

No. 9369

MULTILATERAL

**International Sugar Agreement, 1968. Open for signature
at New York from 3 to 24 December 1969**

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

Registered ex officio on 1 January 1969.

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**Accord international de 1968 sur le sucre. Ouvert à la
signature à New York du 3 au 24 décembre 1969**

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

Enregistré d'office le 1^{er} janvier 1969.

INTERNATIONAL SUGAR AGREEMENT, 1968¹

CHAPTER I

OBJECTIVES

Article 1

OBJECTIVES

The objectives of this International Sugar Agreement (hereinafter referred to as the Agreement) take into account the recommendations contained in the Final Act of the first session of the United Nations Conference on Trade and Development (hereinafter referred to as UNCTAD)² and are :

- (a) To raise the level of international trade in sugar, particularly in order to increase the export earnings of developing exporting countries;
- (b) To maintain a stable price for sugar which will be reasonably remunerative to producers, but which will not encourage further expansion of production in developed countries;
- (c) To provide adequate supplies of sugar to meet the requirements of importing countries at fair and reasonable prices;
- (d) To increase sugar consumption and in particular to promote measures to encourage consumption in countries where consumption *per caput* is low;

¹ The text of the Agreement was established by the United Nations Sugar Conference, 1968, which met at Geneva from 17 April to 1 June 1968 and from 23 September to 24 October 1968. It was adopted by the Conference at its final plenary meeting held on 24 October 1968. For the report summarizing the proceedings of the Conference and for the text of the resolutions adopted by the Conference, see *United Nations Sugar Conference, 1968, Summary of Proceedings*, TD/SUGAR.7/12 (United Nations publication, Sales number : E.69.II.D.6).

Pursuant to article 63, paragraph (2), the Agreement came into force provisionally on 1 January 1969, the date by which the signatory Governments holding 60 per cent of the votes of the exporting countries and 50 per cent of the importing countries in accordance with the distribution established in Annex B of the Agreement had deposited their instruments of ratification, acceptance or approval with the Secretary-General of the United Nations or had notified him, in accordance with article 62, paragraph (1), that they would apply the Agreement provisionally. For the list of the Governments concerned and for the text of the declarations made by certain Governments on signature, see pages 280 to 333 of this volume.

² *United Nations Conference on Trade and Development, Final Act and Report*, E/CONF.46/141, Vol. I (United Nations publication, Sales No. : 64.II.B.11).

- (e) To bring world production and consumption of sugar into closer balance;
- (f) To facilitate the co-ordination of sugar marketing policies and the organization of the market;
- (g) To provide for adequate participation in, and growing access to, the markets of the developed countries for sugar from the developing countries;
- (h) To observe closely developments in the use of any form of substitutes for sugar, including cyclamates and other artificial sweeteners; and
- (i) To further international co-operation in sugar questions.

CHAPTER II

DEFINITIONS

Article 2

DEFINITIONS

For the purposes of this Agreement :

(1) "Organization" means The International Sugar Organization established by Article 3;

(2) "Council" means The International Sugar Council established by Article 3;

(3) "Member" means a Contracting Party to the Agreement or a territory or group of territories in respect of which a notification has been made under paragraph (3) of Article 66;

(4) "developing Member" means any Member in Latin America, in Africa excepting South Africa, in Asia excepting Japan and in Oceania excepting Australia and New Zealand, and includes Greece, Portugal, Spain, Turkey and Yugoslavia;

(5) "developed Member" means any Member other than a developing Member;

(6) "exporting Member" means a Member which is a net exporter of sugar;

(7) "importing Member" means a Member which is a net importer of sugar;

(8) "Member which imports sugar" means any Member which imports sugar whether it is a net importer or a net exporter of sugar;

(9) "special vote" means a two-thirds majority of the votes cast by exporting Members present and voting and a two-thirds majority of the votes cast by importing Members present and voting, counted separately;

(10) "distributed two-thirds majority" means a majority of the Members representing two thirds of the total votes of the exporting Members and a majority of the Members representing two thirds of the total votes of the importing Members, counted separately;

(11) "distributed simple majority vote" means a majority of the votes cast by a majority of exporting Members present and voting and a majority of the votes cast by a majority of importing Members present and voting, counted separately;

(12) "financial year" means the quota year;

(13) "quota year" means the period from 1 January to 31 December, inclusive;

(14) "ton" means a metric ton, i.e. 1,000 kilogrammes, and "pound" means a pound avoirdupois. Amounts of sugar specified in the Agreement are in terms of raw value net weight (the raw value of any amount of sugar means its equivalent in terms of raw sugar testing 96 degrees by the polariscope);

(15) "sugar" means sugar in any of its recognized commercial forms derived from sugar cane or sugar beet, including edible and fancy molasses, syrups and any other form of liquid sugar used for human consumption; but

(a) "sugar" as defined above shall not include final molasses or low grade types of non-centrifugal sugar produced by primitive methods or, except in Annex A, sugar destined for uses other than human consumption as food. The Council may determine the conditions under which sugar shall be considered to be destined for uses other than human consumption as food;

(b) If the Council resolves that the increased use of sugar mixtures becomes a threat to the objectives of the Agreement, these mixtures shall be deemed to be sugar in respect of their sugar content. The increase in the quantity of such mixtures exported over the quantity exported before the entry into force of the Agreement shall, in respect of its sugar content, be charged to the export quota of the exporting Member concerned;

(16) "free market" means the total of net imports of the world market, except those covered under Articles 35 to 38 inclusive, and under paragraph (3) of Article 39;

(17) "net imports" means total imports of sugar after deducting total exports of sugar;

(18) "net exports" means total exports of sugar (excluding sugar supplied as ships' stores for ships victualling at domestic ports) after deducting total imports of sugar;

(19) "basic export tonnage" means the quantity specified in Article 40;

(20) "initial export quota" means the quantity of sugar allotted to an exporting Member under paragraph (1) of Article 45 or paragraph (2) (a) of Article 48;

(21) "quota in effect" means the initial export quota, as modified by such adjustments as may have been made under chapter XI by the time referred to in the provisions of the Agreement where this expression is used;

(22) "basic export entitlement" for the purposes of paragraph (1) (b) of Article 52 means, for each exporting Member, the sum total of its basic export tonnage under Article 40 or maximum net export entitlement under Article 41 and, where relevant, its basic allocation in the immediately preceding quota year under the special arrangements referred to in Articles 35 to 38 inclusive;

(23) "shipment" and "shipping", in the context of Article 30 includes conveyance of sugar on land, irrespective of the means of transport used;

(24) "prevailing price" is as calculated in accordance with the provisions of paragraph (2) of Article 33;

(25) "entry into force" is to be read, except as otherwise provided, as meaning the date on which the Agreement enters into force provisionally or definitively;

(26) any reference in the Agreement to a "Government invited to the United Nations Sugar Conference 1968" shall be construed as including a reference to the European Economic Community (hereinafter referred to as the EEC). Accordingly any reference in the Agreement to "signature of the Agreement" or to the "deposit of an instrument of ratification, acceptance, approval or accession" by a Government shall, in the case of the EEC, be construed as including signature on behalf of the EEC by its competent authority and the deposit of the instrument required by the institutional procedures of the EEC to be deposited for the conclusion of an international agreement.

CHAPTER III

THE INTERNATIONAL SUGAR ORGANIZATION, ITS MEMBERSHIP AND ADMINISTRATION

Article 3

ESTABLISHMENT, HEADQUARTERS AND STRUCTURE OF THE INTERNATIONAL SUGAR ORGANIZATION

(1) The International Sugar Organization is hereby established to administer the provisions of the Agreement and to supervise its operation. It shall be the successor to the International Sugar Council which operated under the International Sugar Agreement of 1958¹.

(2) The headquarters of the Organization shall be in London unless the Council decides otherwise by special vote.

(3) The Organization shall function through the International Sugar Council, its Executive Committee, its Executive Director and its staff.

Article 4

MEMBERSHIP IN THE ORGANIZATION

(1) Each Contracting Party shall constitute a single Member of the Organization, except as otherwise provided in paragraph (2) of this Article.

¹ United Nations, *Treaty Series*, Vol. 385, p. 137; Vol. 425, p. 370; Vol. 466, p. 404; Vol. 535, p. 436; Vol. 551, p. 319; Vol. 569, p. 270; Vol. 584, p. 258; Vol. 595, p. 366; Vol. 610, p. 308; Vol. 617, p. 368, and Vol. 632.

(2) If any Contracting Party, including the territories for whose international relations it is for the time being ultimately responsible and to which the Agreement is extended in accordance with paragraph (1) of Article 66, consists of one or more units that would individually constitute an exporting Member, and of one or more units that would individually constitute an importing Member, there may be either a joint membership for the Contracting Party together with these territories or, where the Contracting Party has made a notification to that effect under paragraph (3) of Article 66, separate membership, singly, all together or in groups for the territories that would individually constitute an exporting Member and separate membership for the territories that would individually constitute an importing Member.

Article 5

COMPOSITION OF THE INTERNATIONAL SUGAR COUNCIL

(1) The highest authority of the Organization shall be the International Sugar Council, which shall consist of all the Members of the Organization.

(2) Each Member shall be represented by a representative and, if it so desires, by one or more alternates. A Member may also appoint one or more advisers to its representative or alternates.

Article 6

POWERS AND FUNCTIONS OF THE COUNCIL

(1) The Council shall exercise all such powers and perform or arrange for the performance of all such functions as are necessary to carry out the express provisions of the Agreement.

(2) The Council shall adopt by special vote such rules and regulations as are necessary to carry out the provisions of the Agreement and are consistent therewith including Rules of Procedure for the Council and its committees and the financial and staff regulations of the Organization. The Council may, in its Rules of Procedure provide a procedure whereby it may, without meeting, decide specific questions.

(3) The Council shall keep such records as are required to perform its functions under the Agreement and such other records as it considers appropriate.

(4) The Council shall publish an annual report and such other information as it considers appropriate.

Article 7

CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL

(1) For each quota year the Council shall elect from among the delegations a Chairman and a Vice-Chairman who shall not be paid by the Organization.

(2) The Chairman and the Vice-Chairman shall be elected, one from among the delegations of the importing Members and the other from among those of the exporting Members. Each of these offices shall, as a general rule, alternate each quota year between the two categories of Members; provided however that this shall not prevent the re-election under exceptional circumstances of the Chairman or Vice-Chairman or both when the Council so decides by special vote. In the case of such re-election of either officer, the rule out in the first sentence of this paragraph shall continue to apply.

(3) In the temporary absence of both the Chairman and the Vice-Chairman or the permanent absence of one or both, the Council may elect from among the delegations new officers, temporary or permanent as appropriate, taking account of the principle of alternating representation set out in paragraph (2) of this Article.

(4) Neither the Chairman nor any other officer president at meetings of the Council shall vote. He may, however, appoint another person to exercise the voting rights of the Member which he represents.

Article 8

SESSIONS OF THE COUNCIL

(1) As a general rule, the Council shall hold one regular session each half of the quota year.

(2) The Council in addition to meeting in the other circumstances specifically provided for in the Agreement shall also meet in special session whenever it so decides or on the request of :

- (i) any five Members; or
- (ii) Members having at least 250 votes; or
- (iii) the Executive Committee.

(3) Notice of sessions shall be given to Members at least thirty working days in advance, except in case of emergency when such notice shall be given at least ten days in advance, and except where the provisions of the Agreement prescribe a different period.

(4) Sessions shall be held at the headquarters of the Organization unless the Council decides otherwise by special vote. If any Member invites the Council to meet elsewhere than at its headquarters, that Member shall pay the additional costs involved.

Article 9

VOTES

(1) The exporting Members shall together hold 1,000 votes and the importing Members shall together hold 1,000 votes.

(2) The Council shall establish in its Rules of Procedure the formulae to be used for distributing the votes among the exporting and importing Members, subject to the following provisos :

(a) There shall be no fractional vote;

(b) No Member shall hold more than 200 votes or less than 5 votes.

(3) At the beginning of each quota year, the Council shall, on the basis of the formulae referred to in paragraph (2) of this Article, establish the distribution of votes within each category of Members which shall remain in force during that quota year, except in so far as is provided in paragraph (4) of this Article.

(4) Whenever the membership of the Agreement changes or when any Member is suspended from its voting rights or recovers its voting rights under any provision of the Agreement, the Council shall re-distribute the total votes within each category of Members on the basis of the formulae referred to in paragraph (2) of this Article.

