



Treaty Series No. 160 (1975)

Protocol
for the Continuation in Force of the
International Coffee Agreement 1968
as extended

London, 1 November 1974–31 March 1975

[The Protocol entered into force definitively on 1 October 1975]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 1976*

LONDON
HER MAJESTY'S STATIONERY OFFICE

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**PROTOCOL
FOR THE CONTINUATION IN FORCE OF THE INTERNATIONAL
COFFEE AGREEMENT 1968 AS EXTENDED**

The Governments Party to this Protocol,

Considering that the International Coffee Agreement 1968⁽¹⁾ as Extended⁽²⁾ is due to expire, under the provisions of paragraph (1) of Article 69 thereof, on 30 September 1975;

Considering that the time required both to negotiate a new Agreement with economic provisions and to carry out the constitutional procedures for approval, ratification or acceptance will not permit such an Agreement to enter into force on 1 October 1975; and

Considering that in order to allow adequate time for the negotiation of a new Agreement and the completion of the necessary constitutional procedures, the International Coffee Agreement 1968 as Extended should continue in force beyond 30 September 1975,

Have agreed as follows:

ARTICLE 1

The International Coffee Agreement 1968 as Extended (hereinafter referred to as "the Agreement") shall continue in force between the Parties to this Protocol until 30 September 1976. Should a new International Coffee Agreement enter into force before that date, this Protocol shall cease to have effect on the date of the entry into force of the new International Coffee Agreement. If by 30 September 1976 a new Agreement has been negotiated and has received a sufficient number of signatures to enable it to enter into force after approval, ratification or acceptance in conformity with the relevant provisions but has not entered into force either provisionally or definitively, the present instrument shall continue in force until the entry into force of the new Agreement, provided that the period of such extension shall not exceed twelve months.

ARTICLE 2

(1) Governments may become Party to this Protocol:

(a) by signing it;

(b) by approving, ratifying or accepting it, after having signed it subject to approval, ratification or acceptance; or

(c) by acceding to it in accordance with the provisions of Article 6 of this Protocol.

(2) On signing this Protocol, each signatory Government shall state formally whether, in conformity with its constitutional procedure, its signature is or is not subject to approval, ratification or acceptance.

(1) Treaty Series No. 103 (1969), Cmnd. 4211.

(2) Treaty Series No. 6 (1974), Cmnd. 5554.

ARTICLE 3

This Protocol shall remain open at the headquarters of the United Nations from 1 November 1974 until and including 31 March 1975 for signature by any Government which on the date of signature is a Party to the Agreement.

ARTICLE 4

In cases in which approval, ratification or acceptance is required, the appropriate instruments shall be deposited with the Secretary-General of the United Nations not later than 30 September 1975.

ARTICLE 5

(1) This Protocol shall enter into force definitively on 1 October 1975 among those Governments which have signed this Protocol or, should their constitutional procedures so require, which have deposited instruments of approval, ratification or acceptance if, on that date, such Governments 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 the Annex to this Protocol. Alternatively, it shall enter into force definitively at any time after it is provisionally in force and the requirements of this paragraph are satisfied. This Protocol shall enter into force definitively for any Government which deposits an instrument of approval, ratification, acceptance or accession subsequent to the definitive entry into force of the Agreement for other Governments, on the date of such deposit.

(2) This Protocol may enter into force provisionally on 1 October 1975. For this purpose a notification by a signatory Government containing an undertaking to apply this Protocol provisionally and to seek approval, ratification or acceptance of this Protocol in accordance with its constitutional procedures as rapidly as possible, which is received by the Secretary-General of the United Nations not later than 30 September 1975, shall be regarded as equal in effect to an instrument of approval, ratification or acceptance. A Government which undertakes to apply this Protocol provisionally pending the deposit of an instrument of approval, ratification or acceptance shall be regarded as a provisional Party thereto until it deposits its instrument of approval, ratification or acceptance, or up to and including 31 December 1975, whichever is the earlier. For any Government which is applying this Protocol provisionally the Council may grant an extension of the time within which such Government may deposit its instrument of approval, ratification or acceptance.

