*

⁸ *Amended in the 20th Session of the IPC, 20-21 August 1992, Madras, India*

Article 10

SIGNATURE

The original of this Agreement in a single copy in the English language shall remain open for signature, by the duly accredited representatives of the Contracting Parties, at the United Nations Economic and Social Commission for Asia and the Pacific in Bangkok from 16 April 1971 to 31 August 1971. This Agreement shall thereafter be transmitted to the Secretary-General of the United Nations.

Article 11

RATIFICATION

This Agreement shall be subject to ratification or acceptance by the signatory Governments in accordance with their respective constitutional procedures.

Instruments of ratification or acceptance shall be deposited with the Secretary-General of the United Nations not later than 31 March 1972.

Article 12

ENTRY INTO FORCE

This Agreement shall enter into force between those Contracting Parties which have deposited instruments of ratification or acceptance when not less than three of them have deposited such instruments.

Article 13

ACCESSION

Other pepper producing countries may accede to this Agreement in accordance with the provisions of Article 2 (2). Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 14

VOLUNTARY WITHDRAWAL

1. After this Agreement has entered into force a member State may withdraw voluntarily from the Agreement by giving written notice of withdrawal simultaneously to the Community and the Secretary-General of the United Nations. Withdrawal shall become effective ninety days after the notice is received by the Secretary-General of the United Nations.

2. *An Associate Member of the Community may withdraw from associate membership by giving written notice of withdrawal to the Executive Director of the Community and such withdrawal shall become effective ninety days after the notice is received³*

Article 15

AMENDMENT

The Community may, by a unanimous vote of the members present and voting, amend the provisions of this Agreement. The Secretary-General of the United Nations shall be notified forthwith of any such amendment.

Article 16

NOTIFICATIONS BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

The Secretary-General of the United Nations shall notify the Contracting Parties of each deposit of an instrument of ratification, acceptance or accession and of the date on which this Agreement enters into force.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments, have signed this Agreement on the dates appearing opposite their signatures.

The original of this Agreement and any amendments thereto shall be deposited in the archives of the United Nations and the Secretary-General of the United Nations shall transmit certified copies thereof to each signatory and acceding Government.

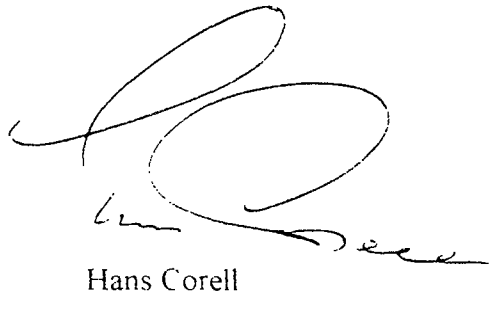
³ Amended in the 20th Session of the IPC, 20-21 August 1992, Madras, India

I hereby certify that the foregoing text is a true copy of the Agreement establishing the International Pepper Community, opened for signature at Bangkok on 16 April 1971, as amended by the International Pepper Community at its Eighth Session held in Cochin, India, from 15 to 17 September 1980, and at its Twentieth Session held in Madras, India, from 20 to 21 August 1992.

Je certifie que le texte qui précède est une copie conforme de l'Accord instituant la Communauté internationale du poivre, ouvert à la signature à Bangkok le 16 avril 1971, tel qu'amendé par la Communauté internationale du poivre à sa huitième session, tenue à Cochin, Inde, du 15 au 17 septembre 1980, et à sa vingtième session, tenue à Madras, Inde, du 20 au 21 août 1992.

For the Secretary-General,
The Legal Counsel
(Under-Secretary-General
for Legal Affairs)

Pour le Secrétaire général,
Le Conseiller juridique
(Secrétaire général adjoint aux
affaires juridiques)



Hans Corell

United Nations, New York
20 February 2002

Organisation des Nations Unies
New York, le 20 février 2002