



ORGANIZACIÓN INTERNACIONAL DEL CAFÉ
ORGANIZAÇÃO INTERNACIONAL DO CAFÉ
ORGANISATION INTERNATIONALE DU CAFÉ

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London, United Kingdom

**International Coffee Agreement 2007
Membership as at 3 August 2011**

Background

1. The attached document contains a report on membership of the International Coffee Agreement (ICA) 2007. In May 2011 the Executive Director a.i. circulated document DN-101/11/ICA 2007 notifying Members of the opportunity to sign the 2007 Agreement and deposit instruments during the 107th Session of the Council in London.
2. The Executive Director a.i. urges all Governments that have yet to complete membership formalities for the 2007 Agreement to make every effort to accelerate the procedures required.

Action

The Council is requested to consider this report.

INTERNATIONAL COFFEE AGREEMENT 2007 MEMBERSHIP AS AT 3 AUGUST 2011

Background

1. The ICA 2007 was adopted by the International Coffee Council on 28 September 2007 through Resolution 431. On 25 January 2008, the Council designated the International Coffee Organization (ICO) as the Depositary for the Agreement and it opened for signature at the ICO headquarters in London on 1 February 2008 until 31 August 2008, and for deposit of instruments of ratification, acceptance or approval until 30 September 2008. The period for signature and deposit of instruments was subsequently extended by the Council (see Resolutions 439, 440, 441, 442, 445 and 446).

Status of the 2007 Agreement

2. The ICA 2007 entered into force definitively on 2 February 2011 in accordance with the provisions of paragraph (1) of Article 42 of the ICA 2007¹. In accordance with the provisions of Resolution 444, the period of extension of the 2001 Agreement was thus terminated.

3. As at 3 August 2011, 44 exporting Members and 6 importing Members have signed the Agreement, and 33 exporting Members and 6 importing Members have ratified, accepted or approved the Agreement or deposited notifications of provisional application (see Annex I). The attached table shows the status of membership under the ICA 2007. Governments are listed in the following four categories:

Section A: Members of the 2007 Agreement

Section B: Members of the ICA 2001 which have signed the ICA 2007 but not completed the required procedures

Section C: Members of the ICA 2001 which have not signed the ICA 2007

Section D: Countries invited as observers to attend the 98th Session of the Council at which the ICA 2007 was adopted.

¹ Article 42 provides that the Agreement shall enter into force definitively when signatory Governments holding at least two-thirds of the votes of the exporting Members and signatory Governments holding at least two-thirds of the votes of the importing Members, calculated as at 28 September 2007, without reference to possible suspension under the terms of Article 21, have deposited instruments of ratification, acceptance or approval.

Signature and deposit of instruments of ratification, acceptance or approval

4. Under the provisions of Resolutions 445 and 446, Governments have until **28 September 2011** to sign the Agreement and deposit instruments of ratification, acceptance or approval. Procedures for membership are set out in document ED-2033/08 Rev. 5. Document WP-Council 216/11 contains a draft Resolution extending the deadline for deposit of these instruments until 30 September 2012. It is not proposed to extend the deadline for signature which also expires on 28 September 2011, in the light of Resolution 447 which was approved by the Council in March 2011 and establishes procedures for accession to the 2007 Agreement.

Notification of provisional application

5. 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. Colombia and Papua New Guinea are currently applying the Agreement provisionally.

Accession

6. Accession is generally used by States wishing to express their consent to be bound by a treaty where the deadline for signature has passed. Article 43 (Accession) provides that the Government of any State member of the United Nations or of any of its specialized agencies or any intergovernmental organization described in paragraph (3) of Article 4 may accede to the 2007 Agreement in accordance with procedures which shall be established by the Council. At its 106th Session, the Council approved Resolution 447 establishing procedures for accession, in accordance with Article 43 of the 2007 Agreement. The deadline for deposit of instruments of accession is 30 September 2012.

Implications of entry into force of the ICA 2007

Votes

7. In September 2010, the Council approved the initial distribution of votes for 2010/11 (see document EB-3979/10). Paragraph 7 of Article 12 (Votes) of the 2007 Agreement provides that the Council shall provide for the redistribution of votes if there have been changes in membership or suspension or restoration of votes. Six new Members (Liberia, Sierra Leone, Timor-Leste, Tunisia, Turkey and Yemen) have been allocated votes on the

basis of their respective exports or imports of coffee in the preceding four calendar years in accordance with Article 12. Document ICC-107-6 containing the redistribution of votes for 2010/11 will be approved by the Council at its 107th Session².

