

No. 9262. INTERNATIONAL COFFEE AGREEMENT, 1968. OPENED FOR SIGNATURE AT NEW YORK FROM 18 TO 31 MARCH 1968<sup>1</sup>

EXTENSION with modifications of the above-mentioned Agreement.

By resolution No. 264, approved at its twenty-second session (12-14 April 1973), the International Coffee Council, as contemplated in article 69 (2) of the International Coffee Agreement, 1968, decided to extend the latter Agreement, which was to expire on 30 September 1973, until 30 September 1975,

In accordance with the provisions of the said resolution, the International Coffee Agreement, 1968, as extended with modifications, remained in force between the following States which, by 30 September 1973, had notified their acceptance to the Secretary-General and represented more than 20 exporting members and 10 importing members holding a majority of the votes in their respective categories, as distributed in annex 2 to the resolution (the extension took effect on 1 October 1973):

<i>State</i>	<i>Date of deposit of the notification of acceptance</i>
AUSTRALIA .....	28 September 1973
(With a declaration that the Agreement as extended shall apply to Papua New Guinea, which, together with Australia, shall constitute a joint exporting member of the International Coffee Organization.)	
BELGIUM .....	28 September 1973*
BOLIVIA .....	27 September 1973*
BRAZIL .....	21 September 1973
BURUNDI .....	30 September 1973
CAMEROON .....	28 September 1973
CANADA .....	28 September 1973
CENTRAL AFRICAN REPUBLIC .....	26 July 1973
COLOMBIA .....	4 September 1973
CONGO .....	30 September 1973
COSTA RICA .....	28 September 1973
CYPRUS .....	30 September 1973
CZECHOSLOVAKIA .....	26 September 1973
DAHOMEY .....	30 September 1973
DENMARK .....	9 August 1973
DOMINICAN REPUBLIC .....	28 September 1973*
ECUADOR .....	13 September 1973
EL SALVADOR .....	27 September 1973*
ETHIOPIA .....	28 September 1973
FINLAND .....	28 September 1973*
FRANCE .....	30 July 1973
GABON .....	28 September 1973
GERMANY, FEDERAL REPUBLIC OF .....	28 September 1973*
GHANA .....	28 September 1973
GUATEMALA .....	20 September 1973

<sup>1</sup> United Nations, *Treaty Series*, vol. 647, p. 3, and annex A in volumes 649, 651, 652, 653, 669, 673, 693, 705 and 861.

GUINEA .....	6 August 1973
HAITI .....	30 September 1973
HONDURAS .....	30 September 1973
INDIA .....	28 September 1973
INDONESIA .....	25 September 1973
IVORY COAST .....	26 September 1973
JAMAICA .....	30 September 1973
JAPAN .....	28 September 1973*
KENYA .....	15 August 1973
LIBERIA .....	30 September 1973
LUXEMBOURG .....	28 September 1973*
MADAGASCAR .....	27 September 1973
MEXICO .....	28 September 1973*
NETHERLANDS .....	28 September 1973*
NEW ZEALAND .....	30 September 1973
NICARAGUA .....	25 September 1973
NORWAY .....	28 September 1973
PANAMA .....	30 September 1973*
PARAGUAY .....	30 September 1973
PERU .....	27 September 1973*
PORTUGAL .....	27 September 1973*
RWANDA .....	22 September 1973*
SIERRA LEONE .....	30 September 1973
SPAIN .....	28 September 1973
SWEDEN .....	17 September 1973
SWITZERLAND .....	28 September 1973
TOGO .....	28 September 1973
UGANDA .....	13 September 1973
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (With a declaration that the Agreement as extended shall apply to Hong Kong.)	28 September 1973
UNITED REPUBLIC OF TANZANIA .....	28 September 1973*
UNITED STATES OF AMERICA .....	28 September 1973*
VENEZUELA .....	28 September 1973*
ZAIRE .....	29 September 1973

\* Acceptance subject to appropriate constitutional procedures. Under paragraph 3 of resolution No. 264 approved by the International Coffee Council the fulfilment of constitutional procedures was to be confirmed to the Secretary-General by 31 March 1974.

## RESOLUTION NUMBER 264

(Approved at the Second Plenary Meeting, 14 April 1973)

### *EXTENSION OF THE INTERNATIONAL COFFEE AGREEMENT 1968*

Whereas The International Coffee Agreement 1968, subject to the provisions of Article 69, shall remain in force until 30 September 1973;

The time required both to negotiate a new agreement and to carry out the constitutional formalities and procedures for approval, ratification or acceptance will not permit such an agreement to enter into force on 1 October 1973;

Paragraph (2) of Article 69 permits the Council to extend the International Coffee Agreement 1968 with or without modification; and

In order to allow time for the negotiation of a new agreement, the International Coffee Agreement 1968 should be extended.

