



International Coffee Organization
Organización Internacional del Café
Organização Internacional do Café
Organisation Internationale du Café

DN 1/08/ICA 2007

28 January 2008

Depository Notification

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**INTERNATIONAL COFFEE AGREEMENT 2007
CONCLUDED IN LONDON, 28 SEPTEMBER 2007**

OPENING FOR SIGNATURE

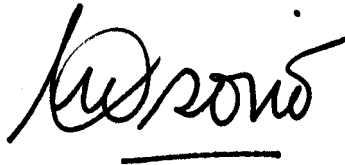
The Executive Director of the International Coffee Organization (ICO), as the chief administrative officer of the Depository for the International Coffee Agreement (ICA) 2007, communicates the following:

The above Agreement was adopted on 28 September 2007 in London during the 98th Session of the International Coffee Council by Resolution 431. It is the successor agreement to the International Coffee Agreement 2001, as extended, which will expire on 30 September 2008. The Council subsequently adopted Resolution 436 on 25 January 2008 designating the ICO as the Depository for the ICA 2007.

The Agreement will be open for signature at the ICO Headquarters in London, from **1 February until 31 August 2008**, by Contracting Parties to the International Coffee Agreement 2001 and Governments invited to the 98th Council session at which it was adopted, in accordance with Article 40. Certified true copies of the Agreement, of which the English, French, Portuguese and Spanish texts are equally authentic, will be transmitted separately to the Contracting Parties and Governments concerned.

The Executive Director takes this opportunity to recall that, under established international practice, only Heads of State, Heads of Government or Ministers for Foreign Affairs are empowered, by virtue of their functions, to sign a treaty without having to produce Full Powers to that effect. Other representatives wishing to sign a treaty must be in possession of Full Powers, which expressly authorize signature of a specified treaty by a named representative issued and signed by one of these authorities.

The Executive Director requests Governments wishing to sign the Agreement to notify him and to provide copies of the required Full Powers in advance to the Depositary Office at the ICO headquarters in London. Further information about Full Powers and procedures for membership is contained in document ED-2033/08, a copy of which is attached together with Resolution 436.

A handwritten signature in black ink, appearing to read "Kusrono", is centered on the page. The signature is written in a cursive style and is underlined with a single horizontal line.

Attention: Treaty Services of Ministries of Foreign Affairs

International Coffee Organization
22 Berners Street,
London W1T 3DD
Tel: +44 (0) 20 7612 0600
Fax: +44 (0) 20 7612 0630
Website: www.ico.org
Email: depositary@ico.org



International Coffee Organization
Organización Internacional del Café
Organização Internacional do Café
Organisation Internationale du Café

ED 2033/08

28 January 2008
Original: English

E

Procedures for membership of the International Coffee Agreement 2007

1. The Executive Director presents his compliments and wishes to inform Members and observer governments about procedures for membership of the International Coffee Agreement (ICA) 2007 which was adopted by Council Resolution 431 on 28 September 2007.
2. ICO Members and observer governments are invited to contact the Treaty Sections or Legal Offices of their Ministries of Foreign Affairs and request them to initiate the necessary formalities for membership, which are outlined in Articles 40 to 43 of the 2007 Agreement and include the following:
 - (a) Signature during the period **1 February to 31 August 2008**, followed by ratification, acceptance or approval by **30 September 2008**; or
 - (b) Signature during the period **1 February to 31 August 2008** and notification of provisional application (this may be the fastest procedure for new Members), followed by ratification, acceptance or approval;
 - (c) Accession (this option is only available after the deadline for signature has passed and once the Council has established conditions for accession).

Depositary contact details

3. 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

Certified true copies

4. The ICO has prepared the original of the Agreement which will be open for signature from 1 February 2008, and will distribute two certified true copies of the ICA 2007 to each State eligible to become a Member (i.e. Contracting Parties to the ICA 2001 and Governments invited to attend the 98th Session at which the 2007 Agreement was negotiated – see Annex III). Electronic copies can also be downloaded from the ICO website at the following link: www.ico.org/documents/ica2007-certified.pdf. In the case of the European Community, this information will be sent to the representative of the EC.

Signature

5. Signature indicates the intention of a Government to apply the Agreement. Article 40 of the ICA 2007 provides that it will be open for signature at the Depositary Headquarters from **1 February 2008 to 31 August 2008**. 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 IV.
- (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.
- (f) The ICO, in its capacity as Depositary, will notify Members and non-member Governments about this action.

Full Powers

6. In international law, a Head of State, Head of Government or Foreign Minister 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 IV):

- 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

7. The ICA 2007 requires ratification, acceptance or approval by Governments which have signed it and intend to apply it. Under the provisions of Article 40, Members should deposit their instruments of ratification, acceptance or approval with the Depository **by 30 September 2008**. Instruments of ratification, acceptance or approval must be signed by the Head of State or 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 V. The UN Treaty Section notes that instruments must include:

- Title, date and place of conclusion of treaty.
- 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 V.
- (b) Instrument is signed by Head of State or Government, or Minister for Foreign Affairs.
- (c) Deliver the instrument by hand, mail, fax or scanned copy 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.
- (f) The ICO will notify Members and non-member Governments about this action.