Article 10

VOTING PROCEDURE OF THE COUNCIL

(1) Each Member shall be entitled to cast the number of votes it holds and cannot divide its votes. It may, however, cast differently from such votes any votes which it is authorized to cast under paragraph (2) of this Article.

(2) By informing the Chairman in writing, any exporting Member may authorize any other exporting Member, and any importing Member may authorize any other importing Member, to represent its interests and to cast its votes at any meeting or meetings of the Council. A copy of such authorizations shall be examined by any credentials committee that may be set up under the Rules of Procedure of the Council.

Article 11

DECISIONS OF THE COUNCIL

(1) All decisions of the Council shall be taken and all recommendations shall be made by a simple distributed majority of the votes cast by the Members, unless the Agreement provides for a special vote.

(2) In arriving at the number of votes necessary for any decision of the Council, votes of Members abstaining shall not be reckoned.

(3) The Members undertake to accept as binding all decisions of the Council under the provisions of the Agreement.

Article 12

CO-OPERATION WITH OTHER ORGANIZATIONS

(1) The Council shall make whatever arrangements are appropriate for consultation or co-operation with the United Nations and its organs, in particular UNCTAD, and with the Food and Agriculture Organization and such other Specialized Agencies of the United Nations and inter-governmental organizations as may be appropriate.

(2) The Council, bearing in mind the particular role of UNCTAD in international commodity trade, shall as appropriate keep UNCTAD informed of its activities and programmes of work.

(3) The Council may also make whatever arrangements are appropriate for maintaining effective contact with international organizations of sugar producers, traders and manufacturers.

Article 13

ADMISSION OF OBSERVERS

(1) The Council may invite any non-Member that is a Member of the United Nations or of any of its Specialized Agencies to attend any of its meetings as an Observer.

(2) The Council may also invite any of the organizations referred to in paragraph (1) of Article 12 to attend any of its meetings as an Observer.

Article 14

COMPOSITION OF THE EXECUTIVE COMMITTEE

(1) The Executive Committee shall consist of eight exporting Members and eight importing Members, who shall be elected for each quota year in accordance with Article 15 and may be re-elected.

(2) Each Member of the Executive Committee shall appoint one representative and may appoint in addition one or more alternates and advisers.

(3) The Executive Committee shall appoint its Chairman for each quota year. He shall not have the right to vote and may be re-appointed.

(4) The Executive Committee shall meet at the headquarters of the Organization unless it decides otherwise. If any Member invites the Executive Committee to meet elsewhere than at the headquarters of the Organization, that Member shall pay the additional costs involved.

Article 15

ELECTION OF THE EXECUTIVE COMMITTEE

(1) The exporting and importing Members of the Executive Committee shall be elected in the Council by the exporting and the importing Members of the Organization respectively. The election within each category shall be held in accordance with the following paragraphs of this Article.

(2) Each Member shall cast all the votes to which it is entitled under Article 9 for a single candidate. A Member may cast for another candidate any votes which it exercises pursuant to paragraph (2) of Article 10.

(3) The eight candidates receiving the largest number of votes shall be elected; however, no candidate shall be elected on the first ballot unless it receives at least 70 votes.

(4) If less than eight candidates are elected on the first ballot, further ballots shall be held in which only Members which did not vote for any of the candidates elected shall have the right to vote. In each further ballot, the minimum number of votes required for election shall be successively diminished by five, until eight candidates are elected.

(5) Any Member which did not vote for any of the Members elected may assign its votes to one of them subject to paragraphs (6) and (7) of this Article.

(6) A Member shall be deemed to have received the number of votes originally cast for it when it was elected and, in addition, the number of votes assigned to it, provided that the total number of votes shall not exceed 299 for any Member elected.

(7) If the votes deemed received by an elected Member would otherwise exceed 299 Members which voted for or assigned their votes to such elected Member shall arrange among themselves for one or more of them to withdraw their votes from that Member and assign or re-assign them to another elected Member so that the votes received by each elected Member shall not exceed the limit of 299.

Article 16

DELEGATION OF POWERS BY THE COUNCIL TO THE EXECUTIVE COMMITTEE

(1) The Council, by special vote, may delegate to the Executive Committee the exercise of any or all of its powers, other than the following :

- (a) approval of the administrative budget and assessment of contributions;
- (b) determination of initial export quotas under paragraph (1) (b) of Article 45, action under paragraph (2) (e) of Article 49 and decision under paragraph (2) of Article 40;
- (c) suspension of voting and other rights of a Member under paragraph (3) of Article 58;
- (d) relief from obligations under Article 56;
- (e) decision of disputes under Article 57;
- (f) exclusion of a Member from the Agreement under Article 68;
- (g) termination of the Agreement under Article 70;
- (h) recommendations of amendments under Article 71;
- (i) revision of price levels in accordance with paragraph (4) of Article 48.

(2) The Council may at any time revoke any delegation of powers to the Executive Committee.

Article 17

VOTING PROCEDURE AND DECISIONS OF THE EXECUTIVE COMMITTEE

(1) Each Member of the Executive Committee shall be entitled to cast the number of votes received by it under the provisions of Article 15, and cannot divide these votes.

(2) Without prejudice to the provisions of paragraph (1) of this Article and by informing the Chairman in writing, any exporting or importing Member which is not a Member of the Executive Committee and which has not assigned its votes under paragraph (5) of Article 15, may, subject to the provisions of paragraph (6) of Article 15, authorize any exporting or importing Member of the Executive Committee, as appropriate, to represent its interests and to cast its votes in the Executive Committee.

(3) Any decisions taken by the Executive Committee shall require the same majority as that decision would require if taken by the Council.

(4) Any Member shall have the right of appeal to the Council, under such conditions as the Council shall prescribe in its Rules of Procedure, against any decision of the Executive Committee.

Article 18

QUORUM FOR THE COUNCIL AND THE EXECUTIVE COMMITTEE

(1) The quorum for any meeting of the Council shall be the presence of a majority of the Members representing a distributed two-thirds majority of the total votes. If there is no quorum on the day appointed for the opening of any Council session, or if in the course of any Council session there is no quorum at three successive meetings, the Council shall be convened seven days later; at that time and throughout the remainder of that session the quorum shall be the presence of a majority of the Members representing a distributed simple majority of the votes. Representation in accordance with paragraph (2) of Article 10 shall be considered as presence.

(2) The quorum for any meeting of the Executive Committee shall be the presence of a majority of the Members representing a distributed two-thirds majority of the total votes.

Article 19

THE EXECUTIVE DIRECTOR AND THE STAFF

(1) The Council, after having consulted the Executive Committee, shall appoint the Executive Director by special vote. The terms of appointment of the Executive Director shall be fixed by the Council in the light of those applying to corresponding officials of similar intergovernmental organizations.

(2) The Executive Director shall be the chief administrative officer of the Organization and shall be responsible for the performance of any duties devolving upon him in the administration of the Agreement.

(3) The Executive Director shall appoint the staff in accordance with regulations established by the Council. In framing such regulations the Council shall have regard to those applying to officials of similar intergovernmental organizations.

(4) Neither the Executive Director nor any member of the staff shall have any financial interest in the sugar industry or sugar trade.

(5) The Executive Director and the staff shall not seek or receive instructions regarding their duties under the Agreement from any Member or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization. Each Member shall respect the exclusively international character of the responsibilities of the Executive Director and the staff and shall not seek to influence them in the discharge of their responsibilities.

CHAPTER IV

PRIVILEGES AND IMMUNITIES

Article 20

PRIVILEGES AND IMMUNITIES

(1) The Organization shall have legal personality. It shall in particular have the capacity to contract, acquire and dispose of movable and immovable property and to institute legal proceedings.

(2) The Member in whose territory the headquarters of the Organization is situated (hereinafter referred to as "the host Member") shall as soon as possible after the entry into force of the Agreement, conclude with the Organization an agreement to be approved by the Council relating to the status, privileges and immunities of the Organization, of its Executive Director, its staff and experts and of representatives of Members while in the territory of the host Member for the purpose of exercising their functions.

(3) The Agreement envisaged in paragraph (2) of this Article shall be independent of the Agreement and shall prescribe the conditions for its own termination.

(4) Unless any other taxation arrangements are implemented under the agreement envisaged in paragraph (2) of this Article the host Member :

- (a) shall grant exemption from taxation on the remuneration paid by the Organization to its employees, except that such exemption need not apply to its own nationals; and
- (b) shall grant exemption from taxation on the assets, income and other property of the Organization.

CHAPTER V

FINANCE

Article 21

FINANCE

(1) The expenses of delegations to the Council, representatives on the Executive Committee and representatives on any of the committees of the Council or of the Executive Committee shall be met by the Members concerned.

(2) The expenses necessary for the administration of the Agreement shall be met by annual contributions from Members, assessed in accordance with Article 22. If, however, a Member requests special services, the Council may require that Member to pay for them.

(3) Appropriate accounts shall be kept for the administration of the Agreement.

(4) The financial year of the Organization shall be the same as the quota year.

Article 22

DETERMINATION OF THE ADMINISTRATIVE BUDGET AND ASSESSMENT OF CONTRIBUTIONS

(1) During the second half of each financial year, the Council shall approve the administrative budget of the Organization for the following financial year and shall assess the contribution of each Member to that budget.

(2) The contribution of each Member to the administrative budget for each financial year shall be in the proportion which the number of its votes at the time administrative budget for that financial year is approved bears to the total votes of all the Members. In assessing contributions, the votes of each Member shall be calculated without regard to the suspension of any Member's voting rights or any redistribution of votes resulting therefrom.

(3) The initial contribution of any Member joining the Organization after the entry into force of the Agreement shall be assessed by the Council on the basis of the number of votes to be held by it and the period remaining in the current financial year, but the assessment made upon other Members for the current financial year shall not be altered.

(4) If the Agreement comes into force more than eight months before the beginning of the first full financial year of the Organization, the Council shall at its first session approve an administrative budget covering the period up to the commencement of the first full financial year. Otherwise the first administrative budget shall cover both the initial period and the first full financial year.

Article 23

PAYMENT OF CONTRIBUTIONS

(1) Contributions to the administrative budget for each financial year shall be payable in freely convertible currency and shall become due on the first day of that financial year.

(2) If at the end of five months after the beginning of the financial year a Member has not paid its full contribution to the administrative budget, the Executive Director shall request the Member to make payment as quickly as possible. If at the expiration of two months after the request of the Executive Director the Member has still not paid its contribution, the Member shall be suspended from the exercise of its right to vote in the Council and in the Executive Committee until such time as it has made full payment of the contribution.

(3) A Member whose voting rights have been suspended under paragraph (2) of this Article shall not be deprived of any of its other rights or relieved of any of its obligations under the Agreement, unless the Council so decides by special vote. It shall remain liable to pay its contribution and to meet any other financial obligations under the Agreement.

Article 24

AUDIT AND PUBLICATION OF ACCOUNTS

As soon as possible after the close of each financial year, an independently audited statement of the Organization's accounts and balance sheet for that financial year shall be presented to the Council for approval and publication.

CHAPTER VI

GENERAL UNDERTAKINGS BY MEMBERS

Article 25

UNDERTAKINGS BY MEMBERS

(1) Members undertake to adopt such measures as are necessary to enable them to fulfil their obligations under the Agreement and fully to co-operate with one another in securing the attainment of the objectives of the Agreement.

(2) Members undertake to make available and supply all such statistics and information as the Rules of Procedure may prescribe as necessary to enable the Organization to discharge its functions under the Agreement.

Article 26

VERIFICATION OF EXPORTS AND IMPORTS

(1) The Council may, at any time, adopt measures to ascertain the quantities of sugar exported to, or imported from, the free market by Members. Such measures may include the issue of certificates of origin and other shipping or export documents.

(2) The Council may, by special vote, decide that the export or import of sugar by Members shall comply with such measures concerning documentation as it may adopt under paragraph (1) of this Article.

Article 27

LABOUR STANDARDS

Members shall ensure that fair labour standards are maintained in their respective sugar industries and, as far as possible, shall endeavour to improve the standard of living of agricultural and industrial workers in the various branches of sugar production, and of growers of sugar cane and of sugar beet.