(3) If this Protocol has not entered into force definitively or provisionally on 1 October 1975 those Governments which have signed it or deposited instruments of approval, ratification or acceptance or notifications containing an undertaking to apply this Protocol provisionally and to seek approval, ratification or acceptance, may immediately after that date consult together to consider what action the situation requires and may, by mutual consent,

decide that it shall enter into force among themselves. Similarly, if this Protocol has entered into force provisionally but has not entered into force definitively by 31 December 1975, those Governments which have deposited instruments of approval, ratification or acceptance may consult together to consider what action the situation requires and may, by mutual consent, decide that it shall continue in force provisionally or enter into force definitively among themselves.

ARTICLE 6

(1) The Government of any State member of the United Nations or any of its specialized agencies may accede to this Protocol upon conditions which shall be established by the Council.

(2) Such Government depositing an instrument of accession shall, at the time of such deposit, indicate whether it is joining the Organization as an exporting Member or an importing Member, as defined in paragraphs (7) and (8) of Article 2 of the Agreement.

(3) Instruments of accession shall be deposited with the Secretary-General of the United Nations. The accession will take effect upon deposit of the instrument.

ARTICLE 7

Any Government which becomes a Party to this Protocol may make the notifications in respect of Group Membership or Dependent Territories referred to in Articles 5 and 65 of the Agreement subject to the provisions thereof.

ARTICLE 8

The Agreement and this Protocol shall be regarded as one single instrument and shall be known as the International Coffee Agreement 1968 as Extended by Protocol.

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

The texts of the present Protocol in the English, French, Portuguese and Spanish languages⁽³⁾ shall all be equally authentic. The originals shall be deposited with the Secretary-General of the United Nations who shall transmit certified copies thereof to each signatory and acceding Party to this Protocol.

The text of this Protocol was approved by Resolution number 273 of the International Coffee Council on 26 September 1974.

Done at London on 1 November 1974.

⁽³⁾ Texts in the French, Portuguese and Spanish languages will appear in the United Nations Treaty Series, available through Agency Section, Her Majesty's Stationery Office, P.O. Box 569, London, SE1 9NY. Tel. 01-928 6977, ext. 410.

ANNEX

Distribution of Votes

<i>Member</i>	<i>Exporting</i>	<i>Importing</i>
Australia	4	—
Belgium*	—	31
Bolivia	4	—
Brazil	329	—
Burundi	8	—
Canada	—	35
Colombia	112	—
Costa Rica	21	—
Cyprus	—	5
Czechoslovakia	—	10
Denmark	—	25
Dominican Republic	12	—
Ecuador	16	—
El Salvador	34	—
Ethiopia	27	—
Federal Republic of Germany	—	116
Finland	—	20
France	—	92
Ghana	4	—
Guatemala	32	—
Guinea	6	—
Haiti	12	—
Honduras	11	—
India	11	—
Indonesia	25	—
Jamaica	4	—
Japan	—	39
Kenya	17	—
Liberia	4	—
Mexico	31	—
Netherlands	—	50

<i>Member</i>	<i>Exporting</i>	<i>Importing</i>
New Zealand	—	7
Nicaragua	13	—
Nigeria	4	—
Norway	—	17
OAMCAF	87	—
OAMCAF	(4)	—
Cameroon	(15)	—
Central African Republic	(3)	—
Congo	(1)	—
Dahomey	(1)	—
Gabon	(1)	—
Ivory Coast	(45)	—
Madagascar	(14)	—
Togo	(3)	—
Panama	4	—
Paraguay	4	—
Peru	16	—
Portugal	47	—
Rwanda	6	—
Sierra Leone	6	—
Spain	—	29
Sweden	—	40
Switzerland	—	27
Tanzania	15	—
Trinidad and Tobago	4	—
Uganda	41	—
United Kingdom	—	57
United States of America	—	400
Venezuela	9	—
Zaire	20	—
Total	1,000	1,000

* Including Luxembourg.