Notification of provisional application

8. Similar wording to that of the model instrument in Annex V, adapted as appropriate, may be used for notifications of provisional application.

Accession

9. Accession is generally used by States wishing to express their consent to be bound by a treaty where the deadline for signature has passed. The Council will review the situation of membership in September 2008, and may decide at that point to establish procedures for accession, in accordance with Article 43.

Depositary notifications

10. The ICO will advise all interested Parties, by means of Depositary Notifications, about actions relating to the ICA 2007. Parties eligible to sign the new Agreement have been invited to confirm the contact details for communications relating to the ICA 2007, such as the Treaty Sections or Legal Offices of their Ministries of Foreign Affairs (see documents ED-2029/07 for Members, and ED-2030/07 for non-member countries). Where specific contact details have not been provided, information will be sent to the designated contacts for the countries concerned, for transmission to Ministries of Foreign Affairs. Where contact details have been provided, copies of correspondence will be sent to the designated country contact.

Further information

11. The website of the ICO includes a section containing copies of all relevant documents such as certified true copies of the ICA 2007, the status on the ICA 2007, Depositary Notifications, etc. (see www.ico.org/ica2007.asp). The United Nations Treaty Handbook provides further information on depositary practice, as well as a glossary of terms such as accession, ratification, etc. This can be consulted on the UN Treaty Section website (<http://untreaty.un.org>) as well as on the ICO website. 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	Outline schedule of actions for the ICA 2007
Annex III	Countries eligible to sign the ICA 2007
Annex IV	Model instrument of Full Powers
Annex V	Model of an instrument of ratification, acceptance or approval to the International Coffee Agreement 2007

Relevant ICO documents

- Resolution 431 – Adoption of text of ICA 2007
- Resolution 436: Depositary for the ICA 2007
- International Coffee Agreement 2007: certified true copy

SUMMARY OF STEPS FOR MEMBERSHIP OF THE ICA 2007

ICO sends certified true copies to countries eligible to become Members and notifies them that the ICA 2007 will be open for signature on 1 February 2008



Governments initiate steps for membership of the ICA 2007



SIGNATURE
(1 February – 31 August 2008)

Prepare instrument of Full Powers for the proposed signatory
(in accordance with Annex IV)



Deliver instrument of Full Powers by hand, mail, fax or scanned copy to the ICO headquarters for advance verification (at least three days in advance)



Make an appointment for signature with the ICO Depository Office
(Tel: +44 (0) 20 7612 0600, Email: depository@ico.org)



Attend the appointment:
- Present original Full Powers (if sent by fax or scanned copy previously)
- Sign the ICA 2007



RATIFICATION, ACCEPTANCE OR APPROVAL
(1 February – 30 September 2008)

Prepare instrument of ratification, acceptance or approval
(in accordance with Annex V)



Deliver instrument by hand, mail, fax or scanned copy to the ICO headquarters
(22 Berners Street, London W1T 3DD,
Fax: +44 (0) 20 7612 0630, Email: depository@ico.org)



If the instrument is sent by fax or as a scanned copy to the ICO, deliver the original instrument to the ICO as soon as possible thereafter



ICO confirms receipt, reviews the instrument and notifies Members of this action

ANNEX II

OUTLINE SCHEDULE OF ACTIONS FOR THE ICA 2007

Date	Action
25 January 2008	<ul style="list-style-type: none"> • International Coffee Council designates the ICO as the Depository for the 2007 Agreement (Resolution 436).
25 – 31 January 2008	<ul style="list-style-type: none"> • Original text of ICA 2007 prepared and deposited with the ICO. • Two certified true copies sent to all States entitled to become Members of the ICA 2007.
1 February – 31 August 2008	<ul style="list-style-type: none"> • ICA 2007 is open for signature at Depository Headquarters from 1 February until 31 August 2008. • Governments initiate steps for signature of ICA 2007 and preparation and deposit of instruments. • ICO circulates depository notifications about relevant actions.
19 – 23 May 2008	<ul style="list-style-type: none"> • Opportunity for signatures and deposit of instruments at time of 100th Session of Council. • Council reviews progress on membership of ICA 2007.
31 August 2008	<ul style="list-style-type: none"> • End of period for signature of ICA 2007.
22 – 26 September 2008	<ul style="list-style-type: none"> • Opportunity for deposit of instruments at time of 101st Council Session. • Council reviews progress on membership. • If further time is needed to complete procedures for the ICA 2007, a Council Resolution extending the ICA 2001 for a further year may be necessary. The Council may also consider a Resolution establishing conditions for accession. • A Council Resolution granting extensions of time to signatory Governments unable to deposit instruments by deadline of 30 September 2008 may be necessary.
25 September 2008	<ul style="list-style-type: none"> • ICA 2007 may enter into force provisionally on this date or on any date within next 12 months if it has not already entered into force definitively, if signatory Governments holding votes as described in paragraph (1) of Article 42 have deposited instruments of ratification, acceptance or approval, or sent notifications of provisional application. • Council Resolution on entry into force (if appropriate). • ICO notifies Members about entry into force (if appropriate).
30 September 2008	<ul style="list-style-type: none"> • Deadline for deposit of instruments of ratification, acceptance or approval (unless extended by Council during its 101st Session).
May 2009	<ul style="list-style-type: none"> • 102nd Session of International Coffee Council – review of progress on membership.
25 September 2009	<ul style="list-style-type: none"> • If Agreement has not entered into force definitively or provisionally by this date, signatory Governments which have deposited instruments of ratification, etc. may by mutual consent decide that it shall enter into force amongst themselves.