The International Coffee Council

*Resolves* 1. That, with the modifications set out in Annex 1 to this Resolution, the International Coffee Agreement 1968 shall be extended to 30 September 1975.

2. That the International Coffee Agreement 1968 as extended in accordance with the provisions of paragraph 1 of this Resolution shall remain in force among those Contracting Parties to the Agreement which have notified their acceptance of such Agreement to the Secretary-General of the United Nations by 30 September 1973, if on that date such Contracting Parties represent at least twenty exporting Members holding a majority of the votes of the exporting Members and at least ten importing Members holding a majority of the votes of the importing Members. The votes for this purpose shall be as distributed in Annex 2 to this Resolution.

3. That a notification by a Contracting Party that it accepts the Agreement as extended subject to its appropriate constitutional procedures shall be regarded as equal in effect to a notification of acceptance and, therefore, such Contracting Party shall have all the rights and obligations of a Member. If confirmation that such constitutional procedures have been complied with is not received by the Secretary-General of the United Nations by 31 March 1974 or on such later date as the Council may decide such Contracting Party shall thereupon cease to participate in the Agreement.

4. To instruct the Executive Director to convey this Resolution to the Secretary-General of the United Nations with a request that, under the provisions of Article 71 of the Agreement, he notify the Contracting Parties of the date to which the Agreement is extended.

## ANNEX 1

### INTERNATIONAL COFFEE AGREEMENT 1968 AS EXTENDED

#### PART A

The International Coffee Agreement 1968 is modified as follows:

#### PREAMBLE\*

*Paragraph 3:* The words "accumulation of burdensome stocks" are deleted.

*Paragraph 4:* The existing text is deleted.

*Paragraph 5:* The existing text is deleted and replaced by:

"Noting that it has not been possible to complete the negotiation of a new International Coffee Agreement and that additional time is required for this purpose."

ARTICLE 1. The existing text is deleted and replaced by:

"The objectives of the Agreement are:

- (1) to preserve and promote the understanding between producers and consumers necessary for the conclusion of a new International Coffee Agreement and to avoid the consequences prejudicial to both which would result from the termination of international co-operation;
- (2) to preserve the International Coffee Organization:
  - (a) as a forum for the negotiation of a new Agreement;
  - (b) as a competent and effective centre for the collection and dissemination of statistical information on the international trade in coffee, in particular on prices, exports, imports, stocks, distribution and consumption of coffee and on production and production trends."

## ARTICLE 2

*Paragraph (4)*: The existing text is deleted and replaced by:

“‘Export of coffee’ means any shipment of coffee which leaves the territory of the country in which the coffee is grown save that the shipment of coffee from any of the dependent territories of Member to its metropolitan territory or to another of its dependent territories for domestic consumption therein or in any other of its dependent territories shall not be considered as the export of coffee.”

*Paragraph (6)*: Add the following words after the words “Member means a Contracting Party . . .”: “including an intergovernmental organization which, as provided for in Article 3, has acceded to the Agreement;”

*Paragraph (12), (15), (16) and (17)* are deleted.

## ARTICLE 3

*Paragraph (3)*: The existing text is deleted and replaced by paragraphs (3), (4) and (5) as follows:

“(3) Any reference in this Agreement to a Government shall be construed as including a reference to the European Economic Community or an intergovernmental organization having comparable responsibilities in respect to the negotiation, conclusion and application of international agreements, in particular commodity agreements. Accordingly, reference in this Agreement to accession by a Government under the provisions of Article 63 shall be construed as including a reference to accession by such an intergovernmental organization.

(4) Such an intergovernmental organization shall not itself have any votes but in the case of a vote on matters within its competence, it shall be entitled to cast the votes of its member States and shall cast them collectively. In such cases, the member States of such an intergovernmental organization shall not be entitled to exercise their individual voting rights.

(5) The provisions of paragraph (1) of Article 15 shall not apply to such an intergovernmental organization but it may participate in the discussions of the Executive Board on matters within its competence. In the case a vote on matters within its competence and notwithstanding the provisions of paragraph (1) of Article 18 the votes which its member States are entitled to cast in the Executive Board shall be cast collectively by any one of those member States.”

## ARTICLE 5

*Paragraph (1)*: The following words are deleted: “approval, ratification.”