CHAPTER VII

SPECIAL OBLIGATIONS OF IMPORTING MEMBERS
AND OF OTHER MEMBERS WHICH IMPORT SUGAR*Article 28*PROTECTION OF EXPORTING MEMBERS AGAINST THE EFFECTS
OF EXPORTS BY NON-MEMBERS

(1) To prevent non-Members from gaining advantage at the expense of Members, each Member undertakes for each quota year :

- (a) not to permit the import from non-Members as a group of a total quantity of sugar greater than the average of the quantities imported from those non-Members as a group over the three year period 1966-1968; and
- (b) to prohibit all imports of sugar from non-Members, if, and as long as, the prevailing price is below the level specified in paragraph (2) (j) of Article 48.

(2) The limitation and the prohibition specified in paragraph (1) of this Article shall not apply to the importation of quantities of sugar purchased :

- (a) for the purposes of sub-paragraph (a) of that paragraph, during any period when, by virtue of paragraph (2) (d) of Article 48, quotas are inoperative; and
- (b) for the purpose of sub-paragraph (b) of that paragraph, before the fall of the prevailing price below the level specified in paragraph (2) (j) of Article 48,

provided that such purchases are notified to the Council by the Member concerned.

(3) The years referred to in paragraph (1) (a) of this Article may be varied by the Council in respect of any Member, on the application of that Member, if the Council is satisfied that there are special reasons for such variation.

(4) During the first year of the Agreement and pending the assumption, in respect of their re-export trade, by Members which import sugar of their obligations under paragraph (1) of this Article, procedures for safeguarding the maintenance of their re-export trade and of the supply of sugar to them by exporting Members shall be established between such importers and the exporters supplying them with sugar for re-export.

(5) Any Member which considers that it cannot fully carry out its obligations under this Article, or that these obligations damage or threaten to damage its re-export trade in sugar or trade in sugar-containing products, may be relieved of its obligations under paragraph (1) of this Article if, and to the extent that, the Council decides by special vote. The Council shall define in its Rules of Procedure the circumstances in which, and the conditions under which, Members may be relieved of their obligations, having regard in particular to exceptional and urgent cases arising in the course of customary trade.

(6) The Council shall provide in its Rules of Procedure for the preparation and presentation of reports to each session of the Council, and of a comprehensive report after the completion of each quota year, showing, *inter alia*, for the period covered in each report :

- (a) the quantities of sugar exported by non-Members to all destinations, and
- (b) the quantities imported by Members from non-Members.

(7) Any import by a Member from a non-Member in excess of the quantities which it is permitted to import under this Article shall be deducted from the quantity which such Member would otherwise be permitted to import in the immediately following quota year, unless the Council decides otherwise.

(8) The Council shall, within 45 days of the commencement of a quota year, relieve exporting Members of their obligations for that quota year under Article 30 towards importing Members which have not satisfactorily fulfilled, in the immediately preceding year, their obligations under this Article.

Article 29

IMPORTERS' CO-OPERATION IN DEFENCE OF THE PRICE

Should the Council deem it desirable, it shall make recommendations to Members which import sugar regarding ways and means of assisting exporting Members in their endeavour to ensure that sales take place at prices consistent with the appropriate provisions of the Agreement.

CHAPTER VIII

SPECIAL OBLIGATIONS OF EXPORTING MEMBERS

Article 30

ASSURANCES AND COMMITMENTS IN RESPECT OF SUPPLIES

(1) Exporting Members undertake that, whenever the prevailing price is above the level specified in paragraph (2) (j) of Article 48, they will offer, in a manner consistent with the traditional trading patterns between the Members concerned and within the limits imposed by the export quotas in effect, supplies of sugar to importing Members sufficient to enable them to meet their normal import requirements from the free market.

(2) (a) Ten days after the prevailing price rises above 4.75 cents per pound, sugar held as minimum stocks under the provisions of Article 53 shall be released and offered for prompt sale and prompt shipment to importing Members. Unless the Council decides otherwise the amount of sugar so released shall be 50 per cent of the total quantity held at the time under the provisions of Article 53;

(b) Ten days after the prevailing price rises above 5.00 cents per pound the total quantity of remaining stocks held under the provisions of Article 53 shall be released and offered for prompt sale and prompt shipment to importing Members unless the Council decides otherwise by special vote.

(3) Should the prevailing price exceed 5.25 cents per pound, exporting Members shall give priority on commercially equal terms to importing Members as against non-Members in all offers of sales to the free market made while the prevailing price exceeds 5.25 cents per pound.

(4) (a) If, despite the provisions of paragraph (2) of this Article, the prevailing price should exceed 6.50 cents per pound, each importing Member shall, subject to paragraphs (7), (8) (b), (10) and (12) of this Article, have the option of purchasing from each of its traditional exporting Members, at prices not exceeding the equivalent of the supply commitment price, a quantity of sugar determined in the following manner :

- (i) if the prevailing price should rise above 6.50 cents per pound during the four months preceding the relevant quota year or should be above that level on the September 1, preceding the relevant quota year, the balance of the base commitment;
- (ii) if the prevailing price should rise above 6.50 cents per pound during the first quarter of the relevant quota year, or should be above that level on the first day of that quota year, 75 per cent of the base commitment, or the balance of the base commitment, whichever is less;
- (iii) if the prevailing price should rise above 6.50 cents per pound during the second quarter of the relevant quota year or should be above that level on April 1 of that quota year, 50 per cent of the base commitment, or the balance of the base commitment, whichever is less;
- (iv) if the prevailing price should rise above 6.50 cents per pound during the seventh or eighth month of the relevant quota year or should be above that level on July 1 of that quota year, 25 per cent of the base commitment, or the balance of the base commitment, whichever is less;
- (v) if the prevailing price should rise above 6.50 cents per pound during the final four months of the relevant quota year, or should be above that level on September 1 of that quota year, the supply commitment shall apply to the subsequent quota year in accordance with paragraph (4) (a) (i) of this Article.

(b) In this Article:

- (i) "traditional exporting Member" means an exporting Member which exported free market sugar to the importing Member concerned during the previous two calendar years and "traditional importing Member" has a corresponding meaning;
- (ii) "base commitment" means, for the second and each subsequent year of the Agreement, the average of the quantities of free market sugar exported by the exporting Member to the importing Member concerned during the two preceding calendar years;

- (iii) "balance of the base commitment" means the base commitment less any quantities already shipped or committed for shipment at or below prices equivalent to the supply commitment price during the relevant quota year;
- (iv) "supply commitment price" shall be equivalent to the price referred to in paragraph (4) (a) of this Article for raw sugar, basis 96 degrees polarization, basis f.o.b. and stowed Caribbean port in bulk. However, any exporting Member may ask a higher supply commitment price, if it can show that it would at that time, be eligible for such higher price under one of the special arrangements referred to in chapter X.

(c) The price of white or refined sugar made available for purchase under the provisions of this paragraph may include a reasonable processing margin.

(5) The supply commitments to a given importing Member shall not be drawn upon in a manner which would result in total supplies obtained by that Member in the relevant quota year exceeding its normal requirements for domestic consumption and for re-export for normal current domestic consumption by other importing Members.

(6) No exporting Member shall be required to supply sugar under this Article in a manner, quality, or form inconsistent with its normal trade practices or with its existing supplies of various qualities and forms of export sugar.

(7) Should an importing Member fail fully to exercise its option to purchase under any one of the provisions of paragraph (4) (a) of this Article within thirty days of the coming into effect of that provision the exporting Member concerned shall be released from any unexercised remainder of its supply obligations to that importing Member under that particular provision for the balance of the relevant period.

(8) (a) The provisions of paragraph (1) and (3) to (7) inclusive of this Article shall apply to importing Members which export sugar in the same way as they apply to exporting Members, provided that, in the case of re-exports, the quantities made available for purchase shall be in proportion to the supplies which the importing Members concerned receive from Members under the provisions of this Article.

(b) The proviso in the foregoing sub-paragraph shall also apply to re-exports by exporting Members.

(9) The Council shall set up a Supply Commitment Committee to ensure the orderly and equitable operation of the provisions of this Article. The Committee shall give early consideration to recommending to the Council

such measures as seem necessary to achieve the objectives of this Article in a manner consistent with practical shipping and marketing procedures. In particular, the Committee may recommend :

- (a) the submission of information necessary for the effective implementation of the obligations under this Article;
- (b) procedures for the effective application of the provisions of this Article to Members which import sugar re-exported by importing Members;
- (c) means by which individual supply commitments may be adjusted, without varying the total commitment of any exporting Member and without affecting the total commitment to any importing Member, to conform with practical shipping and marketing constraints or with recent changes in marketing patterns;
- (d) procedures for the review of, and reporting on, the operation of this Article;
- (e) procedures for establishing the equivalent prices for implementing paragraph (4) of this Article, as appropriate to the trade between the various Members.

(10) If any exporting Member cannot, in any particular quota year, supply the total of its base commitments to its traditional importing Members as a group, it shall as soon as possible inform the Council to that effect. After consideration of the circumstances the Council shall apportion the sugar available from the exporting Member concerned amongst its traditional importing Members in accordance with such criteria as it deems appropriate.

(11) Any Member which considers that the obligations under this Article are not being fulfilled may bring the matter before the Council. Without prejudice to the provisions of Article 58, the Council shall consider the representations in consultation with the Members concerned and shall make such recommendations as it considers appropriate.

(12) The obligations accepted by exporting Members under this Article shall be in addition to and consistent with their rights and obligations under the special arrangements referred to in chapter X but shall neither interfere with nor detract from those rights and obligations.

(13) The supply commitments under this Article shall not apply to the following developing land-locked countries : Bolivia, Paraguay and Uganda.

(14) Nothing in this Article shall oblige an exporting Member on the east coast of South America to accept a supply commitment price of less than 6.50 cents per pound, raw sugar, basis 96 degrees polarization, basis f.o.b. and stowed port of origin.

Article 31

TERMS OF SALE TO NON-MEMBERS

(1) Exporting Members shall not sell sugar on the free market to non-Members on terms commercially more favourable than those which they would be prepared to offer at the same time to Members which import sugar from the free market, taking into account normal trade practices, traditional trade arrangements and the provisions of Article 28.

(2) Any Member which imports sugar from the free market and which has reason to believe that an exporting Member has not fulfilled its obligations under paragraph (1) of this Article may make representations to the Executive Director. If, after consultations with the Members concerned, the Executive Director believes that further action is required, he may take whatever measures he deems appropriate to resolve the matter.

(3) Nothing in this Article shall prevent any exporting Member from giving more favourable commercial terms to developing importing countries.

Article 32

UNDERTAKINGS ON QUOTAS

(1) Each exporting Member shall ensure that its net exports to the free market in a quota year do not exceed its quota in effect at the end of that year. To this end, no exporting Member shall, before the determination of initial export quotas under the provisions of Article 45 for a quota year, commit for export to the free market in that quota year more than its minimum export entitlement under the provisions of paragraph (2) of Article 49. Furthermore, exporting Members shall adopt such additional measures as the Council, by special vote, may establish to ensure the effective compliance with the quota system.

(2) Any exporting Member whose net exports do not exceed its quota in effect at the end of the quota year by more than 10,000 tons or 5 per cent of its basic export tonnage, whichever is less, shall not be considered as being in breach of paragraph (1) of this Article.

(3) Any excess in net exports within the tolerance referred to in paragraph (2) of this Article shall be deducted from the quota in effect of the Member concerned in the following quota year.

(4) Any first excess in net exports beyond the tolerance referred to in paragraph (2) of this Article shall be similarly deducted from the quota in effect of the Member concerned in the following quota year, such deduction being without prejudice to the provisions of Article 58.

(5) If an exporting Member, for a second or subsequent time, exceeds its quota in effect at the end of a quota year, an amount equal to twice the excess beyond the tolerance referred to in paragraph (2) of this Article shall be deducted from that Member's quota in effect in the following year, unless the Council, by special vote, decides on a lesser deduction. Any deduction under this paragraph shall be without prejudice to the provisions of Article 58.

(6) Each exporting Member shall notify the Council before April 1 in any quota year of its total net exports to the free market in the previous quota year.

CHAPTER IX

PRICES

Article 33

BASES

(1) For the purposes of the Agreement, the price of sugar shall be deemed to be:

- (a) the arithmetical average of the spot price under the New York Coffee and Sugar Exchange Sugar Contract No. 8 and the London Sugar Market daily price after conversion of both these prices to US cents per pound avoirdupois free on board and stowed Caribbean port, in bulk, or
- (b) if the difference between the two prices referred to in sub-paragraph (a) above is more than six points, the lower of the two prices plus three points.

