



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

WP Council 185/08

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

International Coffee Agreement 2007

**Request for membership from the
InterAfrican Coffee Organisation**

Background

1. The InterAfrican Coffee Organisation (IACO) has formally indicated its interest in becoming a Member of the International Coffee Organization (ICO) under the International Coffee Agreement (ICA) 2007 (see Annex I).
2. IACO has 25 members, 22 of which are Contracting Parties to the current Agreement, the ICA 2001 (see Annex II). In the case of its three members which are not Contracting Parties to the ICA 2001 (Equatorial Guinea, Liberia and Sierra Leone), Liberia is a signatory Government to the ICA 2007. IACO is currently represented at meetings of the ICO in an observer capacity and has always played an active and constructive role in the work of the Organization.
3. This document outlines options for membership by IACO in the context of the ICA 2007.

Annex I: Communication from IACO
Annex II: IACO member States (25)
Annex III: Article 6 (Group membership) of the ICA 2001

Action

The Council is requested to consider this document.

OPTIONS FOR MEMBERSHIP

1. There are two mechanisms for membership by an intergovernmental organization such as IACO under the 2007 Agreement.

Option 1: Article 43 (Accession)

2. Paragraph (1) of Article 43 of the ICA 2007 provides that "... any intergovernmental organization described in paragraph (3) of Article 4 may accede to this Agreement in accordance with procedures which shall be established by the Council". Paragraph (3) of the same Article provides that "Upon deposit of an instrument of accession, any intergovernmental organization referred to in paragraph (3) of Article 4 shall deposit a declaration confirming its exclusive competence over matters governed by this Agreement. The member States of such organization shall not be eligible to become Contracting Parties to this Agreement".

3. Paragraph (3) of Article 4 (Membership of the Organization) provides that "Any reference in this Agreement to a Government shall be construed as including the European Community and any intergovernmental organization having exclusive competence in respect of the negotiation, conclusion and application of this Agreement."

4. In the case of this option, at the time of depositing its instrument of accession, IACO would need to also deposit a declaration confirming its exclusive competence over matters governed by the 2007 Agreement, and its member States would not be eligible to become Contracting Parties to the Agreement. This would have implications for Kenya, which has completed all the necessary formalities for membership of the ICA 2007, and for a further 14 African countries which have signed the 2007 Agreement and are taking steps to ratify, accept or approve it (see Annex II). Under this option, IACO would have five basic votes in addition to the proportional votes of its 25 Member states (an estimated 117 votes in total) and would pay their contributions.

5. At its 101st Session in September 2008, the International Coffee Council will consider conditions for accession by Governments eligible to sign the ICA 2007 under the provisions of Article 40 which were unable to do so by the time-limit specified. This includes Governments which were invited to the 98th Session of the Council at which the 2007 Agreement was adopted. IACO, while invited to attend the 98th Session as an observer, was invited as an intergovernmental organization rather than a Government. A separate Resolution setting conditions for accession for IACO would therefore be necessary.

Option 2: Article 5 (Group membership)

6. Article 5 of the ICA 2007 provides that “Two or more Contracting Parties may, by appropriate notification to the Council and to the Depositary, which will take effect on a date to be specified by the Contracting Parties concerned and on conditions agreed by the Council, declare that they are participating in the Organization as a Member group.”

7. Under this option, membership formalities for the ICA 2007 would be completed by African countries individually, which would subsequently decide on the constitution of the Member group.

8. The Organisation africaine et malgache du café (OAMCAF) is an example of a Member group which was established under the 1963 Agreement and which existed up until September 2005 (see document WP-Board 985/05). OAMCAF had nine Members (Benin, Cameroon, Central African Republic, Congo (Republic of), Côte d’Ivoire, Equatorial Guinea, Gabon, Madagascar and Togo). It received five basic votes in addition to the proportional votes of its individual Member states and paid their contributions. OAMCAF represented its Member states at Council sessions and also used to be elected to the Executive Board each year.

9. In the case of this scenario, the Council would need to establish conditions for group membership (such as those outlined in Article 6 of the 2001 Agreement), which would take effect from the date of entry into force of the ICA 2007. A copy of Article 6 of the ICA 2001 is attached for information as Annex III.

Status quo

10. If there is no change to representation of African Members under the 2007 Agreement, the individual member States of IACO would each complete the necessary formalities for membership of the ICA 2007 and IACO would continue to have observer status as an intergovernmental organization.

ANNEX I

MINISTRY OF ECONOMY, FINANCE, THE BUDGET AND PRIVATIZATION

5 June 2008

Mr Néstor Osorio
Executive Director
International Coffee Organization
22 Berners Street
London W1T 3DD
United Kingdom

Dear Sir,

I have the honour to inform you that as Gabon holds the Presidency of the InterAfrican Coffee Organisation (IACO) I am attaching a request for the accession of this organisation as a Member of the International Coffee Organization (ICO).

