



INTERNATIONAL COFFEE ORGANIZATION
ORGANIZACIÓN INTERNACIONAL DEL CAFÉ
ORGANIZAÇÃO INTERNACIONAL DO CAFÉ
ORGANISATION INTERNATIONALE DU CAFÉ

DN 101/11/ICA 2007

6 May 2011
Original: English

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**INTERNATIONAL COFFEE AGREEMENT 2007
CONCLUDED IN LONDON, 28 SEPTEMBER 2007
OPPORTUNITY FOR SIGNATURE AND DEPOSIT OF INSTRUMENTS
26 – 30 SEPTEMBER 2011**

The Executive Director a.i. of the International Coffee Organization (ICO), as the chief administrative officer of the Depository for the International Coffee Agreement (ICA) 2007, communicates the following:

The deadlines for signature of the 2007 Agreement and deposit of instruments of ratification, acceptance or approval are 28 September 2011. The deadline for the deposit of instruments of accession is 30 September 2012.

There will be an opportunity for signature of the ICA 2007 and deposit of instruments of ratification, acceptance, approval or accession, or notifications of provisional application, during the 107th Session of the International Coffee Council which will take place in London during the week of 26 to 30 September 2011.

In the case of signature, copies of Full Powers signed by the Head of State, Head of Government or Minister for Foreign Affairs duly authorizing representatives to sign the Agreement should be sent **in advance** to the ICO for verification. An appointment made for signature during the period of 26 to 28 September should also be made in advance with the ICO Depository Office (Tel: +44 (0) 20 7612 0600, email: depository@ico.org).

Document ED-2033/08 Rev. 5, which includes a model of full powers and model instruments of ratification, acceptance, approval or accession, is attached for information. The Annex shows the status of membership of the ICO under the ICA 2007. An updated report on membership can be found on the ICO website: http://www.ico.org/depository_e.asp.

Attention: Treaty Services of Ministries of Foreign Affairs

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22 Berners Street,
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ANNEX

**MEMBERSHIP OF THE INTERNATIONAL COFFEE ORGANIZATION
UNDER THE INTERNATIONAL COFFEE AGREEMENT 2007
AS AT 5 MAY 2011**

	DATE OF SIGNATURE	NOTIFICATION OF PROVISIONAL APPLICATION	TYPE OF INSTRUMENT DEPOSITED	DATE OF DEPOSIT OF INSTRUMENT	PERCENTAGE OF VOTES FOR THE PURPOSES OF ENTRY INTO FORCE
A. Governments which have completed all the required procedures					
Exporting Government (32)					
Angola	19 May 2008		Approval	22 September 2009	0.5
Brazil	19 May 2008		Ratification	2 February 2011	24.4
Burundi	21 September 2009		Acceptance	21 September 2009	0.8
Central African Republic	22 May 2008		Ratification	24 August 2010	0.5
Colombia	20 May 2008	2 December 2008			10.0
Costa Rica	29 May 2008		Ratification	11 December 2009	1.8
Côte d'Ivoire	18 July 2008		Approval	15 October 2008	2.6
Cuba	29 August 2008		Ratification	4 December 2008	0.5
Ecuador	30 September 2008		Ratification	30 September 2008	1.3
El Salvador	25 June 2008		Ratification	4 December 2008	1.7
Ethiopia	28 August 2008		Ratification	8 July 2010	2.8
Gabon	22 July 2008		Acceptance	25 February 2009	0.5
Ghana	11 July 2008		Ratification	17 August 2009	0.5
Guatemala	29 August 2008		Ratification	23 March 2011	3.6
Honduras	27 June 2008		Ratification	7 June 2010	2.9
India	28 August 2008		Ratification	22 September 2008	3.6
Indonesia	25 June 2008		Ratification	5 February 2009	5.5
Kenya	22 May 2008		Ratification	22 May 2008	1.2
Liberia	26 August 2008		Ratification	6 October 2009	n.a.
Mexico	23 June 2009		Ratification	8 April 2010	2.6
Nicaragua	19 March 2009		Ratification	12 August 2009	1.6
Panama	1 July 2008		Ratification	12 March 2009	0.6
Papua New Guinea	7 November 2008	6 November 2009			1.5
Philippines			Accession	29 March 2011	0.5
Sierra Leone			Accession	5 May 2011	n.a.
Tanzania	23 July 2008	22 September 2009	Ratification	21 September 2010	1.1
Thailand	4 August 2009		Ratification	4 August 2009	0.8
Timor-Leste	19 August 2008		Ratification	5 January 2009	n.a.
Togo	23 May 2008		Ratification	21 September 2010	0.6
Uganda	21 September 2009		Ratification	1 March 2010	2.7
Vietnam	28 August 2008		Approval	28 August 2008	12.7
Yemen	27 February 2008		Ratification	14 July 2010	n.a.
Total					89.4
Importing Governments (6)					
European Union	17 June 2008		Approval	17 June 2008	68.0
<i>Austria</i>					
<i>Belgium</i>					
<i>Bulgaria</i>					
<i>Cyprus</i>					
<i>Czech Republic</i>					
<i>Denmark</i>					
<i>Estonia</i>					
<i>Finland</i>					
<i>France</i>					