SIGNATURES, NOTIFICATIONS OF PROVISIONAL APPLICATION,
APPROVALS, RATIFICATIONS, ACCEPTANCES AND ACCESSIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of notification under Article 5 (2)</i>	<i>Date of deposit of instrument of approval (AP), ratification (R), acceptance (A) or accession (AC)</i>
Australia(*)	26. 3.1975		
Belgium (with Luxembourg)*	26. 3.1975	30.9.1975	
Bolivia*	17. 3.1975		1. 4.1975 (R)
Brazil*	6. 1.1975		6. 8.1975 (R)
Burundi*	31. 3.1975		28.11.1975 (AC)
Cameroon	27. 3.1975		
Canada	27. 3.1975		
Central African Republic	31. 3.1975		
Colombia*	3. 3.1975	8.8.1975	1.12.1975 (R)
Congo	31. 3.1975		
Costa Rica*	19.11.1974	29.9.1975	
Cyprus	17. 3.1975		
Czechoslovakia	28. 3.1975		
Dahomey	31. 3.1975		
Denmark	18.12.1974		18.12.1974 (A)
Dominican Republic ...			20.11.1975 (AC)
Ecuador*	28. 1.1975		11. 2.1975 (R)
Ethiopia	28. 3.1975		
Finland*	24. 2.1975	29.9.1975	
France*	18. 3.1975		9. 5.1975 (AP)
Gabon	27. 3.1975		
Germany, Federal Republic of (also applies to Berlin (West)) ...	27. 3.1975		
Ghana	24. 3.1975		
Guatemala*	7. 2.1975	18.8.1975	
Guinea	21. 2.1975		
Haiti*	27. 3.1975	24.9.1975	29.12.1975 24.9.1975 (R)
Honduras	27. 3.1975		
India	26. 3.1975		
Indonesia	28. 1.1975		
Ireland, Republic of ...			3.11.1975 (AC)
Ivory Coast	17. 3.1975		
Jamaica*	19. 3.1975		30. 9.1975 (R)
Japan			10.10.1975 (AC)
Kenya	26. 3.1975		
Malagasy Republic ...	26. 3.1975		
Mexico*	22. 1.1975	30. 9.1975	
Netherlands*	27. 3.1975		26. 8.1975 (A)†
New Zealand	27. 3.1975		
Nicaragua*	14. 2.1975		2. 7.1975 (R)

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of notification under Article 5 (2)</i>	<i>Date of deposit of instrument of approval (AP), ratification (R), acceptance (A) or accession (AC)</i>
Nigeria	27. 3.1975		
Norway	25. 3.1975		
Panama*	31. 3.1975	17.9.1975	19.11.1975 (R)
Paraguay*	19. 3.1975	19.9.1975	
Peru*	27. 3.1975	10.9.1975	11.11.1975 (R)
Portugal*	27. 3.1975		30. 9.1975 (R)
Rwanda*	22. 1.1975		17. 6.1975 (R)
El Salvador*	26. 3.1975	22.9.1975	
Sierra Leone	31. 3.1975		
Spain	27. 3.1975		
Sweden	27. 3.1975		
Switzerland	24. 3.1975		
Tanzania	28. 3.1975		
Togo	27. 3.1975		
Trinidad and Tobago*	19. 2.1975		2. 4.1975 (R)
Uganda	11. 3.1975		11. 3.1975 (A)
United Kingdom	14. 3.1975		
United States of America*	15. 1.1975	30.9.1975	
Venezuela	31. 3.1975		
Yugoslavia*	31. 3.1975		24. 9.1975 (R)
Zaire			13. 8.1975 (AC)

EXTENSION

Hong Kong 14. 3.1975

* Subject to approval, ratification or acceptance.

† For the Kingdom in Europe.

(4) At the time of signature the Government of Australia made the following declarations:

“... the said Protocol to the said Agreement shall apply to Papua New Guinea in accordance with paragraph 1 of Article 65 of the said Agreement and Article 7 of the said Protocol.”

“... the Government of Australia and the Government of Papua New Guinea shall together continue to constitute a joint exporting member of the International Coffee Organisation.”

In a notification received by the Secretary-General of the United Nations on 23 June, 1975, the Government of Australia made the following declaration under Article 4 of the International Coffee Agreement, 1968, as extended with modifications:

“... it shall participate in the International Coffee Organisation separately with respect to its dependent territory of Papua New Guinea and that the Government of Papua New Guinea shall have separate membership of the said Organisation in accordance with Article 4 of the said Agreement.”