(2) Where in the Agreement reference is made to the prevailing price being above or below any stated figure, that condition shall be deemed to be fulfilled if the average price over a period of seventeen consecutive market days has been above or below the stated figure, as the case may be, provided

that the price on the first day of the period and on not less than twelve days within the period has also been above or below the stated figure, as the case may be.

(3) In the event of either of the prices referred to in paragraph (1) (a) of this Article not being available or not representing the price at which sugar is being sold basis 96 degrees polarization on the free market, the Council shall by special vote decide to use such other criteria as it deems fit. Such criteria shall be based on spot quotations on recognized sugar exchanges, taking into consideration the respective volume of trade and adequacy of reflection of world prices by such exchanges.

CHAPTER X

SPECIAL ARRANGEMENTS

Article 34

SPECIAL ARRANGEMENTS

(1) None of the provisions of the other chapters of the Agreement shall interfere with or restrict the rights and obligations of Members under the special arrangements referred to in Articles 35, 36, 37, 38 and 39. These special arrangements shall be dealt with as provided for in those Articles, subject to paragraphs (2) to (4) of this Article.

(2) Members recognize that the basic export tonnages specified in Article 40 are based on the continuity and stability of the special arrangements referred to in Articles 35, 36, 37, 38 and 39. If there is any change in the membership of one or more of the special arrangements referred to in Articles 35, 36, 37 and 38 and this change affects a Member or Members, or if there is any significant change in the position of one or more Members participating in one or more of these arrangements, the Council shall meet to consider appropriate compensating adjustments to the basic export tonnages specified in Article 40 in accordance with the following provisions :

(a) Subject to sub-paragraphs (b), (c) and (d) of this paragraph, the basic export tonnages of the Member or Members involved shall be reduced by the full extent of any increase (or increased by, or established at a level equal to, the full extent of any reduction) in their annual export entitlements under the special arrangement or arrangements involved, resulting from the changes in membership or position referred to above;

(b) Where compensating adjustments have been made under sub-paragraph (a) of this paragraph, the Council shall also establish any necessary transitional arrangements covering the year in which such changes occur;

(c) Where compensating adjustments as envisaged in sub-paragraphs (a) and (b) of this paragraph cannot be made to the basic export tonnages established in Article 40, because the changes in membership or position in the special arrangements referred to above involve a major structural change in the sugar market or a significant change in the position of any major supplier or suppliers under any such special arrangement, the Council shall make recommendations to the Contracting Parties for an amendment of the Agreement under the provisions of Article 71 or for the immediate re-negotiation of the basic export tonnages. Pending the incorporation of changes in basic export tonnages resulting from such amendment or re-negotiation, the changes in, or establishment of, basic export tonnages shall be applied on a provisional basis;

(d) Any Member or Members not satisfied with the results of the re-negotiation under sub-paragraph (c) of this paragraph may withdraw from the Agreement in accordance with the provisions of Article 67.

(3) Members which import sugar under the special arrangements referred to in Articles 35, 37 and 38 shall arrange for the Council to be informed of the details of those arrangements, of the amounts of sugar imported under them in each year of the Agreement, and of any change in the nature of those arrangements, within 30 days of its occurrence.

(4) Members participating in any of the special arrangements mentioned in Articles 35 to 39 inclusive shall conduct their sugar trade within those arrangements in a manner which shall not prejudice the objectives of the Agreement. Where special arrangements involve re-exports of sugar to the free market, Members participating in such arrangements shall take such measures as they deem appropriate to ensure that, in those cases where there are no quantitative provisions in the relevant Articles of this chapter relating to such re-exports, any increase of trade under those arrangements over and above the quantities annually traded before the entry into force of the Agreement does not result in an increase of re-exports to the free market.

Article 35

EXPORTS UNDER THE COMMONWEALTH SUGAR AGREEMENT OF 1951

Exports to the United Kingdom of Great Britain and Northern Ireland under the Commonwealth Sugar Agreement of 1951 up to the amount of the

Negotiated Price Quotas in effect under that Agreement shall not be charged against quotas in effect under chapter XI of this Agreement.

Article 36

EXPORTS BY CUBA TO SOCIALIST COUNTRIES

(1) Exports by Cuba to the socialist countries shall not be charged against its quota in effect under chapter XI, except as provided for in paragraphs (3) and (4) of this Article.

(2) The countries referred to in paragraph (1) of this Article are Albania, Bulgaria, Czechoslovakia, Eastern Germany, Hungary, Poland, Romania, the Union of Soviet Socialist Republics, Yugoslavia, China (mainland), Mongolia, North Korea, North Viet-Nam.

(3) The provisions of paragraph (1) of this Article shall not apply to exports by Cuba to Czechoslovakia, Hungary and Poland in excess of 250,000 tons.

(4) Without prejudice to the provisions of paragraph (1) of this Article, if exports to the free market by Eastern Germany and China (mainland) exceed, in any quota year, a total amount of 300,000 tons, such excess shall be deducted from Cuba's quota in effect under chapter XI of the Agreement for the immediately following quota year, but only if, and to the extent that, Cuba's exports to those countries in the same quota year were more than 910,000 tons. During the first quota year of the Agreement, the Council shall establish procedures for calculating the annual exports of Eastern Germany and China (mainland) to the free market.

Article 37

EXPORTS UNDER THE AFRICAN AND MALAGASY SUGAR AGREEMENT

Exports covered by the African and Malagasy Sugar Agreement up to the amount of the Guaranteed Price Quota under that Agreement shall not be charged against quotas in effect under chapter XI of this Agreement.

Article 38

EXPORTS TO THE UNITED STATES OF AMERICA

Exports of sugar to the United States of America for consumption therein shall not be charged against quotas in effect under chapter XI of the Agreement. Notwithstanding any other provision of the Agreement applicable to importing Members, the obligations of the United States under the Agreement shall not be effective beyond 1971 and shall be restricted to those provided for in the Agreement which are not in conflict with its domestic legislation.

Article 39

STATUS OF, AND EXPORTS BY, THE UNION OF SOVIET SOCIALIST REPUBLICS

(1) Without prejudice to Article 36, all imports by the Union of Soviet Socialist Republics from all origins shall be taken into account and shall therefore give the USSR the status of an importing Member of the Agreement.

(2) Without prejudice to its status as established in paragraph (1) of this Article, the USSR shall undertake on becoming party to the Agreement to limit its total exports of sugar to the free market in 1969 to 1.1 million tons. Towards the end of 1969, and towards the end of 1970, the Council shall determine the corresponding quantities for 1970 and for 1971 respectively which shall be not less than 1.1 million tons nor more than 1.25 million tons in each of those years.

(3) The quantity specified in paragraph (2) of this Article for 1969 and the tonnages to be subsequently established for 1970 and 1971 under that paragraph shall not include any exports by the USSR to those countries referred to in paragraph (2) of Article 36.

(4) Exports by the USSR under the provisions of paragraph (2) of this Article shall not be subject to any reduction under chapter XI of the Agreement.

(5) The USSR shall not be bound by paragraph (2) of this Article during any period when, by virtue of paragraph (2) (d) of Article 48, quotas are inoperative.

CHAPTER XI

REGULATION OF EXPORTS

Article 40

BASIC EXPORT TONNAGES

(1) (a) For the purposes of this chapter and during the first three years of the Agreement the exporting countries or groups of countries shall have the following basic export tonnages :

| <i>Column I</i> (countries) | <i>Column II</i> (tonnages in thousand tons) | <i>Column III</i> (tonnages in thousand tons) |
|--------------------------------|--|---|
| Argentina | 25 | |
| Australia | 1,100 | |
| Bolivia | | 10 |
| Brazil | 500 | |
| British Honduras | 22 | |
| China (Taiwan) | 630 | |
| Columbia | 164 | |
| Congo (Brazzaville) | 41 | |
| Cuba | 2,150 | |
| Czechoslovakia | 270 | |
| Denmark | 41 | |
| Dominican Republic | 75 | |
| Ecuador | | 10 |
| Fiji | 155 | |
| Haiti | | 10 |
| Hungary | 51 | |
| India | 250 | |
| Madagascar | 41 | |
| Mauritius | 175 | |
| Mexico | 96 | |
| Panama | | 10 |
| Paraguay | | 10 |
| Peru | 50 | |
| Poland | 370 | |
| Romania | 46 | |
| South Africa | 625 | |
| Swaziland | 55 | |
| Thailand | 36 | |
| Turkey | 60 | |
| Uganda | 39 | |
| Venezuela | | 17 |

| Column I (countries) | Column II (tonnages in thousand tons) | Column III (tonnages in thousand tons) |
|--|---|--|
| Central American Common Market Pool (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua) | | 55 |
| European Economic Community (Belgium, Luxembourg, Federal Republic of Ger- many, France, Italy, Netherlands) | 300 | |
| West Indies (Antigua, Barbados, Guyana, Jamaica, St. Kitts- Nevis-Anguilla, Trinidad and Tobago) | 200 | |

(b) Notwithstanding the provisions of sub-paragraph (a) of this paragraph, the basic export tonnages of the countries listed below shall be as follows for 1970 and 1971 :

| | 1970 (tonnages in thousand tons) | 1971 (tonnages in thousand tons) |
|-----------------------------|-------------------------------------|-------------------------------------|
| Argentina | 55 | 55 |
| Dominican Republic. | 140 | 186 |
| Peru. | 75 | 100 |

(2) When conducting the review referred to in paragraph (2) of Article 70, the Council shall by special vote determine the basic export tonnages for the fourth and fifth years of the Agreement. In the absence of a decision by the Council, the basic export tonnages listed or deemed to be listed in paragraph (1) of this Article for the third year shall remain in force.

(3) Where basic export tonnages in paragraph (1) of this Article are allocated to countries as groups, any shortfalls by any one country in a group shall be re-distributed among the other members in that group.

(4) For the purposes of the distribution of their basic export tonnage and of re-distribution under paragraph (3) of this Article and under Article 47, countries in the Central American Common Market Pool shall be deemed to participate with equal shares in the total basic export tonnage of the Pool.¹

¹ The perusal of the records of the International Sugar Conference, 1968, had revealed that an error occurred in all five authentic texts of paragraph (4) of article 40 of the Agreement, where instead of a reference to "paragraph 2", there should have been a reference to "paragraph 3" of the same article. Having obtained the consent of the Governments of all States concerned, the Secretary-General rectified the said error in the original of the Agreement, drew up on 24 November 1969 a procès-verbal of rectification and communicated a copy thereof to all States concerned. The said procès-verbal was registered *ex officio* on the same date and will be published in Vol. 700 of the United Nations *Treaty Series*. The correct text of paragraph (4) of article 40 is reproduced herein.

(5) Exports by Uganda within the East African Community up to a total amount of 10,000 tons shall not be charged against its quota in effect; this amount shall not be subject to any adjustments under this chapter. Should Kenya and Tanzania become exporting Members, the provisions of paragraph (3) of this Article shall apply to the three countries of the East African Community if they so request.

(6) Notwithstanding the provisions of Article 36, all imports by Czechoslovakia, Hungary and Poland, irrespective of their origin, shall be deducted from those countries' total exports when calculating their net exports to the free market.

(7) The fact that one of the developing land-locked countries with a basic export tonnage of 10,000 tons has not used all of its quota in effect, or shortfall allotments, in one or more years while the Agreement is in force, shall not be a ground for considering that it has not fulfilled its obligations under the Agreement, thereby incurring the cancellation of its basic tonnage in subsequent revisions of this Article.

Article 41

MAXIMUM NET EXPORT ENTITLEMENTS

(1) Indonesia shall have a net export entitlement of up 81,000 tons in any quota year of the Agreement. This entitlement shall not be subject to any adjustments under this chapter.

(2) The Philippines shall have a net export entitlement of up to 60,000 tons in any quota year when the level of the aggregate of quotas in effect is above 100 per cent of the total of basic export tonnages. This entitlement shall not be subject to any adjustments under this chapter.

Article 42

OTHER PERMISSIBLE NET EXPORTS

A developing Member which is an importing Member may, after due notification to the Council before the beginning of a quota year, export sugar in quantities exceeding its imports, provided that, by the end of that quota year, its net exports do not exceed 10,000 tons. Such entitlement shall not be considered as a basic export tonnage and shall not be subject to any adjustments under this chapter. The Members concerned shall, however, comply with such conditions as may be prescribed by the Council in respect of exports by exporting Members.