	DATE OF SIGNATURE	NOTIFICATION OF PROVISIONAL APPLICATION	TYPE OF INSTRUMENT DEPOSITED	DATE OF DEPOSIT OF INSTRUMENT	PERCENTAGE OF VOTES FOR THE PURPOSES OF ENTRY INTO FORCE
Importing Governments (contd)					
<i>Germany</i>					
<i>Greece</i>					
<i>Hungary</i>					
<i>Ireland</i>					
<i>Italy</i>					
<i>Latvia</i>					
<i>Lithuania</i>					
<i>Luxembourg</i>					
<i>Malta</i>					
<i>Netherlands</i>					
<i>Poland</i>					
<i>Portugal</i>					
<i>Romania</i>					
<i>Slovakia</i>					
<i>Slovenia</i>					
<i>Spain</i>					
<i>Sweden</i>					
<i>United Kingdom</i>					
Norway	2 June 2010		Ratification	21 September 2010	1.2
Switzerland	22 May 2008		Ratification	11 September 2009	1.8
Tunisia	5 October 2009		Ratification	21 September 2010	n.a.
Turkey	28 August 2008		Ratification	28 March 2011	n.a.
United States of America	28 August 2008		Acceptance	28 August 2008	21.8
Total					92.8
B. Governments which have signed the Agreement but not completed the required procedures					
Exporting Government (11)					
Benin	23 September 2009				0.5
Cameroon	23 May 2008				1.2
Congo, Dem. Rep. of	23 September 2009				0.7
Guinea	2 July 2008				0.8
Madagascar	25 September 2009				0.6
Malawi	28 August 2008				0.5
Nigeria	21 July 2008				0.5
Paraguay	27 September 2010				0.5
Rwanda	18 July 2008				0.8
Zambia	11 September 2009				0.6
Zimbabwe	20 August 2009				0.6
Total					7.3