Contributions

8. Contributions for the financial year 2010/11 were assessed on the basis of document EB-3979/10 and the Administrative Budget for 2010/11 (document ICC-105-20) approved by the Council in September 2010.

9. In the case of the six new Members under the ICA 2007, the initial contributions of these countries for 2010/11 have been assessed on the basis of the number of their votes and the period remaining in the current financial year, in accordance with paragraph (3) of Article 20. Copies of Articles 12, 20 and 21 are attached as Annex II.

Members of the ICA 2001 which have not yet completed procedures for the ICA 2007

10. Paragraph (3) of Article 20 provides that the assessments made upon other Members for the current financial year shall not be altered. Countries which were Members of the ICA 2001 but have not yet completed the procedures for the 2007 Agreement (see Sections B and C of Annex I) are therefore required to pay their full contributions within six months of the date on which the contribution is due (i.e. 31 March 2011).

11. It should be noted that countries which have not completed membership procedures by 30 September 2011 will only be required to pay contributions to the Administrative Budget in coffee year 2011/12 from the date they become Members³. These countries account for around 2.2% of the initial distribution of votes in 2010/11. In the case of the ICA 2001 which entered into force provisionally on 1 October 2001, only 18 Members of the 1994 Agreement had completed the procedures by 25 September 2001, resulting in a financial shortfall for the Organization. In September 2001, the Council adopted Resolution 405, with a view to alleviating the adverse impact of this shortfall on the Organization. The Resolution provided for basing contributions to the

² *In the case of the ICA 2001 which entered into force on 1 October 2001, the initial distribution of votes for 2001/02 was approved by the Council in September 2001, based on membership of the ICA 1994 as extended (see document EB-3792/01).*

³ *Paragraph (3) of Article 20 provides that the initial contribution of any Member joining the ICO after the entry into force of the 2007 Agreement shall be assessed by the Council on the basis of the number of votes to be held by it and the period remaining in the current financial year.*

2001/02 Administrative Budget on the assumption that a substantial number of Members of the 1994 Agreement as extended would become Members of the ICA 2001 during the course of the financial year. Nevertheless, the Reserve Fund was depleted by £812,000 in the financial year 2001/02 alone.

12. In May 2011, the Executive Director a.i. wrote to the designated persons for countries listed in Sections B and C of Annex I to remind them of the need to complete membership procedures as soon as possible.

Participation at meetings and credentials

13. It is proposed that countries which were Members under the 2001 Agreement but have not yet completed procedures for the ICA 2007 should continue to attend meetings and receive ICO documents, pending the formal completion of membership procedures. These Members are long-standing Members of previous Agreements, and this practice was followed under the ICA 1994 as extended and the ICA 2001. They have been assessed for contributions in the current financial year and, under the provisions of Resolutions 445 and 446, have until 28 September 2011 to sign the ICA 2007 and/or deposit instruments, or until 30 September 2012 to deposit an instrument of accession under the provisions of Resolution 447. Although these Members may be invited to take their seats in the Council, they would not be eligible to participate in the formal decision-making process.

14. In the case of the report on credentials, it is proposed that these Members should be grouped as countries which have not yet completed the formal procedures for membership of the ICA 2007, but were Members under the ICA 2001 and have sent representatives to this Session. A similar procedure was followed in the case of Council Sessions held under the ICA 2001⁴.

Committees

15. The designation of representatives and office-holders in 2011/12 for the following ICO bodies established under the ICA 2007 will be determined at the 107th Session of the Council: the Projects Committee, Promotion and Market Development Committee, Finance and Administration Committee and Statistics Committee. Completion of membership formalities is required for Members to be designated to serve on these bodies.

⁴ See Reports on credentials and Lists of Delegations for coffee year 2001/02 contained in documents ICC-86-11, ICC-86-12, ICC-87-11 and ICC-87-12.