Article 43

DONATIONS OF SUGAR

(1) Donations of sugar by an exporting Member, other than those provided for in paragraphs (2) and (3) of this Article, shall be charged to the quota in effect of the donor Member and shall be governed by the provisions of the Agreement limiting exports to the free market.

(2) Donations of sugar by an exporting Member through assistance programmes of the United Nations or of any of its Specialized Agencies shall not be charged to the quota in effect of the donor Member, unless the Council so decides.

(3) The Council shall lay down the conditions under which donations of sugar by an exporting Member other than those under paragraph (2) of this Article shall not be charged to the quota in effect of the donor Member. These conditions shall provide, *inter alia*, for prior consultation and adequate safeguards to normal patterns of trade. No sugar so donated shall qualify for exemption under this paragraph unless it is exclusively for domestic consumption in the recipient countries.

(4) All donations of sugar by an exporting Member shall be notified promptly to the Council by the donor Member. Without prejudice to paragraphs (2) and (3) of this Article, in any case in which a Member considers that any donations are causing or are likely to cause prejudice to its interests, it may request the Council to examine the matter. The Council shall thereupon examine the matter and make such recommendations as it deems appropriate.

(5) In its Annual Report the Council shall include a report on developments concerning donations of sugar.

Article 44

HARDSHIP FUND

(1) The Council shall establish a special hardship fund of up to 150,000 tons in each quota year which shall be available at its discretion to meet special cases of hardship among developing Members which have sugar available for export over and above their permitted level of exports under the Agreement.

(2) Priority in the allocation of the fund shall be given to small developing Members whose export earnings are heavily dependent upon the export of sugar. Special consideration shall also be given to the claims of those

Members whose economy is becoming increasingly dependent upon sugar, including Members with no past performance in the free market. Attention shall also be given to the needs of certain Members burdened with excessive stocks at the time the Agreement was negotiated.

(3) The Council shall establish a Hardship Relief Committee to consider claims submitted under paragraphs (1) and (2) of this Article and to make recommendations to the Council on such claims. The Committee shall generally take into account the prevailing market situation, but may recommend relief in cases of individual hardship irrespective of the market situation. The recommendations of the Committee shall be given effect to by the Council unless amended by special vote.

(4) The Committee shall be composed of an independent Chairman and no more than six Members who shall act in their personal capacities and without instructions from any Government. In selecting the members of the Committee, the Council shall ensure that they do not represent any interests likely to be affected by a decision on the allocation of the fund.

(5) An allocation from the hardship fund shall not be considered as constituting an increase in the basic export tonnage of the Member concerned and shall not be subject to any adjustments under this chapter. It shall, however, form part of the quota in effect of that Member for the purposes of Article 32.

Article 45

DETERMINATION OF INITIAL EXPORT QUOTAS

- (1) At least thirty days before the beginning of a quota year, the Council
- (a) shall make an estimate of the import requirements of the free market during that year; and
 - (b) in the light of that estimate and of all factors affecting the demand for, and the supply of, sugar, including the quantities likely to be exported to the free market by non-Members, shall assign initial export quotas for that year to all the exporting Members, as provided in Article 49.

(2) At its first regular session in each quota year, the Council shall review the estimates referred to in paragraph (1) of this Article and shall consider whether, in the light of this review, action is required in relation to the general level of quotas in effect. At the same time, the Council shall review the supplies likely to be available under individual quotas in effect and shall, if it considers it desirable, exercise its powers under paragraph (2) of Article 47.

(3) The Executive Director shall notify all Members of the initial export quotas of exporting Members under paragraph (1) or (2) of this Article and of any subsequent changes in those quotas under any provision of the Agreement.

Article 46

NOTICE OF, AND ACTION ON, UNUSED QUOTAS

(1) Each exporting Member shall keep the Council informed as to whether or not it expects that it will use all of its quota in effect and, if not, of what part of that quota it expects will not be used. For this purpose, each exporting Member shall make at least two notifications to the Council as follows : one, as soon as possible after the initial export quotas have been allotted under Article 45, but not later than May 15, and another, as soon as possible after May 15, but not later than September 30.

(2) If an exporting Member fails to submit to the Council by May 15 the first notification referred to in paragraph (1) of this Article it shall have its voting rights suspended for the remainder of the quota year.

(3) If an exporting Member fails to submit to the Council by September 30 the second notification referred to in paragraph (1) of this Article, it shall not be eligible to share in any subsequent reallocation of shortfalls under Article 47 in that quota year.

(4) If the net exports of an exporting Member to the free market during a quota year fall short of its quota in effect on October 1 of that quota year, less any subsequent net reduction as a result of the operation of Article 48, the difference shall, subject to paragraphs (5) and (6) of this Article, be deducted from the total amount of sugar which would otherwise have been allocated to that Member in the subsequent quota year as a result of short-fall reallocations under the provisions of Article 47.

(5) Deductions under paragraph (4) of this Article shall be made only to the extent that the difference as established under that paragraph exceeds 10,000 tons or 5 per cent of the basic export tonnage of the Member concerned, whichever is the larger.

(6) The Council may, however, decide not to apply the provisions of paragraphs (2) to (4) of this Article, if it is satisfied by an explanation from the Member concerned that it did not fulfil its obligations by reasons of *force majeure*.

Article 47

SHORTFALLS AND THEIR RE-DISTRIBUTION

(1) Where an exporting Member has made a notification pursuant to paragraph (1) of Article 46 that it does not expect to use all of its quota in effect, its quota in effect shall be forthwith reduced by such amount as may be specified in the notification. Thereafter and for the balance of the quota year, such Member shall not participate in any quota increases under the provisions of this chapter, unless it notifies the Council that it is in a position to accept increases in its quota in effect.

(2) The Council may, after consultation with an exporting Member, determine that such Member will be unable to use all or part of its quota in effect. Such determination by the Council shall not have the effect of reducing the quota in effect of the Member concerned nor of depriving that Member of its right to fill that quota later in the quota year. A determination by the Council under this paragraph shall not relieve the Member concerned of its obligations under paragraph (1) of Article 46 nor exempt it from the measures referred to in paragraphs (2) to (4) of that Article.

(3) The Council shall take account of the effects on the current supply/demand position of the notifications made under Article 46 and of any determination by itself under paragraph (2) of this Article and, subject to the relevant provisions of paragraph (2) of Article 48, shall decide whether such shortfalls should, or should not, be re-distributed in whole or in part. Whenever the level of the aggregate of quotas in effect is to be increased under paragraph (2) of Article 48, any accumulated undistributed shortfall shall be first re-distributed in accordance with the provisions of paragraphs (4) and (5) of this Article to the extent required.

(4) The Council may specify the conditions in which shortfalls shall not be re-distributed, but in any event there shall be no re-distribution of shortfalls when the prevailing price is below the level specified in paragraph (2) (i) of Article 48, except in accordance with paragraph (6) of this Article. Re-distribution of shortfalls shall be made only among such exporting Members as are able to accept increases in their quotas in effect. When a Member is not in a position to use all or part of the quota increase resulting from the re-distribution, it shall immediately notify the Council to that effect; such quantities as cannot be accepted shall again be re-distributed in accordance with paragraph (5) of this Article.

(5) Subject to the provisions of paragraphs (3) and (4) of Article 46 and to paragraph (6) of this Article, the following principles shall apply in all cases where shortfalls are to be re-distributed :

- (a) shortfalls shall be first re-distributed, pro rata to their basic export tonnages, among all exporting Members whose quotas in effect are below 100 per cent of their respective basic export tonnages until these reach that level; and
- (b) thereafter, 20 per cent of any shortfall to be re-distributed shall be allotted exclusively to developing exporting Members, pro rata to their basic export tonnages, the remaining 80 per cent being again distributed among all exporting Members, pro rata to their basic export tonnages.

(6) Notwithstanding the provisions of paragraph (4) of this Article, shortfalls by Bolivia, Ecuador, Haiti, Panama, Paraguay and Venezuela shall be re-distributed automatically among those Members pro rata to their basic export tonnages. Such shortfalls as cannot be taken up by those Members as a group, shall be subject to the provisions of paragraphs (3), (4) and (5) of this Article.

Article 48

ESTABLISHMENT AND ADJUSTMENT OF QUOTA LEVELS

(1) The Council shall keep the market situation under review and shall meet whenever circumstances so require.

(2) The Council shall have discretion to establish the level of the initial export quotas and to increase or reduce the level of quotas in effect, subject to paragraph (2) of Article 49 and to the following provisions :

(a) Unless the Council decides otherwise, the aggregate of the initial export quotas shall be established at the level of the aggregate of quotas in effect at the time when the Council takes action under paragraph (1) of Article 45;

(b) When the prevailing price is above 4.00 cents per pound, the aggregate of quotas in effect shall not be restrained below the total of basic export tonnages, unless the Council, by special vote, decides otherwise;

(c) If the prevailing price, having been at lower levels, rises above 4.50 cents per pound, the aggregate of quotas in effect shall not be restrained below 110 per cent of the total of basic export tonnages, unless the Council, by special vote, decides otherwise;

(d) If, and as long as, the prevailing price exceeds 5.25 cents per pound, all quotas shall be inoperative;

(e) If the prevailing price, having been above 5.25 cents per pound, moves below 5.00 cents per pound, quotas in effect shall be established at levels which do not in aggregate exceed 115 per cent of the total of basic export tonnages, unless the Council decides otherwise;

(f) When the prevailing price, having been at higher levels, moves below 4.50 cents per pound, individual quotas in effect shall be reduced by 5 per cent of the basic export tonnages of the Members concerned, unless the Council decides otherwise;

(g) When the prevailing price, having been at higher levels, moves below 4.00 cents per pound, individual quotas in effect shall be reduced by 5 per cent of the basic export tonnages of the Members concerned, unless the Council decides otherwise;

(h) If the prevailing price, having been at higher levels, moves below 3.75 cents per pound, the aggregate of quotas in effect shall not be more than 95 per cent of the total of basic export tonnages, unless the Council decides otherwise;

(i) If the prevailing price is at or below 3.50 cents per pound, individual quotas in effect shall be at the minimum level compatible with paragraphs (2) (a) and (2) (b) of Article 49, unless the Council, by special vote, decides on a higher level;

(j) If the prevailing price, having been at higher levels, reaches 3.25 cents per pound, the Council shall have recourse to paragraph (2) (e) of Article 49;

(k) No reduction in the level of quotas in effect shall be made within the last 45 calendar days of the quota year.

(3) Such adjustments of levels of quotas in effect as might be necessary to meet the requirements of paragraph (2) of this Article shall be made as soon as the price conditions of that paragraph have been fulfilled and shall be applied pending such further adjustments as might be decided by the Council within the provisions of that paragraph.

(4) When conducting the review referred to in paragraph (2) of Article 70, the Council shall, by special vote, determine for the fourth and fifth years of the Agreement the price levels for the purposes of this Article and of Article 30. In the absence of a decision by the Council, the price levels specified in these Articles shall remain unchanged.

*Article 49*ALLOCATION OF INITIAL EXPORT QUOTAS AND APPLICATION OF QUOTA LEVEL
ADJUSTMENTS TO INDIVIDUAL MEMBERS

(1) The allocation of initial export quotas under Article 45 and changes in the aggregate of quotas in effect under Article 48 in any quota year shall be made in respect of individual exporting Members pro rata to their basic export tonnages, except as specifically provided for in paragraph (2) of this Article.

(2) The allocation of initial export quotas under Article 45 and adjustments of quotas in effect resulting from the application of Articles 48 shall be subject to the following provisions :

(a) The quota in effect of any Member with a basic export tonnage in Column II of paragraph (1) of Article 40 shall not be initially established at less than, or subsequently reduced below, 90 per cent of its basic export tonnage, except to give effect to any charges or deductions made under Articles 32 and 47, or except as a result of any action under sub-paragraph (e) of this paragraph;

(b) The quota in effect of any Member with a basic export tonnage in Column III of paragraph (1) of Article 40 shall not be subject to any adjustment resulting from the application of the provisions of paragraph (2) of Article 48;

(c) A quantity surrendered by any exporting Member under paragraph (1) of Article 46 shall be deducted from the amount by which the quota in effect of that Member would otherwise be reduced in the same quota year;

(d) Where a quota reduction cannot be fully applied to the quota in effect of any exporting Member because at the time the reduction is made that Member has already exported or sold all or part of the amount of such reduction, a corresponding amount shall be deducted from the quota in effect of that Member in the following quota year;

(e) If the market situation requires additional measures in order to achieve the price objectives of the Agreement, the Council may by special vote establish quotas in effect at, or reduce them, below the minimum percentage of basic export tonnages permissible under sub-paragraph (a) of this paragraph, provided that, in no event, may the levels of quotas in effect established under this sub-paragraph be lower than those permissible under sub-paragraph (a) of this paragraph by more than 5 per cent of the basic export tonnages of the Members concerned.