	DATE OF SIGNATURE	NOTIFICATION OF PROVISIONAL APPLICATION	TYPE OF INSTRUMENT DEPOSITED	DATE OF DEPOSIT OF INSTRUMENT	PERCENTAGE OF VOTES FOR THE PURPOSES OF ENTRY INTO FORCE
C. Governments which have not signed the Agreement					
Exporting Governments (6)					
Bolivia					0.6
Congo, Rep.					0.5
Dominican Republic					0.6
Haiti					0.5
Jamaica					0.5
Venezuela, Bolivarian Republic of					0.6
Total					3.3
Importing Governments (1)					
Japan 1/					7.2
Total					7.2
D. Governments invited as observers to attend the 98th Session of the Council at which the ICA 2007 was adopted					
Algeria	Fiji	Mozambique	Sudan		
Argentina	Iceland	Myanmar	Syrian Arab Republic		
Armenia	Iran, Islamic Republic of	Nepal	The former Yugoslav		
Australia	Israel	New Zealand	Republic of Macedonia		
Belarus	Jordan	Oman	Timor-Leste 2/		
Belize	Korea, Republic of	Pakistan	Trinidad and Tobago		
Botswana	Kuwait	Peru	Tunisia 2/		
Cambodia	Lao People's Dem. Rep.	Russian Federation	Turkey 3/		
Canada	Lebanon	Saudi Arabia	Ukraine		
Chile	Liberia 2/	Serbia	United Arab Emirates		
China	Libyan Arab Jamahiriya	Sierra Leone 2/	Uruguay		
Croatia	Malaysia	Singapore	Yemen 2/		
Egypt	Mauritius	South Africa			
Equatorial Guinea	Morocco	Sri Lanka			

n.a. = not applicable

Note: The percentage of votes for the purposes of entry into force is based on the initial distribution of votes for coffee year 2007/08: document EB-3934/07.

1/ See document ED-2060/09.

2/ Procedures for membership of the 2007 Agreement completed.

3/ Signatory to the ICA 2007.



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Procedures for membership of the International Coffee Agreement 2007

1. The Executive Director a.i. presents his compliments and wishes to inform Members and observer Governments about procedures for membership of the International Coffee Agreement (ICA) 2007.
2. At its 105th Session from 21 to 24 September 2010 the International Coffee Council approved Resolutions 445 and 446 which respectively provide for Governments to sign the Agreement at the ICO headquarters in London and deposit instruments of ratification, acceptance or approval until 28 September 2011. At its 106th Session from 28 to 31 March 2011, the Council approved Resolution 447 which provides that Governments may deposit instruments of accession no later than 30 September 2012.
3. Members of the ICA 2001 and observer Governments are invited to contact the Treaty Sections or Legal Offices of their Ministries of Foreign Affairs and request them to undertake the necessary formalities for membership, which include the following:
 - (a) signature no later than **28 September 2011**, followed by ratification, acceptance or approval by **28 September 2011**;
 - (b) signature no later than **28 September 2011** and notification of provisional application, followed by ratification, acceptance or approval; and
 - (c) accession no later than **30 September 2012**.

Signature

4. Signature indicates the intention of a Government to apply the Agreement. Under the provisions of Resolution 445, the Agreement will be open for signature at the Depositary Headquarters until **28 September 2011**. It should be noted that a Government only becomes a Contracting Party to the ICA 2007 after ratifying, accepting or approving it.

Steps for signature of the ICA 2007 are summarized as follows:

- (a) prepare an instrument of Full Powers for the proposed signatory in accordance with the section on Full Powers below and Annex III;
- (b) deliver instrument of Full Powers by hand, mail, fax or scanned copy by email to the ICO headquarters in London for advance review (at least three days in advance is suggested);
- (c) make an appointment with the Depositary Office of the ICO to sign the Agreement (during the period that the Agreement is open for signature);
- (d) attend the appointment and present the original instrument of Full Powers (if sent by fax or scanned copy by email previously);
- (e) signature ceremony for the ICA 2007; and
- (f) the ICO, in its capacity as Depositary, will notify Members and non-member Governments about this action.

Full Powers

5. In international law, a Head of State, Head of Government or Minister for Foreign Affairs may sign a treaty in his or her own right. Anyone else needs to produce 'Full Powers' signed by one of those three representatives. Full Powers can take time to produce so they should be prepared well in advance of the proposed date of signature of the Agreement (at least three days in advance is suggested). The UN Treaty Section advises that Full Powers must include the following (see model in Annex III):

- It must be signed by either the Head of State, Head of Government, or Minister for Foreign Affairs
- The signature must be legible
- It should indicate the title of the treaty
- Full Powers must state the full name and title of the representative authorized to sign
- Date and place of signature must be indicated
- Official seal (optional, but cannot replace the signature of one of the three authorized authorities).

