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MULTILATERAL

International Cocoa Agreement, 1993 (with annexes). Concluded at Geneva on 16 July 1993

Authentic texts: Arabic, Chinese, English, French, Russian and Spanish.

Registered ex officio on 22 February 1994.

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Accord international de 1993 sur le cacao (avec annexes). Conclu à Genève le 16 juillet 1993

Textes authentiques : arabe, chinois, anglais, français, russe et espagnol.

Enregistré d'office le 22 février 1994.

INTERNATIONAL COCOA AGREEMENT,¹ 1993PART ONE: OBJECTIVES AND DEFINITIONS

CHAPTER I. OBJECTIVES

Article 1Objectives

The objectives of the International Cocoa Agreement, 1993 (hereinafter referred to as this Agreement), in the light of the resolution 93 (IV),² of the New Partnership for Development: the Cartagena Commitment and of the relevant objectives contained in "The Spirit of Cartagena" adopted by the United Nations Conference on Trade and Development, are:

(a) To promote the development and strengthening of international cooperation in all sectors of the world cocoa economy;

(b) To contribute towards stabilization of the world cocoa market in the interest of all Members, by seeking, in particular:

(i) To bring about the balanced development of the world cocoa economy by seeking to facilitate the necessary adjustments in production and to promote consumption so as to secure an equilibrium in the medium and long term between supply and demand;

¹ Came into force provisionally on 22 February 1994, the date decided upon at a meeting of the following Governments and organization which had deposited instruments of ratification, acceptance, approval or accession or notifications of provisional application, in accordance with article 56 (3):

<i>Participant</i>	<i>Date of deposit of the instrument of ratification, acceptance (A), or a notification of provisional application (n)</i>	<i>Participant</i>	<i>Date of deposit of the instrument of ratification, acceptance (A), or a notification of provisional application (n)</i>
Belgium	16 February 1994 n	Malaysia	25 January 1994
Brazil	18 February 1994 n	Netherlands	16 February 1994 n
Cameroon	11 January 1994 n	(For the Kingdom in Europe.)	
Côte d'Ivoire	3 September 1993 n	Nigeria	17 February 1994 n
Ecuador	16 September 1993 n	Norway	14 October 1993
European Community	16 February 1994 n	Sierra Leone	7 October 1993 n
Finland	1 October 1993 A	Spain	16 February 1994 n
France	16 February 1994 n	Sweden	30 September 1993
Gabon	21 December 1993 n	Switzerland	30 November 1993 n
Germany	18 February 1994 n	Togo	12 October 1993 n
Ghana	12 October 1993 n	Trinidad and Tobago	30 September 1993
Greece	16 February 1994 n	United Kingdom of Great Britain and Northern Ireland	16 February 1994 n
Grenada	18 February 1994 n	(For the United Kingdom of Great Britain and Northern Ireland and the Bailiwick of Jersey.)	
Jamaica	6 December 1993 n		
Japan*	8 February 1994 n		
Luxembourg	16 February 1994 n		

* For the text of the declaration made upon notification of provisional application, see p. 273 of this volume.

² United Nations, *Proceedings of the United Nations Conference on Trade and Development, Fourth Session, Nairobi*, vol. I, *Report and Annexes*, p. 6.

- (ii) To assure adequate supplies at reasonable prices equitable to producers and consumers;
- (c) To facilitate the expansion of international trade in cocoa;
- (d) To promote transparency in the workings of the world cocoa economy through the collection, analysis and dissemination of relevant statistics and the undertaking of appropriate studies;
- (e) To promote scientific research and development in the field of cocoa;
- (f) To provide an appropriate forum for the discussion of all matters relating to the world cocoa economy.

CHAPTER II. DEFINITIONS

Article 2

Definitions

For the purposes of this Agreement:

1. Cocoa means cocoa beans and cocoa products;
2. Cocoa products means products made exclusively from cocoa beans, such as cocoa paste/liquor, cocoa butter, unsweetened cocoa powder, cocoa cake and cocoa nibs, as well as any other products containing cocoa as the Council may determine;
3. Cocoa year means the period of 12 months from 1 October to 30 September inclusive;
4. Contracting Party means a Government, or an intergovernmental organization as provided for in article 4, which has consented to be bound by this Agreement provisionally or definitively;
5. Council means the International Cocoa Council referred to in article 6;
6. Daily price means the representative indicator of the international price of cocoa used for the purposes of this Agreement and computed in accordance with the provisions of article 35;
7. Entry into force means, except when qualified, the date on which this Agreement first enters into force, whether provisionally or definitively;
8. Exporting country or exporting Member means a country or a Member respectively whose exports of cocoa, expressed in terms of beans exceed its imports. However, a country whose imports of cocoa expressed in terms of beans exceed its exports but whose production exceeds its imports may, if it so chooses, be an exporting Member;

9. Export of cocoa means any cocoa which leaves the customs territory of any country, and import of cocoa means any cocoa which enters the customs territory of any country; provided that, for the purposes of these definitions, customs territory shall, in the case of a Member which comprises more than one customs territory, be deemed to refer to the combined customs territories of that Member;
10. Fine or flavour cocoa means cocoa produced in countries designated as fine or flavour cocoa producers to the extent specified by the Council, in accordance with the provisions of article 43;
11. Importing country or importing Member means a country or a Member respectively whose imports of cocoa expressed in terms of beans exceed its exports;
12. Member means a Contracting Party as defined above;
13. Organization means the International Cocoa Organization referred to in article 5;
14. Producing country means a country which grows cocoa in commercially significant quantities;
15. Production-management plan means the plan provided for in article 29 as a means of keeping world production in balance with global consumption in the medium to long term;
16. Production-management programme means all measures and actions undertaken by an exporting Member to achieve the objectives of the production-management plan as referred to in article 29;
17. Simple distributed majority vote means a majority of the votes cast by exporting Members and a majority of the votes cast by importing Members, counted separately;
18. Special Drawing Right (SDR) means the Special Drawing Right of the International Monetary Fund;
19. Special vote means two thirds of the votes cast by exporting Members and two thirds of the votes cast by importing Members, counted separately, on condition that at least five exporting Members and a majority of importing Members are present;
20. Tonne means a mass of 1,000 kilograms or 2,204.6 pounds, and pound means 453.597 grams.

PART TWO: CONSTITUTIONAL PROVISIONS

CHAPTER III. MEMBERSHIP

Article 3

Membership in the Organization

1. Each Contracting Party shall be a Member of the Organization.
2. There shall be two categories of Members of the Organization, namely:
 - (a) Exporting Members; and
 - (b) Importing Members.
3. A Member may change its category on such conditions as the Council may establish.

Article 4

Membership by intergovernmental organizations

1. Any reference in this Agreement to "a Government" or "Governments" shall be construed as including the European Economic Community and any intergovernmental organization having responsibilities in respect of the negotiation, conclusion and application of international agreements, in particular commodity agreements. Accordingly, any reference in this Agreement to signature, ratification, acceptance or approval, or to notification of provisional application, or to accession shall, in the case of such intergovernmental organizations, be construed as including a reference to signature, ratification, acceptance or approval, or to notification of provisional application, or to accession, by such intergovernmental organizations.
2. In the case of voting on matters within their competence, such intergovernmental organizations shall vote with a number of votes equal to the total number of votes attributable to their member States in accordance with article 10. In such cases, the member States of such intergovernmental organizations shall not exercise their individual voting rights.
3. Such organizations may participate in the Executive Committee on matters within their competence.