CHAPTER XII

SUPPORT MEASURES AND ACCESS TO MARKETS

Article 50

SUPPORT MEASURES

(1) Members recognize that subsidies on the production or marketing of sugar which operate directly or indirectly to increase exports of sugar or to reduce imports of sugar may endanger the fulfilment of the objectives of the Agreement.

(2) If any Member grants or maintains any such subsidy, including any form of income or price support, it shall, during each quota year, notify the Council in writing of the extent and nature of the subsidization and of the circumstances making the subsidization necessary. The notification referred to in this paragraph shall be given at the request of the Council, which request shall be made at least once each quota year in such form and at such time as may be provided in the Rules of Procedure of the Council.

(3) In any case in which a Member considers that serious prejudice to its interests under this Agreement is caused or threatened by such subsidization, the Member granting the subsidy shall, upon request, discuss with the other Member or Members concerned, or with the Council, the possibility of limiting the subsidization. In any case in which the matter is brought before the Council, the Council may examine the case with the Members concerned and make such recommendations as it deems appropriate, bearing in mind the particular circumstances of the Member granting the subsidies.

Article 51

SPECIAL UNDERTAKINGS BY DEVELOPED IMPORTING MEMBERS

(1) Each developed importing Member shall ensure access to its market for imports from exporting Members as provided in Annex A.

(2) Each Member listed in Annex A shall adopt such measures as it deems appropriate to its own circumstances in order to carry out its undertakings under paragraph (1) of this Article.

(3) The conditions to be established by the Council in agreement with the Government of a developed importing country wishing to accede to the Agreement in accordance with Article 64 shall include a reference to that Government's arrangements in relation to access to its market.

CHAPTER XIII

STOCKS

Article 52

MAXIMUM STOCKS

(1) Each exporting Member undertakes to adjust its production so that either :

- (a) total stocks held by that Member shall not exceed on a fixed date immediately preceding the start of the new crop, such date to be agreed with the Council, an amount equal to 20 per cent of its production in the immediately preceding calendar year; or
- (b) the quantity of sugar held by that Member over and above stocks for domestic consumption requirements shall not exceed, on a fixed date each year immediately precedings the start of the new crop, such date to be agreed with the Council, an amount equal to 20 per cent of its basic export entitlement.

(2) On becoming a Member of the Agreement, each exporting Member shall notify the Council which of the two alternatives in paragraph (1) it accepts as applicable to it.

(3) On application by an exporting Member the Council may, if it considers that such action is justified by special circumstances, authorize that Member to hold quantities in excess of the amounts laid down in paragraph (1) of this Article.

Article 53

MINIMUM STOCKS

(1) For the purposes of this Article minimum stocks shall be the quantities of uncommitted sugar held by an exporting Member (or on its behalf by another Member with the consent of the Council) which are additional to any stocks required to meet the needs of domestic consumers and any obligations under the special arrangements referred to in chapter X.

(2) The levels of minimum stocks held under this Article shall be as follows :

- (a) for developed exporting Members : 15 per cent of their individual basic export tonnages;

(b) for developing exporting Members : 10 per cent of their individual basic export tonnages; this percentage can be increased up to 12 1/2 per cent in individual instances with the agreement of the exporting Member concerned.

(3) The minimum stocks held by each exporting Member shall be made available for sale under the provisions of Article 30. In special circumstances, however, the Council may, by special vote, authorize individual exporting Members to release a portion of minimum stocks in situations other than those specified in paragraph (2) of Article 30.

(4) If, owing to special circumstances, an exporting Member believes that it cannot hold during a given year the minimum stocks as fixed in this Article it shall state its case to the Council, which may by special vote vary for a specified period the amount of minimum stocks to be held by the Member concerned.

(5) The Council shall adopt procedures covering the establishment, maintenance and replenishment of minimum stocks and shall establish procedures to ensure that the obligations under this Article are being met.

CHAPTER XIV

ANNUAL REVIEW AND MEASURES TO ENCOURAGE CONSUMPTION

Article 54

ANNUAL REVIEW

(1) The Council shall as far as possible in each quota year review the operation of the Agreement in the light of the objectives set out in Article 1 and the effects of the Agreement on the market and on the economies of individual countries, and in particular of the developing countries, in the preceding quota year. The Council shall then formulate recommendations to Members regarding ways and means of improving the functioning of the Agreement.

(2) The report of each annual review shall be published in such form and manner as the Council may decide.

Article 55

MEASURES TO ENCOURAGE CONSUMPTION

(1) Bearing in mind the relevant objectives of the Final Act of the first session of UNCTAD, each Member shall take such action as it deems appropriate to encourage the consumption of sugar and to remove any obstacles which restrict the growth of sugar consumption. In so doing, each Member shall have regard to the effects on sugar consumption of customs duties, internal taxes and fiscal charges and quantitative or other controls, and to all other important factors relevant to an assessment of the situation.

(2) Each Member shall periodically inform the Council of the measures it has adopted under paragraph (1) of this Article and of their effects.

(3) The Council shall establish a Sugar Consumption Committee composed of both exporting and importing Members.

(4) The Committee shall study such matters as :

- (a) the effects on sugar consumption of the use of any form of substitutes for sugar, including synthetic sweeteners;
 - (b) the relative tax treatment of sugar and synthetic sweeteners;
 - (c) the effects of (i) taxation and restrictive measures (ii) economic conditions and in particular balance of payments difficulties and (iii) climatic and other conditions, on the consumption of sugar in different countries;
 - (d) means of promoting consumption, particularly in countries where consumption per caput is low;
 - (e) co-operation with agencies concerned with the expansion of consumption of sugar and other related foodstuffs;
 - (f) research into new uses of sugar, its by-products and the plants from which it is derived,
- and shall submit to the Council such recommendations as it deems desirable for appropriate action by Members or by the Council.

CHAPTER XV

RELIEF FROM OBLIGATIONS IN EXCEPTIONAL CIRCUMSTANCES

Article 56

RELIEF FROM OBLIGATIONS

(1) Where it is necessary on account of exceptional circumstances or emergency or *force majeure* not expressly provided for in the Agreement, the Council may, by special vote, relieve a Member of an obligation under the Agreement if it is satisfied by an explanation from that Member that the implementation of that obligation constitutes a serious hardship for, or imposes an inequitable burden on, such Member.

(2) The Council, in granting relief to a Member under the terms of paragraph (1) of this Article, shall state explicitly the terms and conditions on which, and the period for which, the Member is relieved of such obligation, and the reasons for which the relief is granted.

(3) The existence in the country of a Member, in one or more years, of exportable sugar in excess of that Member's basic export entitlement, after providing for domestic consumption and stocks, shall not constitute the sole basis for application to the Council for a waiver of quota obligations.

CHAPTER XVI

DISPUTES AND COMPLAINTS

Article 57

DISPUTES

(1) Any dispute concerning the interpretation or application of the Agreement, which is not settled among the parties involved, shall, at the request of any party to the dispute, be referred to the Council for decision.

(2) In any case where a dispute has been referred to the Council under paragraph (1) of this Article, a majority of Members holding not less than one third of the total votes may require the Council, after discussion, to seek the opinion of an advisory panel constituted under paragraph (3) of this Article on the issue in dispute before giving its decision.

(3) (a) Unless the Council unanimously agrees otherwise, the panel shall consist of :

- (i) two persons, one having wide experience in matters of the kind in dispute and the other having legal standing and experience, nominated by the exporting Members;
- (ii) two such persons nominated by the importing Members; and
- (iii) a Chairman selected unanimously by the four persons under (i) and (ii) or, if they fail to agree, by the Chairman of the Council.

(b) Persons from countries of all Members shall be eligible to serve on the advisory panel.

(c) Persons appointed to the advisory panel shall act in their personal capacities and without instructions from any Government.

(d) The expenses of the advisory panel shall be paid by the Organization.

(4) The opinion of the advisory panel and the reasons therefor shall be submitted to the Council; and the Council, after considering all the relevant information, shall decide the dispute by special vote.

Article 58

ACTION BY THE COUNCIL ON COMPLAINTS AND ON NON-FULFILMENT OF OBLIGATIONS BY MEMBERS

(1) Any complaint that any Member has failed to fulfil its obligations under the Agreement shall, at the request of the Member making the complaint, be referred to the Council, which, subject to prior consultation with the Members concerned, shall make a decision on the matter.

(2) Any finding by the Council that a Member is in breach of its obligations under the Agreement shall be made by a simple distributed majority and shall specify the nature of the breach.

(3) Whenever the Council, whether as the result of a complaint or otherwise, finds that a Member has committed a breach of the Agreement it may, without prejudice to such other measures as are specifically provided for in other Articles of the Agreement, by special vote :

- (i) suspend that Member's voting rights in the Council and in the Executive Committee; and, if it deems it necessary

- (ii) suspend further rights of such Member, including that of being eligible for, or of holding office in the Council or in any of its Committees until it has fulfilled its obligations; or, if such breach significantly impairs the operation of the Agreement
- (iii) take action under Article 68.

CHAPTER XVII

FINAL PROVISIONS

*Article 59**Signature*

The Agreement shall be open for signature at United Nations Headquarters until and including December 24, 1968 by any Government invited to the United Nations Sugar Conference 1968.

Article 60

RATIFICATION

The Agreement shall be subject to ratification, acceptance or approval by the signatory Governments in accordance with their respective constitutional procedures. Except as provided in Article 61, instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations not later than December 31, 1968.

Article 61

NOTIFICATION BY GOVERNMENTS

(1) If a signatory Government is unable to comply with the requirements of Article 60 within the time-limit specified in that Article, it may notify the Secretary-General of the United Nations that it is undertaking to seek ratification, acceptance or approval in accordance with the constitutional procedures required as rapidly as possible and in any case not later than July 1, 1969. Any Government for which conditions of accession have been established by the Council in agreement with that Government may also notify the Secretary-General of the United Nations that it is undertaking to satisfy the constitutional procedures required to accede to the Agreement as rapidly as possible and at least within a six-month period of such conditions being established.

(2) Any signatory Government which has given a notification in accordance with paragraph (1) of this Article may, if the Council is satisfied that it cannot deposit its instrument of ratification, acceptance, or approval by July 1, 1969, be permitted to deposit such instrument at a later date but in any case not later than December 31, 1969. Any such Government shall have the status of an Observer until it has indicated that it will apply the Agreement provisionally.

Article 62

INDICATION TO APPLY THE AGREEMENT PROVISIONALLY

(1) Any Government which gives a notification pursuant to Article 61 may also indicate in its notification, or at any time thereafter, that it will apply the Agreement provisionally.

(2) During any period the Agreement is in force, either provisionally or definitively, and before the deposit of its instrument of ratification, acceptance, approval or accession or the withdrawal of its indication, a Government indicating that it will apply the Agreement provisionally shall be a provisional Member of the Agreement until the time-limit contained in the notification given under Article 61 expires. If, however, the Council is satisfied that the Government concerned has not deposited its instrument owing to difficulties in completing its constitutional procedures, the Council may extend that Government's provisional Member status until some later specified date.

(3) A provisional Member of the Agreement shall, pending ratification, acceptance or approval of, or accession to the Agreement, be regarded as being a Contracting Party thereto.

Article 63

ENTRY INTO FORCE

(1) The Agreement shall enter definitively into force on January 1, 1969, or on any date within the following six months, if by that date Governments holding 60 per cent of the votes of the exporting countries and 50 per cent of the votes of the importing countries in accordance with the distribution established in Annex B have deposited their instruments of ratification, acceptance or approval with the Secretary-General of the United Nations. It shall also enter definitively into force at any time thereafter that it is

provisionally in force and these percentage requirements are satisfied by the deposit of instruments of ratification, acceptance, approval or accession.