Ratification, acceptance or approval

6. The ICA 2007 requires ratification, acceptance or approval by Governments which have signed it and intend to apply it. Under the provisions of Resolution 446, Members should deposit their instruments of ratification, acceptance or approval with the Depositary

by **28 September 2011**. Instruments of ratification, acceptance or approval must be signed by the Head of State, Head of Government, or by the Minister for Foreign Affairs, and deposited with the Depository. A model instrument, which may be adapted as appropriate, is attached as Annex IV. The UN Treaty Section notes that instruments must include:

- Title, date and place of conclusion of treaty
- The type of action should be clearly identified, e.g. ratification, acceptance or approval
- Full name and title of the person signing the instrument (i.e. the Head of State, Head of Government or Minister for Foreign Affairs)
- An unambiguous expression of the intent of the Government to consider itself bound by the treaty and to undertake faithfully to observe and implement its provisions
- Date and place where the instrument was issued
- Signature of the Head of State, Head of Government or Minister for Foreign Affairs (the official seal is not sufficient).

Steps for ratification, acceptance or approval to the Agreement are as follows:

- (a) following signature of the ICA 2007, prepare instrument of ratification, acceptance or approval (as applicable) in accordance with model in Annex IV;
- (b) instrument is signed by Head of State, Head of Government, or Minister for Foreign Affairs;
- (c) deliver the instrument by hand, mail, fax or scanned copy by email to the ICO;
- (d) if the instrument is faxed or sent as a scanned copy to the ICO, deliver the original instrument to the Organization as soon as possible thereafter;
- (e) the ICO will examine the instrument to ensure it is in due and proper form. The date of deposit will be the date on which the instrument is received at the ICO headquarters; and
- (f) the ICO will notify Members and non-member Governments about this action.

Accession

7. Accession is generally used by States wishing to express their consent to be bound by a treaty where the deadline for signature has passed. Under the provisions of Resolution 447, Governments eligible for membership in accordance with Article 43 may accede to the International Coffee Agreement 2007 by depositing an instrument of accession with the Organization no later than 30 September 2012 or such other time as the Council may decide. A model instrument, which may be adapted as appropriate, is attached as Annex IV. The criterion for accepting instruments is the same as for instruments of ratification, acceptance or approval (see sub-paragraphs (a) to (f) above).

Notification of provisional application

8. Under the provisions of Article 41 (Provisional application), a signatory Government which intends to ratify, accept or approve the 2007 Agreement may, at any time, notify the Depositary that it will apply the Agreement provisionally in accordance with its legal procedures. Similar wording to that of the model instrument in Annex IV, adapted as appropriate, may be used for notifications of provisional application.

Additional information

Depositary contact details

9. The International Coffee Organization is the Depositary for the ICA 2007 (as designated by Council Resolution 436 of 25 January 2008). The contact details for the ICO are as follows:

International Coffee Organization

22 Berners Street

London W1T 3DD

United Kingdom

Tel: +44 (0) 20 7612 0600 (switchboard)

Fax: +44 (0) 20 7612 0630

Email: depositary@ico.org

Website: www.ico.org

10. The ICO will continue to advise all interested Parties, by means of Depositary Notifications, about actions relating to the ICA 2007.

Certified true copies

11. Certified true copies of the ICA 2007 were sent in February 2008 to each State eligible to become a Member. Additional copies are available on request from the Secretariat and electronic copies can be downloaded from the ICO website at the following link: www.ico.org/documents/ica2007-certified.pdf.

Website

12. The ICO website includes a section containing copies of all relevant documents such as certified true copies of the ICA 2007, the status of the ICA 2007, Depositary Notifications,

etc. (see www.ico.org/depositary_e.asp). The United Nations Treaty Handbook provides further information on depositary practice, as well as a glossary of relevant terms and can be consulted on the UN Treaty Section website (<http://untreaty.un.org>) as well as on the ICO website.