*Paragraph (2)*: Sub-paragraph (a) is deleted.

## ARTICLE 12

*Paragraph (3)*: The existing text is deleted and replaced by:

“The remaining votes of exporting Members shall be as set out in Annex D,”

*Paragraph (6)*: The reference to “Articles 25, 38, 45, 48, 54 or 59” is deleted and replaced by “Article 25.”

## ARTICLE 17

*Paragraph (2)*: Sub-paragraphs (b), (c), (d), (e) and (g) are deleted.

Sub-paragraph (j): the words “extension or” are deleted.

## ARTICLE 25

*Paragraph (3)*: The words “or under Articles 38, 45, 48, 54 or 59” are deleted.

ARTICLES 27-51 are deleted.

ARTICLES 53-54 are deleted.

## ARTICLE 55

*Paragraph (1)*: Sub-paragraph (a): the words “production trends” are inserted between “production,” and “prices”.

*Paragraph (2)*: The words “production trends” are inserted between “production,” and “exports”.

## ARTICLE 57

*Paragraph (3):* is deleted.

ARTICLE 58 The words “in accordance with Article 59” are deleted.

ARTICLES 59, 60, 61 and 62 are deleted.

## ARTICLE 63

*Paragraph (1):* The second sentence beginning “In establishing such conditions . . .”, and all subsequent sentences in this paragraph are deleted.

## ARTICLE 65

*Paragraph (1):* The words “signature or” and “approval, ratification” are deleted. The word “extended” is inserted before the word “Agreement”.

*Paragraph (2):* The words “approval, ratification” are deleted.

ARTICLE 69. The existing text is deleted\* and replaced by:

“(1) The extended Agreement, subject to the provisions of paragraph (2), shall remain in force until 30 September 1975 or until a new Agreement has entered into force, whichever is the earlier.

(2) The Council may at any time, by vote of a majority of the Members having not less than a distributed two-thirds majority of the total votes, decide to terminate the Agreement. Such termination shall take effect on such date as the Council shall decide.

(3) Notwithstanding termination of the Agreement, the Council shall remain in being for as long as necessary to carry out the liquidation of the Organization, settlement of its accounts and disposal of its assets and shall have during that period such powers and functions as may be necessary for those purposes.

(4) The Council may, by a vote of 58 percent of the Members having not less than a distributed majority of 70 percent of the total votes, negotiate a new Agreement for such period as the Council shall determine.”

## ARTICLE 71

*First sentence:* The date 1962 is deleted and replaced by 1968. The words “approval, ratification” and “of the dates on which the Agreement comes provisionally and definitively into force” are deleted.

*Second sentence:* The words “62 paragraph (2)” and “to which the Agreement is extended or” are deleted. The word “it” is deleted and replaced by the words “the Agreement”.

## ARTICLE 72

*Paragraph (2):* Delete text and replace by:

“(2) In order to facilitate the uninterrupted continuation of the Agreement:

- (a) All acts by or on behalf of the Organization or any of its organs in effect on 30 September 1973 and the terms of which do not provide for expiry on that date, shall remain in effect unless they have been changed under the provisions of the present Agreement. Except as provided in sub-paragraphs (b) and (c) hereof all acts based on the deleted Articles of the International Coffee Agreement 1968 are expressly revoked with effect from 1 October 1973.
- (b) After 30 September 1973 the Diversification Fund shall remain in being for as long as is necessary to carry out its liquidation, the settlement of its accounts and the disposal of its assets. During that period the Council may adopt such amendments to the Statutes as it deems necessary for those purposes.
- (c) After 30 September 1973 the World Coffee Promotion Committee shall remain in being for as long as is necessary to carry out the liquidation of the Promotion Fund, the settlement of its accounts and the disposal of its assets.

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\* It should be noted that paragraph 2 of this Article corresponds to paragraph 3 of Article 69 of the 1968 Agreement and paragraph 3 of this Article corresponds to paragraph 4 of Article 69 of the 1968 Agreement.

(d) All decisions taken by the Council during the coffee year 1972/73 for application in coffee year 1973/74 shall apply on a provisional basis as if the extension of the Agreement had become effective."

*Paragraph commencing:* "In witness whereof . . ." is deleted.

*Final Paragraph:* The reference to the Russian language is deleted; the words "signatory and acceding Government" are deleted and replaced by "Contracting Party to the Agreement."

ANNEXES A B and C are deleted.

ANNEX D. New addition.