(2) The Agreement shall enter provisionally into force on January 1, 1969, or on any date within the following six months, if by that date Governments holding the number of votes required under paragraph (1) of this Article have deposited their instruments of ratification, acceptance or approval or have indicated that they will apply the Agreement provisionally. During the period the Agreement is provisionally in force Governments that have deposited an instrument of ratification, acceptance, approval or accession as well as those Governments that have indicated that they will apply the Agreement provisionally shall be provisional Members of the Agreement.

(3) On January 1, 1969, or on any date within the following twelve months and at the end of each subsequent six-month period during which the Agreement is provisionally in force, the Governments of any of those countries which have deposited instruments of ratification, acceptance, approval or accession may decide to put the Agreement definitively into force among themselves in whole or in part. These Governments may also decide that the Agreement shall enter provisionally into force, or continue provisionally in force, or lapse.

Article 64

ACCESSION

(1) Any Government invited to the United Nations Sugar Conference, 1968, and any other Government that is a Member of the United Nations or of any of its Specialized Agencies may accede to the Agreement upon conditions that shall be established by the Council in agreement with that Government. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

(2) The Council may, in establishing the conditions referred to in the preceding paragraph, by special vote, determine a basic export tonnage, which shall be deemed to be listed in Article 40 :

- (a) for a country which is not listed in that Article;
- (b) for a country which is listed in that Article but does not accede within twelve months of the date of entry into force of the Agreement; provided, however, that if such country is listed in Article 40 and it accedes within twelve months of the date of entry into force of the Agreement the relative tonnage figures specified in that Article shall be applicable to such country.

Article 65

RESERVATIONS

(1) No reservations other than those mentioned in paragraph (2) of this Article may be made with regard to any of the provisions of the Agreement.

(2) (a) Any Government which was, on December 31, 1968, a Party with one or more reservations to the International Sugar Agreement 1958 or to any of the succeeding protocols may, on signature, ratification, acceptance, approval of, or accession to this Agreement, make reservations similar in terms or in effect to those previous reservations.

(b) Any Government entitled to become Party to the Agreement may, on signature, ratification, acceptance, approval or accession make reservations which do not affect the economic functioning of the Agreement. Any dispute as to whether a particular reservation comes within this subparagraph shall be settled in accordance with the procedure contained in Article 57.

(c) In any other instance where reservations are made, the Council shall examine them and decide, by special vote, whether, and if so under what conditions, they are to be accepted. Such reservations will only become effective after the Council has taken its decision on the matter.

Article 66

TERRITORIAL APPLICATION

(1) Any 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 the Agreement shall extend to any of the territories for whose international relations it is for the time being ultimately responsible and the Agreement shall extend to the territories named therein from the date of such notification or from the date on which the Agreement enters into force for that Government, whichever is the later.

(2) When a territory to which the Agreement has been extended under paragraph (1) of this Article subsequently attains independence, the Government of that territory may, within 90 days after the attainment of independence, declare by notification to the Secretary-General of the United Nations that it has assumed the rights and obligations of a Contracting Party to the Agreement. It shall, as from the date of such notification, become a Party to the Agreement. If such Party is an exporting country and is not listed in

Article 40, the Council shall, after consultation with such Party, establish by special vote a basic export tonnage for it which shall be deemed to be listed in Article 40. If such Party is listed in Article 40, the respective basic export tonnage specified therein shall be the basic export tonnage for that Party.

(3) Any Contracting Party which desires to exercise its rights under Article 4 in respect of any of the territories for whose international relations it is for the time being ultimately responsible may do so by making a notification to that effect to the Secretary-General of the United Nations, either at the time of the deposit of its instrument of ratification, acceptance, approval or accession, or at any later time. If the territory which becomes a separate Member is an exporting country and is not listed in Article 40, the Council after consultation with such country shall establish by special vote a basic export tonnage for it which shall be deemed to be listed in Article 40. If such territory is listed in Article 40, the respective basic export tonnage specified therein shall be the basic export tonnage for that territory.

(4) Any Contracting Party which has made a declaration under paragraph (1) of this Article may at any time thereafter, by notification to the Secretary-General of the United Nations, declare that the Agreement shall cease to extend to the territory named in the notification, and the Agreement shall cease to extend to such territory from the date of such notification.

Article 67

VOLUNTARY WITHDRAWAL

If any Member considers that its interests are seriously prejudiced by operation of the Agreement or from any other cause, it may state its case to the Council and the Council shall, within thirty days, examine the matter. If the Member concerned considers that notwithstanding the Council's intervention its interests continue to be seriously prejudiced, it may withdraw from the Agreement at any time after the end of the first quota year by giving written notice of withdrawal to the Secretary-General of the United Nations. Withdrawal shall be effective ninety days after the receipt of the notice by the Secretary-General of the United Nations.

Article 68

EXCLUSION

If the Council finds that any Member is in breach of its obligations under the Agreement and decides further that such failure significantly impairs the operation of the Agreement, it may, by special vote, exclude such Member

from the Organization. The Council shall immediately notify the Secretary-General of the United Nations of any such decision. Ninety days after the date of the Council's decision, that Member shall cease to be a Member of the Organization and, if such Member is a Contracting Party, a Party to the Agreement.

Article 69

SETTLEMENT OF ACCOUNTS WITH WITHDRAWING OR EXCLUDED MEMBERS

(1) The Council shall determine any settlement of accounts with a withdrawing or excluded Member. The Organization shall retain any amounts already paid by a withdrawing or excluded Member, and such Member shall remain bound to pay any amounts due from it to the Organization at the time of the withdrawal or exclusion becomes effective; provided, however, that in the case of a Contracting Party which is unable to accept an amendment and consequently either withdraws or ceases to participate in the Agreement under the provisions of paragraph (2) of Article 71, the Council may determine any settlement of accounts which it finds equitable.

(2) A Member which has withdrawn or been excluded from, or has otherwise ceased to participate in the Agreement shall not be entitled to any share of the proceeds of liquidation or the other assets of the Organization; nor shall it be burdened with any part of the deficit, if any, of the Organization upon termination of the Agreement.

Article 70

DURATION AND REVIEW

(1) The Agreement shall remain in force for five years from the beginning of the quota year in which it first enters into force, whether provisionally or definitively, unless it is sooner terminated by the Council under paragraph (3) of this Article.

(2) The Council shall, before the end of the third quota year, review the operation of the Agreement and recommend an amendment or amendments of it to the Parties thereto, if it deems necessary, or make arrangements for the negotiation of a new agreement.

(3) The Council may at any time decide, by special vote, to terminate the Agreement with effect from such date and subject to such conditions as it may determine. In any such event the Council shall continue in being for such time as may be required to carry out the liquidation of the Organization and shall have such powers and exercise such functions as may be necessary for those purposes.

Article 71

AMENDMENT

(1) The Council may, by special vote, recommend an amendment of the Agreement to the Contracting Parties. The Council may fix a time after which each Contracting Party shall notify the Secretary-General of the United Nations of its acceptance of the amendment. The amendment shall become effective 100 days after the Secretary-General of the United Nations has received notifications of acceptance from Contracting Parties representing at least 75 per cent of the exporting Members holding at least 85 per cent of the votes of the exporting Members, and from Contracting Parties representing at least 75 per cent of the importing Members holding at least 80 per cent of the votes of the importing Members or on such later date as the Council by special vote may have determined. The Council may fix a time within which each Contracting Party shall notify the Secretary-General of the United Nations of its acceptance of the amendment and, if the amendment has not become effective by such time, it shall be considered withdrawn. The Council shall provide the Secretary-General with the information necessary to determine whether the notifications of acceptance received are sufficient to make the amendment effective.

(2) Any Member on behalf of which notification of acceptance of an amendment has not been made by the date on which such amendment becomes effective may, by giving written notice to the Secretary-General of the United Nations, withdraw from the Agreement at the end of the current quota year or on such earlier date as the Council may decide but shall not thereby be released from any obligations arising out of the Agreement prior to its withdrawal. Any such withdrawing Member shall not be bound by the provisions of the amendment occasioning its withdrawal.

Article 72

NOTIFICATION BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

The Secretary-General of the United Nations shall notify all States Members of the United Nations or of any of its Specialized Agencies of each deposit of an instrument of ratification, acceptance, approval or accession, and of each deposit of a notification under Article 61; and of the dates on which the Agreement comes provisionally or definitively into force. The Secretary-General shall notify all Contracting Parties of each notification under Article 66, of each notice of withdrawal under Article 67, of each exclusion under Article 68, of the date on which an amendment becomes

effective or is considered withdrawn under paragraph (1) of Article 71, and of withdrawal from the Agreement under paragraph (2) of Article 71.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments, have signed this Agreement on the dates appearing opposite their signatures.

The texts of this Agreement in the Chinese, English, French, Russian and Spanish languages shall all be equally authentic. The originals shall be deposited in the archives of the United Nations, and the Secretary-General shall transmit certified copies thereof to each signatory or acceding Government.

ANNEX A

SPECIAL UNDERTAKINGS BY DEVELOPED IMPORTING MEMBERS IN ACCORDANCE WITH ARTICLE 51

In accordance with Article 51 the undermentioned developed importing countries have given the following undertakings :

Canada will operate its internal policies so as not to provide incentives to sugar production beyond a level representing 20 per cent of domestic consumption.

Finland will not increase its area used for the growing of sugar beet above 25,000 hectares.

Japan will aim to import each year not less than 1,500,000 tons and, in addition, a quantity of sugar equivalent to 35 per cent of the future growth in its domestic consumption over and above 2,100,000 tons.

New Zealand will, it is envisaged, continue to import all the sugar required to meet its domestic consumption.

Sweden will continue its policy of limiting beet production and undertakes not to increase the area used for beet above the level to which it has been recently reduced, that is 40,000 hectares in round figures.

Switzerland will aim to ensure that not less than 70 per cent of its domestic consumption of sugar is met from imports.

The United Kingdom will import each year not less than 1,800,000 tons of sugar.

NOTE. — Norway is importing all the sugar required to meet its domestic consumption.

ANNEX B

ALLOCATION OF VOTES FOR THE PURPOSES OF ARTICLE 63

Importers' votes

| <i>Country</i> | <i>Votes</i> |
|---|--------------|
| Bulgaria | 6 |
| Cameroon | 5 |
| Canada | 74 |
| Central African Republic | 5 |
| Chad | 5 |
| Ethiopia | 5 |
| Finland | 16 |
| Ghana. | 5 |
| Ireland | 7 |
| Ivory Coast | 5 |
| Japan | 138 |
| Kenya. | 5 |
| Lebanon | 5 |
| Liberia | 5 |
| Malawi | 5 |
| Malaysia. | 18 |
| Morocco | 25 |
| New Zealand. | 12 |
| Nigeria | 7 |
| Norway | 15 |
| Portugal | 5 |
| Spain | 13 |
| Sweden | 10 |
| Switzerland | 22 |
| Syria | 5 |
| Tunisia | 7 |
| Union of Soviet Socialist Republics | 200 |
| United Kingdom of Great Britain and Northern Ireland. | 153 |
| United States of America | 200 |
| Viet-Nam (Republic of) | 17 |
| TOTAL : 1,000 | |

| <i>Country</i> | <i>Exporters' votes</i> | <i>Votes</i> |
|---------------------------------------|-------------------------|--------------|
| Argentina | | 9 |
| Australia. | | 109 |
| Bolivia. | | 5 |
| Brazil | | 70 |
| British Honduras | | 5 |
| China (Taiwan). | | 55 |
| Colombia | | 16 |
| Congo (Brazzaville) | | 5 |
| Costa Rica. | | 5 |
| Cuba | | 200 |
| Czechoslovakia | | 39 |
| Denmark | | 5 |
| Dominican Republic | | 20 |
| Ecuador | | 5 |
| El Salvador | | 5 |
| European Economic Community | | 62 |
| Fiji | | 16 |
| Guatemala | | 5 |
| Haiti | | 5 |
| Honduras | | 5 |
| Hungary. | | 9 |
| India | | 38 |
| Indonesia | | 10 |
| Madagascar | | 5 |
| Mauritius | | 23 |
| Mexico. | | 28 |
| Nicaragua | | 5 |
| Panama | | 5 |
| Paraguay | | 5 |
| Peru. | | 14 |
| Philippines. | | 28 |
| Poland. | | 41 |
| Romania. | | 7 |
| South Africa | | 60 |
| Swaziland | | 6 |
| Thailand | | 5 |
| Turkey | | 10 |
| Uganda | | 5 |
| Venezuela | | 5 |
| West Indies | | 45 |
| Antigua (5) | | |
| Barbados (5) | | |
| Guyana (11) | | |
| Jamaica (13) | | |
| St. Kitts-Nevis-Anguilla (5) | | |
| Trinidad and Tobago (6) | | |