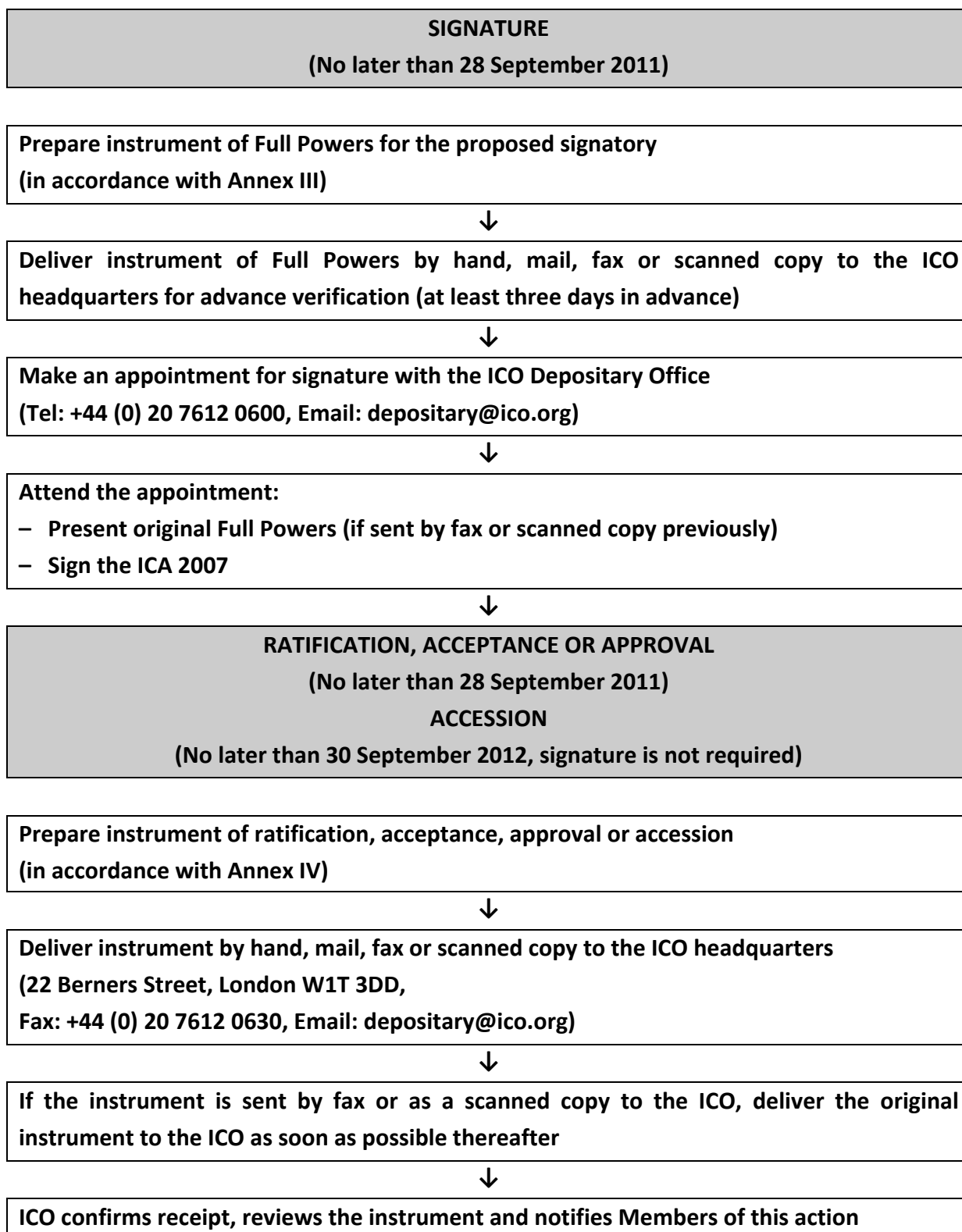
13. Further information about membership procedures is also provided in the following Annexes:

Annex I	Summary of steps for membership of the ICA 2007
Annex II	Governments eligible to sign and ratify, accept, approve or accede to the ICA 2007
Annex III	Model instrument of Full Powers
Annex IV	Model of an instrument of ratification, acceptance, approval or accession to the ICA 2007

Relevant ICO documents

- Resolution 431: Adoption of text of the ICA 2007
- Resolution 436: Depositary for the ICA 2007
- Resolution 445: Extension of time for signature of the ICA 2007
- Resolution 446: Extension of the time limit for ratification, acceptance or approval of the ICA 2007
- Resolution 447: Procedures for accession to the ICA 2007
- ED-2033/08 Rev. 5: Procedures for membership
- ICA 2007: Certified true copy

SUMMARY OF STEPS FOR MEMBERSHIP OF THE ICA 2007



**GOVERNMENTS ELIGIBLE TO SIGN AND
RATIFY, ACCEPT, APPROVE OR ACCEDE TO THE ICA 2007
(as at 4 April 2011)**

Article 40 of the ICA 2007 provides that Contracting Parties to the ICA 2001 and Governments invited to the Council Session at which the ICA 2007 was adopted may sign the ICA 2007.

A. Governments which have signed the 2007 Agreement and which need to deposit an instrument of ratification, acceptance or approval:

Exporting Governments

Benin	Nigeria
Cameroon	Paraguay
Congo, Dem. Rep.	Rwanda
Guinea	Zambia
Madagascar	Zimbabwe
Malawi	

B. Contracting Parties to the ICA 2001 which have not signed the 2007 Agreement or deposited an instrument of ratification, acceptance, approval or accession:

Exporting Governments

Bolivia
Congo, Republic
Dominican Republic
Haiti
Jamaica
Venezuela Bolivarian Rep. of

Importing Governments

Japan¹

¹ See document ED-2060/09

C. Governments invited as observers to attend the 98th Session of the Council at which the ICA 2007 was negotiated:

Algeria	Equatorial Guinea	Morocco	South Africa
Argentina	Fiji	Mozambique	Sri Lanka
Armenia	Iceland	Myanmar	Sudan
Australia	Iran, Islamic Republic of	Nepal	Syrian Arab Republic
Belarus	Israel	New Zealand	The former Yugoslav Republic of Macedonia
Belize	Jordan	Oman	Trinidad and Tobago
Botswana	Korea, Republic of	Pakistan	Ukraine
Cambodia	Kuwait	Peru	United Arab Emirates
Canada	Lao People's Dem. Rep.	Russian Federation	Uruguay
Chile	Lebanon	Saudi Arabia	
China	Libyan Arab Jamahiriya	Serbia	
Croatia	Malaysia	Sierra Leone	
Egypt	Mauritius	Singapore	

MODEL INSTRUMENT OF FULL POWERS

FULL POWERS

I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

HEREBY AUTHORIZE [name and title] to sign the International Coffee Agreement 2007 on behalf of the Government of [name of State].

Done at [place] on [date].

[Signature] *

Official seal (optional)

*** To be signed by the Head of State, Head of Government, or Minister for Foreign Affairs**

ANNEX IV

**MODEL OF AN INSTRUMENT OF RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION
TO THE INTERNATIONAL COFFEE AGREEMENT 2007**

WHEREAS the INTERNATIONAL COFFEE AGREEMENT, ('the Agreement'), 2007 was concluded in London on 28 September 2007,

NOW THEREFORE I, [NAME AND TITLE of the Head of State, Head of Government or Minister for Foreign Affairs], declare that the Government of [name of State], having considered the above-mentioned Agreement, [ratifies] [accepts] [approves] [accedes to] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification] [acceptance] [approval] [accession] at [place] on [date].

[Signature]*

*** To be signed by the Head of State, Head of Government, or Minister for Foreign Affairs**

Contact address for the Depositary:

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