COUNTRIES ELIGIBLE TO SIGN THE ICA 2007

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. They are listed as follows:

Contracting Parties to the ICA 2001

Exporting Members	Dominican Republic	Madagascar	Venezuela (Bolivarian Republic of)
Angola	Ecuador	Malawi	Vietnam
Benin	El Salvador	Mexico	Zambia
Bolivia	Ethiopia	Nicaragua	Zimbabwe
Brazil	Gabon	Nigeria	
Burundi	Ghana	Panama	
Cameroon	Guatemala	Papua New Guinea	
Central African Republic	Guinea	Paraguay	Importing Members
Colombia	Haiti	Philippines	European Community ¹
Congo, Dem. Rep. of	Honduras	Rwanda	Japan
Congo, Republic of	India	Tanzania	Norway
Costa Rica	Indonesia	Thailand	Switzerland
Côte d'Ivoire	Jamaica	Togo	USA
Cuba	Kenya	Uganda	

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

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

¹ Paragraph (4) of Article 40 of the 2007 Agreement provides that the EC shall deposit a declaration with the Depositary confirming its exclusive competence over matters governed by the Agreement. The member States of the EC shall not be eligible to become Contracting Parties to the Agreement.

ANNEX IV

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 or Government, or Minister for Foreign Affairs**

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

WHEREAS the INTERNATIONAL COFFEE AGREEMENT, (“the Agreement”), 2007 was opened for signature at the International Coffee Organization Headquarters on 1 February 2008,

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 obligations and conditions of participation in the above mentioned Agreement, [has ratified] [accepts] [has approved] the same and undertakes faithfully to perform and carry out the obligations therein contained.

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

[Signature]*

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

Contact address for the Depositary:

Depositary Office
International Coffee Organization
22 Berners Street
London W1T 3DD
United Kingdom

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

Fax: +44 (0) 20 7612 0630 (fax)

Email: depositary@ico.org



International Coffee Organization
Organización Internacional del Café
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ICC

Resolution 436

25 January 2008
Original: English

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International Coffee Council
99th Session (special)
25 January 2008
London, England

Resolution number 436

APPROVED AT THE FIRST PLENARY
MEETING, 25 JANUARY 2008

**Depositary for the
International Coffee Agreement 2007**

WHEREAS:

The International Coffee Council has approved Resolution 431 adopting the text of the International Coffee Agreement 2007 at its 98th Session on 28 September 2007;

The Treaty Section of the United Nations in New York has informed the Executive Director that the Secretary-General of the United Nations is not in a position to be the Depositary for all the authentic texts of the 2007 Agreement;

The Council noted that the Executive Director would review the legal and financial options for the designation of a Depositary for the 2007 Agreement;

Paragraph (1) of Article 76 (Depositaries of Treaties) of the 1969 Vienna Convention on the Law of Treaties provides that the designation of the depositary of a treaty may be made by the negotiating States, and that the depositary may be one or more States, an international organization or the chief administrative officer of the organization; and

Paragraph (10) of Article 2 of the International Coffee Agreement 2007 provides that the Council shall designate the Depositary by a consensus decision before 31 January 2008 and that such a decision shall form an integral part of the 2007 Agreement,

THE INTERNATIONAL COFFEE COUNCIL

RESOLVES:

1. To designate the International Coffee Organization as the Depositary for the International Coffee Agreement 2007.
2. To request the Executive Director, in his capacity as chief administrative officer of the International Coffee Organization, to take the necessary steps to ensure that the Organization performs the functions of the Depositary for the 2007 Agreement, in a manner consistent with the 1969 Vienna Convention on the Law of Treaties, including but not limited to:
 - (a) Keeping custody of the original text of the Agreement and of any Full Powers delivered to the Depositary.
 - (b) Preparing and circulating certified true copies of the original Agreement.
 - (c) Receiving any signatures to the Agreement, and receiving and keeping custody of any instruments, notifications and communications relating to it.
 - (d) Examining whether the signature or any instrument, notification or communication relating to the Agreement is in due and proper form.
 - (e) Circulating acts, notifications and communications relating to the Agreement.
 - (f) Advising when the number of instruments of ratification, acceptance or approval, or notifications of provisional application, required for the entry or provisional entry into force of the Agreement as set out in Article 42 thereof, have been deposited.
 - (g) Registering the Agreement with the Secretariat of the United Nations.
 - (h) In the event of any questions about the performance of the Depositary's functions, bringing the matter to the attention of the signatories and Contracting Parties, or, where appropriate, to the International Coffee Council.