## ANNEX D

## EXPORTING COUNTRIES: DISTRIBUTION OF VOTES

Exporting Country	Votes			Exporting Country	Votes		
	Basic	Remaining	Total		Basic	Remaining	Total
TOTAL	136	864	1,000				
Bolivia	4	—	4	Nigeria	4	—	4
Brazil	4	327	331	OAMCAF	4	84	88
Burundi	4	4	8	OAMCAF			(4)
Colombia	4	109	113	Cameroon			(15)
Costa Rica	4	17	21	Central African Republic			(3)
Dominican Republic	4	8	12	Congo, People's Republic			(1)
Ecuador	4	12	16	Dahomey			(1)
El Salvador	4	30	34	Gabon			(1)
Ethiopia	4	23	27	Ivory Coast			(46)
Ghana	4	—	4	Madagascar			(14)
Guatemala	4	28	32	Togo			(3)
Guinea	4	2	6	Panama	4	—	4
Haiti	4	8	12	Paraguay	4	—	4
Honduras	4	7	11	Peru	4	12	16
India	4	7	11	Portugal	4	43	47
Indonesia	4	21	25	Rwanda	4	2	6
Jamaica	4	—	4	Sierra Leone	4	2	6
Kenya	4	13	17	Tanzania	4	11	15
Liberia	4	—	4	Trinidad and Tobago	4	—	4
Mexico	4	27	31	Uganda	4	37	41
Nicaragua	4	9	13	Venezuela	4	5	9
				Zaire	4	16	20

## ANNEX 2

## DISTRIBUTION OF VOTES

Country	Exporting	Importing	Country	Exporting	Importing
Australia	—	9	Costa Rica	21	—
Austria	—	13	Cyprus	—	5
Belgium*	—	27	Czechoslovakia	—	10
Bolivia	4	—	Denmark	—	24
Brazil	331	—	Dominican Republic	12	—
Burundi	8	—	Ecuador	16	—
Canada	—	32	El Salvador	34	—
Colombia	113	—	Ethiopia	27	—

\* Includes Luxembourg.

## ANNEX 2 (continued)

## DISTRIBUTION OF VOTES

Country	Exporting	Importing	Country	Exporting	Importing
Federal Republic of Germany ..	—	103	Cameroon .....	15	—
Finland .....	—	21	Central African Republic ....	3	—
France .....	—	79	Congo, People's Republic ...	1	—
Ghana .....	4	—	Dahomey .....	1	—
Guatemala .....	32	—	Gabon .....	1	—
Guinea .....	6	—	Ivory Coast .....	46	—
Haiti .....	12	—	Madagascar .....	14	—
Honduras .....	11	—	Togo .....	3	—
India .....	11	—	Panama .....	4	—
Indonesia .....	25	—	Paraguay .....	4	—
Israel .....	—	7	Peru .....	16	—
Italy .....	—	54	Portugal .....	47	—
Jamaica .....	4	—	Rwanda .....	6	—
Japan .....	—	28	Sierra Leone .....	6	—
Kenya .....	17	—	Spain .....	—	26
Liberia .....	4	—	Sweden .....	—	37
Mexico .....	31	—	Switzerland .....	—	23
Netherlands .....	—	42	Tanzania .....	15	—
New Zealand .....	—	7	Trinidad & Tobago .....	4	—
Nicaragua .....	13	—	Uganda .....	41	—
Nigeria .....	4	—	United Kingdom .....	—	51
Norway .....	—	16	United States of America .....	—	386
OAMCAF .....	(88)	—	Venezuela .....	9	—
OAMCAF .....	(4)**	—	Zaire .....	20	—
			TOTAL	<u>996</u>	<u>1,000</u>

\*\* Basic votes not attributable to individual contracting parties under article 5 (4) (b).

ANEXO 2 (continued)  
DISTRIBUCIÓN DE VOTOS

<i>Pais</i>	<i>Exporta- dores</i>	<i>Importa- dores</i>	<i>Pais</i>	<i>Exporta- dores</i>	<i>Importa- dores</i>
Sierra Leona .....	6	—	Trinidad y Tabago .....	4	—
Suecia .....	—	37	Uganda .....	41	—
Suiza .....	—	23	Venezuela .....	9	—
Tanzania .....	15	—	Zaire .....	20	—
			TOTAL	<u>996</u>	<u>1.000</u>

*Authentic texts of the resolution: English,  
French, Portuguese and Spanish.  
Registered ex officio on 1 October 1973.*

*Textes authentiques de la résolution:  
anglais, français, portugais et espagnol.  
Enregistré d'office le 1<sup>er</sup> octobre 1973.*