Please accept the assurances of my highest consideration,

(Signed) Mathias Otounga Ossibadjouo
Director-General
Caisses de stabilisation et de péréquation
Gabon

INTERAFRICAN COFFEE ORGANISATION

29 April 2008

Chairman of the International Coffee Council
International Coffee Organization
22 Berners Street
London W1T 3DD
United Kingdom

Dear Sir,

I have the honour to inform you that at the 47th General Assembly of the InterAfrican Coffee Organisation (IACO) held in Yaoundé (Cameroon) from 16 to 23 November 2007 the member countries expressed their wish to become a Member of the International Coffee Organization.

For this purpose, I should be grateful if you would forward information on procedures and instruments for accession as provided for in Article 43 of the International Coffee Agreement 2007.

Please accept the assurances of my highest consideration,

(Signed) Charles Mba
Chairman of IACO
Deputy Minister of the Economy, Finance,
The Budget and Privatization of Gabon

ANNEX II

IACO MEMBER STATES (25)

Angola *
Benin
Burundi
Cameroon *
Central African Republic *
Congo (Democratic Republic of)
Congo (Republic of)
Côte d'Ivoire *
Equatorial Guinea
Ethiopia *
Gabon *
Ghana *
Guinea *
Kenya **
Liberia *
Madagascar
Malawi *
Nigeria *
Rwanda *
Sierra Leone
Tanzania *
Togo*
Uganda
Zambia
Zimbabwe

* Signature of the ICA 2007

** Deposit of instrument of ratification, acceptance or approval of the ICA 2007

Italics Country is not a Contracting Party to the ICA 2001

ARTICLE 6

Group membership

(1) Two or more Contracting Parties which are net exporters of coffee may, by appropriate notification to the Council and to the Secretary-General of the United Nations at the time of deposit of their respective instruments of ratification, acceptance, approval, provisional application or accession, declare that they are participating in the Organization as a Member group. A territory to which this Agreement has been extended under the provisions of paragraph (1) of Article 48 may constitute part of such Member group if the Government of the State responsible for its international relations has given appropriate notification thereof under the provisions of paragraph (2) of Article 48. Such Contracting Parties and designated territories must satisfy the following conditions:

- (a) they shall declare their willingness to accept responsibility for group obligations in an individual as well as a group capacity; and
- (b) they shall subsequently provide satisfactory evidence to the Council that:
 - (i) the group has the organization necessary to implement a common coffee policy and that they have the means of complying, together with the other parties to the group, with their obligations under this Agreement; and
 - (ii) they have a common or coordinated commercial and economic policy in relation to coffee and a coordinated monetary and financial policy, as well as the organs necessary to implement such policies, so that the Council is satisfied that the Member group is able to comply with the group obligations involved.

(2) Any Member group recognized under the International Coffee Agreement 1994 shall continue to be recognized as a group unless it notifies the Council that it no longer wishes to be so recognized.

(3) The Member group shall constitute a single Member of the Organization, except that each party to the group shall be treated as if it were a single Member in relation to matters arising under the following provisions:

- (a) Articles 11 and 12; and
- (b) Article 51.

(4) The Contracting Parties and designated territories joining as a Member group shall specify the Government or organization which will represent them in the Council on matters arising under this Agreement other than those specified in paragraph (3) of this Article.

(5) The voting rights of the Member group shall be as follows:

- (a) the Member group shall have the same number of basic votes as a single Member country joining the Organization in an individual capacity. These basic votes shall be attributed to and cast by the Government or organization representing the group; and
- (b) in the event of a vote on any matters arising under the provisions of paragraph (3) of this Article, the parties to the Member group may cast separately the votes attributed to them under the provisions of paragraph (3) of Article 13 as if each were an individual Member of the Organization, except for the basic votes, which shall remain attributable only to the Government or organization representing the group.

(6) Any Contracting Party or designated territory which is a party to a Member group may, by notification to the Council, withdraw from that group and become a separate Member. Such withdrawal shall take effect upon receipt of the notification by the Council. If a party to a Member group withdraws from that group or ceases to participate in the Organization, the remaining parties to the group may apply to the Council to maintain the group; the group shall continue to exist unless the Council disapproves the application. If the Member group is dissolved, each former party to the group will become a separate Member. A Member which has ceased to be a party to a group may not, as long as this Agreement remains in force, again become a party to a group.

(7) Any Contracting Party which wishes to become party to a Member group after this Agreement has entered into force may do so by notification to the Council provided that:

- (a) other Members of the group declare their willingness to accept the Member concerned as party to the Member group; and
- (b) it notifies the Secretary-General of the United Nations that it is participating in the group.

(8) Two or more exporting Members may, at any time after this Agreement has entered into force, apply to the Council to form a Member group. The Council shall approve the application if it finds that the Members have made a declaration and have provided satisfactory evidence in accordance with the requirements of paragraph (1) of this Article. Upon such approval, the Member group shall be subject to the provisions of paragraphs (3), (4), (5) and (6) of this Article.