



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

DN 40/08/ICA 2007

30 September 2008

Depositary Notification

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

**NEW DEADLINE FOR SIGNATURE OF
THE INTERNATIONAL COFFEE AGREEMENT 2007:
25 SEPTEMBER 2009**

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

The International Coffee Council, at its 101st Session, held in London from 22 to 26 September 2008, decided by Resolution 439 that under the provisions of paragraph (1) of Article 40 of the Agreement, Governments eligible to sign the International Coffee Agreement 2007, may sign the Agreement on or before 25 September 2009.

Further information about procedures for membership of the ICA 2007 is contained in document ED-2033/08 Rev. 1, a copy of which is attached together with Resolution 439.

Attention: Treaty Services of Ministries of Foreign Affairs

**International Coffee Organization
22 Berners Street,
London W1T 3DD
United Kingdom**

**Tel: +44 (0) 20 7612 0600
Fax: +44 (0) 20 7612 0630
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International Coffee Organization
Organización Internacional del Café
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ED 2033/08 Rev. 1

30 September 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 updated procedures for membership of the International Coffee Agreement (ICA) 2007.
2. At its 101st Session from 22 to 26 September 2008 the International Coffee Council approved Resolutions 439 and 440 which respectively provide for Governments to sign the Agreement and deposit instruments of ratification, acceptance or approval until **25 September 2009**. The 2001 Agreement has been extended by Resolution 438 until 30 September 2009 to enable Governments to complete membership formalities for the ICA 2007.
3. 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 undertake the necessary formalities for membership, which include the following:
 - (a) signature no later than **25 September 2009**, followed by ratification, acceptance or approval by **25 September 2009**;
 - (b) signature no later than **25 September 2009** and notification of provisional application (this may be the fastest procedure for new Members), followed by ratification, acceptance or approval; and
 - (c) accession (this option is only available after the deadline for signature has passed and once the Council has established conditions for accession).

Signature

4. Signature indicates the intention of a Government to apply the Agreement. Under the provisions of Resolution 439, the Agreement will be open for signature at the Depository Headquarters until **25 September 2009**. 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 Depository 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 Depository, will notify Members and non-member Governments about this action.

Full Powers

5. 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 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 440, Members should deposit their instruments of ratification, acceptance or approval with the Depository **by 25 September 2009**. 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 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 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. 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.

Notification of provisional application

7. 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 Depository 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.

Accession

8. 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 2008/09, and may decide at a future session to establish procedures for accession, in accordance with Article 43.

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.

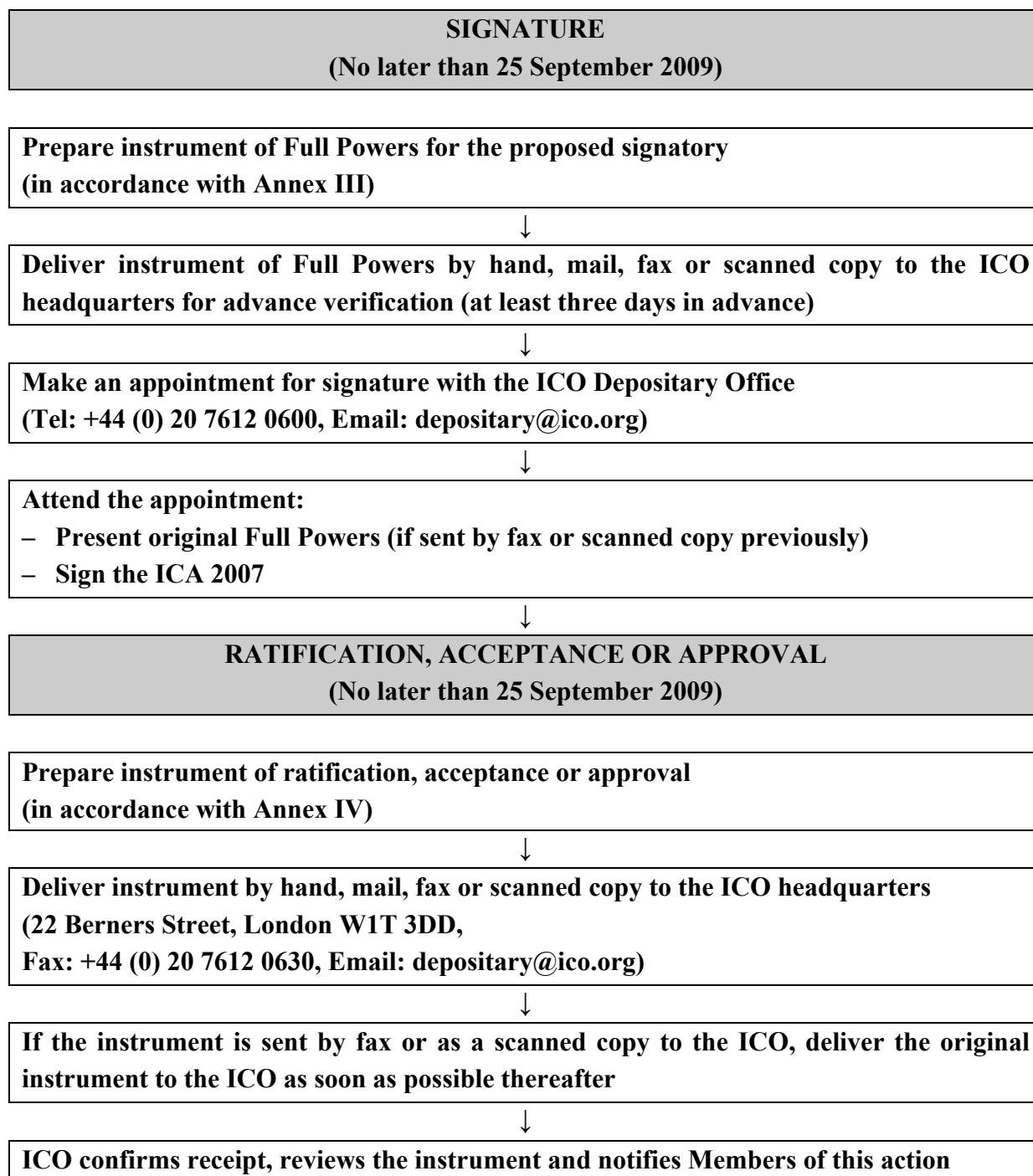
13. Further information about membership procedures is also provided in the following Annexes:

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

Relevant ICO documents

- Resolution 431: Adoption of text of the ICA 2007
- Resolution 436: Depositary for the ICA 2007
- Resolution 438: Further extension of the ICA 2001
- Resolution 439: Extension of time for signature of the ICA 2007
- Resolution 440: Extension of the time limit for ratification, acceptance or approval of the ICA 2007
- ED-2033 Rev. 1: Procedures for membership
- International Coffee Agreement 2007: certified true copy

SUMMARY OF STEPS FOR MEMBERSHIP OF THE ICA 2007



**GOVERNMENTS ELIGIBLE TO SIGN AND
RATIFY, ACCEPT OR APPROVE 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.

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

Exporting Governments		Importing Governments
Angola	Guinea	Switzerland
Brazil	Honduras	Turkey
Cameroon	Indonesia	
Central African Republic	Liberia	
Colombia	Malawi	
Costa Rica	Nigeria	
Côte d'Ivoire	Panama	
Cuba	Rwanda	
El Salvador	Tanzania	
Ethiopia	Timor-Leste	
Gabon	Togo	
Ghana	Yemen	
Guatemala		

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

Exporting Governments		Importing Governments
Benin	Nicaragua	Japan
Bolivia	Papua New Guinea	Norway
Burundi	Paraguay	
Congo, Democratic Republic	Philippines	
Congo, Republic	Thailand	
Dominican Republic	Uganda	
Haiti	Venezuela	
Jamaica	Zambia	
Madagascar	Zimbabwe	
Mexico		

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	Tunisia
Cambodia	Kuwait	Peru	Ukraine
Canada	Lao People's Dem. Rep.	Russian Federation	United Arab Emirates
Chile	Lebanon	Saudi Arabia	Uruguay
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 or Government, or Minister for Foreign Affairs**

ANNEX IV

**MODEL OF AN INSTRUMENT OF RATIFICATION, ACCEPTANCE
OR APPROVAL 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] 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] 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
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International Coffee Organization
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ICC Resolution 439

26 September 2008
Original: English

E

International Coffee Council
101st Session
22 – 26 September 2008
London, England

Resolution number 439

APPROVED AT THE FIFTH PLENARY MEETING,
26 SEPTEMBER 2008

**Extension of time for signature
of the International Coffee Agreement 2007**

WHEREAS:

The International Coffee Council (“the Council”) approved the International Coffee Agreement 2007 (“the Agreement”) by Resolution 431 on 28 September 2007;

Article 40 of the Agreement stipulates that, except as otherwise provided, the Agreement shall be open for signature at the Depository headquarters from 1 February 2008 until and including 31 August 2008;

A number of Governments eligible to sign the Agreement pursuant to the provisions of paragraph (1) of Article 40 of the Agreement did not do so by 31 August 2008 but have indicated that they wish to become signatory Governments to the Agreement; and

The Council deems it desirable to enable the Governments concerned to sign the Agreement in order to enhance the prospects for definitive or provisional entry into force of the Agreement within the next twelve months,

THE INTERNATIONAL COFFEE COUNCIL

RESOLVES:

That under the provisions of paragraph (1) of Article 40 of the Agreement, Governments eligible to sign the International Coffee Agreement 2007, may sign the Agreement on or before 25 September 2009.