**MEMBERSHIP OF THE INTERNATIONAL COFFEE ORGANIZATION
UNDER THE INTERNATIONAL COFFEE AGREEMENT 2007
AS AT 3 AUGUST 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. Countries which have completed all the required procedures					
Exporting Members (33)					
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.
Zambia	11 September 2009		Ratification	3 August 2011	0.6
Total					90.0
Importing Members (6)					
European Union	17 June 2008		Approval	17 June 2008	68.0
<i>Austria</i>					
<i>Belgium</i>					
<i>Bulgaria</i>					
<i>Cyprus</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 Members (contd)					
<i>Czech Republic</i>					
<i>Denmark</i>					
<i>Estonia</i>					
<i>Finland</i>					
<i>France</i>					
<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. Countries which have signed the Agreement but not completed the required procedures					
Exporting countries (11)					
Benin	23 September 2009				0.5
Bolivia	16 June 2011				0.6
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
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. Countries which have not signed the Agreement					
Exporting countries (5)					
Congo, Rep.					0.5
Dominican Republic					0.6
Haiti					0.5
Jamaica					0.5
Venezuela, Bolivarian Rep. of					0.6
Total					2.7
Importing countries (1)					
Japan 1/					7.2
Total					7.2
D. Countries 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 2/		
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.

ARTICLE 12

Votes

- (1) The exporting Members shall together hold 1,000 votes and the importing Members shall together hold 1,000 votes, distributed within each category of Member – that is, exporting and importing Members, respectively – as provided for in the following paragraphs of this Article.
- (2) Each Member shall have five basic votes.
- (3) The remaining votes of exporting Members shall be divided among such Members in proportion to the average volume of their respective exports of coffee to all destinations in the preceding four calendar years.
- (4) The remaining votes of importing Members shall be divided among such Members in proportion to the average volume of their respective imports of coffee in the preceding four calendar years.
- (5) The European Community or any intergovernmental organization as defined in paragraph (3) of Article 4 shall hold votes as a single Member; it shall have five basic votes and additional votes in proportion to the average volume of its imports or exports of coffee, in the preceding four calendar years.
- (6) The distribution of votes shall be determined by the Council in accordance with the provisions of this Article at the beginning of each coffee year and shall remain in effect during that year, except as provided for in paragraph (7) of this Article.
- (7) The Council shall provide for the redistribution of votes in accordance with the provisions of this Article whenever there is a change in the membership of the Organization or if the voting rights of a Member are suspended or regained under the provisions of Article 21.
- (8) No Member shall hold two-thirds or more of the votes in its category.
- (9) There shall be no fractional votes.

ARTICLE 20

**Determination of the Administrative Budget and
assessment of contributions**

(1) During the second half of each financial year, the Council shall approve the Administrative Budget of the Organization for the following financial year and shall assess the contribution of each Member to that Budget. A draft Administrative Budget shall be prepared by the Executive Director under the supervision of the Finance and Administration Committee in accordance with the provisions of Article 18.

(2) The contribution of each Member to the Administrative Budget for each financial year shall be in the proportion which the number of its votes at the time the Administrative Budget for that financial year is approved bears to the total votes of all the Members. However, if there is any change in the distribution of votes among Members in accordance with the provisions of paragraph (6) of Article 12 at the beginning of the financial year for which contributions are assessed, such contributions shall be correspondingly adjusted for that year. In determining contributions, the votes of each Member shall be calculated without regard to the suspension of the voting rights of any Member or any redistribution of votes resulting therefrom.

(3) The initial contribution of any Member joining the Organization after the entry into force of this Agreement as provided for in Article 42 shall be assessed by the Council on the basis of the number of votes to be held by it and the period remaining in the current financial year, but the assessments made upon other Members for the current financial year shall not be altered.

ARTICLE 21

Payment of contributions

(1) Contributions to the Administrative Budget for each financial year shall be payable in freely convertible currency and shall become due on the first day of that financial year.

(2) If any Member fails to pay its full contribution to the Administrative Budget within six months of the date on which the contribution is due, its voting rights and its right to participate in meetings of specialized committees shall be suspended until its contribution has been paid in full. However, unless the Council so decides, such Member shall not be deprived of any of its other rights nor relieved of any of its obligations under this Agreement.

(3) Any Member whose voting rights have been suspended under the provisions of paragraph (2) of this Article shall nevertheless remain responsible for the payment of its contribution.