

CHAPTER XVII - FINAL PROVISIONS

Article 65

Signature

This Agreement shall be open for signature at United Nations Headquarters from 10 November 1975 until and including 31 August 1976 by parties to the International cocoa Agreement, 1972 and Governments invited to the United Nations Cocoa Conference, 1975.

Article 66

Ratification, Acceptance, Approval

1. This Agreement shall be subject to ratification, acceptance or approval by the signatory Governments in accordance with their respective constitutional procedures.

2. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations not later than 30 September 1976; provided, however, that the Council may grant extensions of time to signatory Governments which are unable to deposit their instruments by that date.

3. Each Government depositing an instrument of ratification, acceptance or approval shall, at the time of such deposit, indicate whether it is an exporting member or an importing member.

Article 67

Accession

1. This Agreement shall be open to accession by the Governments of all States¹ upon conditions established by the Council.

2. The Council of the International Cocoa Agreement, 1972 may, pending the entry into force of this Agreement, establish the conditions referred to in paragraph 1, subject to confirmation by the Council of this Agreement and the Government concerned.

3. If the Government is the Government of an exporting country which is not listed in Annex A or Annex C, the Council shall, as appropriate, determine in accordance with Article 30 a basic quota for that country, which country shall be deemed to be listed in Annex A.

4. Accession shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 68

Notification of Provisional Application

1. A signatory Government which intends to ratify, accept or approve this Agreement or a Government for which the Council has established conditions for accession, but which has not yet been able to deposit its instruments may, at any time, notify the Secretary-General of the United Nations that it will apply this Agreement provisionally either when it enters into force in accordance with Article 69 or, if it is already in force, at a specified date. Each Government giving such notification shall at that time state whether it will be an exporting member or an importing member.

2. A Government which has notified under paragraph 1 that it will apply this Agreement either when it enters into force

¹ At its seventh plenary meeting on 20 October 1975, the United Nations Cocoa Conference, 1975 adopted the following understanding recommended by its Administrative and Legal Committee:

In accordance with its terms, this Agreement will be open to accession by the Governments of all States, and the Secretary-General of the United Nations will act as depositary. It is the understanding of the Conference that the Secretary-General, in discharging his functions as depositary of an agreement with an „All-States“ clause, will follow the practice of the General Assembly of the United Nations in implementing such a clause and, whenever advisable, will request the opinion of the General Assembly before receiving an instrument of accession.

or at a specified date shall, from that time, be a provisional member. It shall remain a provisional member until the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 69

Entry into Force

1. This Agreement shall enter definitively into force on 1 October 1976, if by that date Governments representing at least five exporting countries having at least 80 per cent of the basic quotas as set out in Annex F and Governments representing importing countries having at least 70 per cent of total imports as set out in Annex D have deposited their instruments of ratification, acceptance, approval or accession with the Secretary-General of the United Nations. If this Agreement has not definitively entered into force in accordance with the preceding sentence, it shall do so whenever these percentage requirements are satisfied by the deposit of instruments of ratification, acceptance, approval or accession.

2. If this Agreement has not entered into force definitively on 1 October 1976 in accordance with paragraph 1 it shall enter into force provisionally on 1 October 1976, if by that date Governments representing at least five exporting countries having at least 80 per cent of the basic quotas as set out in Annex F and Governments representing importing countries having at least 70 per cent of total imports as set out in Annex D have deposited their instruments of ratification, acceptance, approval or accession, or have notified the Secretary-General of the United Nations that they will apply this Agreement provisionally when it enters into force.

3. If the requirements for entry into force under paragraph 1 or 2 have not been met on 1 October 1976 the Secretary-General of the United Nations shall invite, at the earliest time he considers practicable after that date, the Governments which have deposited instruments of ratification, acceptance, approval or accession, or have notified him that they will apply this Agreement provisionally, to meet to decide whether to put this Agreement provisionally or definitively into force among themselves in whole or in part. If no decision is reached at this meeting, the Secretary-General may convene such further meetings as he considers appropriate.

4. During any period in which this Agreement is in force provisionally under paragraph 2 or 3, Governments that have deposited instruments of ratification, acceptance, approval or accession, as well as those Governments that have notified the Secretary-General of the United Nations that they will apply this Agreement provisionally, shall be provisional members.

5. While this Agreement is in force provisionally, the Governments participating shall make the necessary arrangements to review the situation and decide whether this Agreement shall definitively enter into force among themselves, continue provisionally in force, or terminate.

Article 70

Reservations

Reservations may not be made with respect to any of the provisions of this Agreement.

Article 71

Territorial Application

1. A Government may at the time of signature or deposit of an instrument of ratification, acceptance, approval or accession, or at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Agreement shall extend to any of the territories for whose international relations it is for the time being ultimately responsible, and this Agreement shall extend to the territories named therein from the date of such notification, or from the date on which this Agreement enters into force for that Government, whichever is the later.