



Organización Internacional del Café
Organização Internacional do Café
Organisation Internationale du Café

WP

Council 161/07

14 December 2007
Original: English

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

Draft Resolution

SUBMITTED BY THE EXECUTIVE DIRECTOR

**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 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 Depository 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 Depository for the 2007 Agreement, including:
 - (a) Keeping custody of the original text of the Agreement and of any Full Powers delivered to the Depository.
 - (b) Preparing certified true copies of the original Agreement and transmitting them to the parties and to the States entitled to become parties to the 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 and, if need be, bringing the matter to the attention of the State in question.
 - (e) Informing the parties and the States entitled to become parties to the Agreement of acts, notifications and communications relating to the Agreement.
 - (f) Informing the States entitled to become parties to the Agreement when the number of signatures or of instruments of ratification, acceptance, approval or accession required for the entry into force of the Agreement has been received or deposited.
 - (g) Registering the Agreement with the Secretary-General of the United Nations.
 - (h) In the event of any difference between a State and the Depository as to the performance of the latter's functions, bringing the question to the attention of the signatory States and contracting States or, where appropriate, to the International Coffee Council.