TOTAL : 1,000

FOR AFGHANISTAN:

POUR L'AFGHANISTAN:

阿富汗:

За Афганистан:

POR EL AFGANISTÁN:

FOR ALBANIA:

POUR L'ALBANIE:

阿爾巴尼亞:

За Албанию:

POR ALBANIA:

FOR ALGERIA:

POUR L'ALGÉRIE:

阿爾及利亞:

За Алжир:

POR ARGELIA:

FOR ARGENTINA:
POUR L'ARGENTINE:
阿根廷:
За Аргентину:
POR LA ARGENTINA:

J. M. RUDA
24 Diciembre 1968

FOR AUSTRALIA:
POUR L'AUSTRALIE:
澳大利亞:
За Австралию:
POR AUSTRALIA:

Patrick SHAW
17 December 1968

FOR AUSTRIA:
POUR L'AUTRICHE:
奧地利:
За Австрию:
POR AUSTRIA:

FOR BARBADOS:

POUR LA BARBADE:

巴貝多:

За Барбадос:

FOR BARBADOS:

H. A. VAUGHAN

20th Dec. 1968

FOR BELGIUM:

POUR LA BELGIQUE:

比利時:

За Бельгию:

FOR BÉLGICA:

FOR BOLIVIA:

POUR LA BOLIVIE:

玻利維亞:

За Боливию:

FOR BOLIVIA:

FOR BOTSWANA:

POUR LE BOTSWANA:

波扎那:

За Ботсвана:

POR BOTSWANA:

FOR BRAZIL:

POUR LE BRÉSIL:

巴西:

За Бразилию:

POR EL BRASIL:

João Augusto DE ARAUJO CASTRO

18 December 1968

FOR BULGARIA:

POUR LA BULGARIE:

保加利亞:

За България:

POR BULGARIA:

FOR BURMA:

POUR LA BIRMANIE:

緬甸:

За Бирму:

FOR BIRMANIA:

FOR BURUNDI:

POUR LE BURUNDI:

布隆提:

За Бурунди:

FOR BURUNDI:

FOR THE BYELORUSSIAN SOVIET SOCIALIST REPUBLIC:

POUR LA RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE DE BIÉLORUSSIE:

白俄羅斯蘇維埃社會主義共和國:

За Белорусскую Советскую Социалистическую Республику:

FOR LA REPÚBLICA SOCIALISTA SOVIÉTICA DE BIELORRUSIA:

FOR CAMBODIA:

POUR LE CAMBODGE:

柬埔寨:

За Камбоджу:

FOR CAMBOYA:

FOR CAMEROON:

POUR LE CAMEROUN:

喀麥隆:

За Камерун:

FOR EL CAMERÚN:

FOR CANADA:

POUR LE CANADA:

加拿大:

За Канаду:

FOR EL CANADÁ:

George IGNATIEFF

19 December 1968

FOR THE CENTRAL AFRICAN REPUBLIC:

POUR LA RÉPUBLIQUE CENTRAFRICAINE:

中非共和國:

За Центральноафриканскую Республику:

POR LA REPÚBLICA CENTROAFRICANA:

FOR CEYLON:

POUR CEYLAN:

錫蘭:

За Цейлон:

POR CEILÁN:

FOR CHAD:

POUR LE TCHAD:

乍德:

За Чад:

POR EL CHAD:

FOR CHILE:

POUR LE CHILI:

智利:

За Чили:

POR CHILE:

FOR CHINA:

POUR LA CHINE:

中國:

За Китай:

POR CHINA:

Liu Chieh

16 December 1968

FOR COLOMBIA:

POUR LA COLOMBIE:

哥倫比亞:

За Колумбию:

POR COLOMBIA:

Julio César TURBAY

3 Dic. 1968

FOR THE CONGO (BRAZZAVILLE):

POUR LE CONGO (BRAZZAVILLE):

剛果 (布拉薩市):

За Конго (Браззавиль):

POR EL CONGO (BRAZZAVILLE):

FOR THE CONGO (DEMOCRATIC REPUBLIC OF):

POUR LE CONGO (RÉPUBLIQUE DÉMOCRATIQUE DU):

剛果 (民主共和國):

За Демократическую Республику Конго:

POR EL CONGO (REPÚBLICA DEMOCRÁTICA DE):

FOR COSTA RICA:

POUR LE COSTA RICA:

哥斯大黎加:

За Коста-Рику:

POR COSTA RICA:

FOR CUBA:
POUR CUBA:
古巴:
За Кубу:
POR CUBA:

ALARCÓN
18 December 1968

FOR CYPRUS:
POUR CHYPRE:
賽普勒斯:
За Кипр:
POR CHIPRE:

FOR CZECHOSLOVAKIA:
POUR LA TCHÉCOSLOVAQUIE:
捷克斯拉夫:
За Чехословакию:
POR CHECOSLOVAQUIA:

Dr. Z. ČERNÍK
23 December 1968

FOR DAHOMEY:

POUR LE DAHOMEY:

達荷美:

За Дагомею:

POR EL DAHOMEY:

FOR DENMARK:

POUR LE DANEMARK:

丹麥:

За Даниею:

POR DINAMARCA:

Otto Rose BORCH

Dec. 23 1968

FOR THE DOMINICAN REPUBLIC:

POUR LA RÉPUBLIQUE DOMINICAINE:

多明尼加共和國:

За Доминиканскую Республику:

POR LA REPÚBLICA DOMINICANA:

Horacio ORNES

18 Dic. /68

FOR ECUADOR:

POUR L'EQUATEUR:

厄瓜多:

За Эквадор:

POR EL ECUADOR:

FOR EL SALVADOR:

POUR EL SALVADOR:

薩爾瓦多:

За Сальвадор:

POR EL SALVADOR:

FOR EQUATORIAL GUINEA:

POUR LA GUINÉE ÉQUATORIALE:

赤道幾內亞:

За Экваториальную Гвинею:

POR GUINEA ECUATORIAL:

FOR ETHIOPIA:

POUR L'ETHIOPIE:

衣索比亞:

За Эфиопию:

FOR ETIOPIA:

FOR THE FEDERAL REPUBLIC OF GERMANY:

POUR LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE:

德意志聯邦共和國:

За Федеративную Республику Германии:

FOR LA REPÚBLICA FEDERAL DE ALEMANIA:

FOR FINLAND:

POUR LA FINLANDE:

芬蘭:

За Финляндию:

FOR FINLANDIA:

FOR FRANCE:

POUR LA FRANCE:

法蘭西:

За Францію:

FOR FRANCIA:

FOR GABON:

POUR LE GABON:

加彭:

За Габон:

FOR EL GABÓN:

FOR GAMBIA:

POUR LA GAMBIE:

岡比亞:

За Гамбю:

FOR GAMBIA:

FOR GHANA:

POUR LE GHANA:

迦納:

За Гану:

POR GHANA:

FOR GREECE:

POUR LA GRÈCE:

希臘:

За Грeцню:

POR GRECIA:

FOR GUATEMALA:

POUR LE GUATEMALA:

瓜地馬拉:

За Гватемалу:

POR GUATEMALA:

F. LÓPEZ URZÚA

Diciembre 18, 1968

FOR GUINEA:

POUR LA GUINÉE:

幾內亞:

За Гвинею:

FOR GUINEA:

FOR GUYANA:

POUR LA GUYANE:

蓋亞那:

За Гвиану:

FOR GUYANA:

Anne JARDIM

Dec. 23 1968

FOR HAITI:

POUR HAÏTI:

海地:

За Гаити:

FOR HAÏTI:

FOR THE HOLY SEE:

POUR LE SAINT-SIÈGE:

教廷:

За Святейший престол:

POR LA SANTA SEDE:

FOR HONDURAS:

POUR LE HONDURAS:

宏都拉斯:

За Гондурас:

POR HONDURAS:

H. LÓPEZ VILLAMIL

Diciembre 16 de 1968

FOR HUNGARY:

POUR LA HONGRIE:

匈牙利:

За Венгрию:

POR HUNGRIA:

Károly CSATORDAY

Dec. 23, 1968

FOR ICELAND:
POUR L'ISLANDE:
冰島:
За Исландию:
POR ISLANDIA:

FOR INDIA:
POUR L'INDE:
印度:
За Индию:
POR LA INDIA:

FOR INDONESIA:
POUR L'INDONÉSIE:
印度尼西亞:
За Индонезию:
POR INDONESIA:

Roeslan ABDULGANI
24 Dec. 1968

FOR IRAN:

POUR L'IRAN:

伊朗:

За Иран:

POR EL IRÁN:

FOR IRAQ:

POUR L'IRAK:

伊拉克:

За Ирак:

POR EL IRAK:

FOR IRELAND:

POUR L'IRLANDE:

愛爾蘭:

За Ирландию:

POR IRLANDA:

FOR ISRAEL:

POUR ISRAËL:

以色列:

За Израиль:

FOR ISRAEL: -

FOR ITALY:

POUR L'ITALIE:

義大利:

За Италию:

FOR ITALIA:

FOR THE IVORY COAST:

POUR LA CÔTE-D'IVOIRE:

牙象海岸:

За Берег Слоновой Кости:

FOR LA COSTA DE MARFIL:

FOR JAMAICA:
POUR LA JAMAÏQUE:
牙買加:
За Ямайку:
FOR JAMAICA:

Keith JOHNSON
3rd Dec. 1968

FOR JAPAN:
POUR LE JAPON:
日本:
За Японию:
FOR EL JAPÓN:

Senjin TSURUOKA
le 23 décembre 1968

FOR JORDAN:
POUR LA JORDANIE:
約旦:
За Иорданию:
FOR JORDANIA:

FOR KENYA:

POUR LE KENYA:

肯亞:

За Кении:

POR KENIA:

Burudi NABWERA

18 Dec. 1968

FOR KUWAIT:

POUR LE KOWEÏT:

科威特:

За Кувейт:

POR KUWAIT:

FOR LAOS:

POUR LE LAOS:

寮國:

За Лаос:

POR LAOS:

FOR LEBANON:

POUR LE LIBAN:

黎巴嫩:

За Ливан:

POR EL LÍBANO:

FOR LESOTHO:

POUR LE LESOTHO:

賴索托:

За Лесото:

POR LESOTHO:

FOR LIBERIA:

POUR LE LIBÉRIA:

賴比瑞亞:

За Либерию:

POR LIBERIA:

FOR LIBYA:

POUR LA LIBYE:

利比亞:

3a ЛИБИЯ:

POR LIBIA:

FOR LIECHTENSTEIN:

POUR LE LIECHTENSTEIN:

列支敦斯登:

3a ЛИХТЕНШТЕЙН:

POR LIECHTENSTEIN:

FOR LUXEMBOURG:

POUR LE LUXEMBOURG:

盧森堡:

3a ЛЮКСЕМБУРГ:

POR LUXEMBURGO:

FOR MADAGASCAR:
POUR MADAGASCAR:
馬達加斯加:
За Мадагаскар:
FOR MADAGASCAR:

B. RABETAFIKA
23 Décembre 1968

FOR MALAWI:
POUR LE MALAWI:
馬拉威:
За Малави:
FOR MALAWI:

FOR MALAYSIA:
POUR LA MALAISIE:
馬來亞聯邦:
За Малайскую Федерацию:
FOR MALASIA:

FOR THE MALDIVE ISLANDS:

POUR LES ÎLES MALDIVES:

馬爾代夫羣島:

За Мальдивские острова:

POR LAS ISLAS MALDIVAS:

FOR MALI:

POUR LE MALI:

馬利:

За Мали:

POR MALÍ:

FOR MALTA:

POUR MALTE:

馬耳他:

За Мальту:

POR MALTA:

FOR MAURITANIA:

POUR LA MAURITANIE:

茅利塔尼亞:

За Мавританию:

FOR MAURITANIA:

FOR MAURITIUS:

POUR MAURICE:

模里西斯:

За Маврикий:

FOR MAURICIO:

G. BALANCY

11. XII. 68

FOR MEXICO:

POUR LE MEXIQUE:

墨西哥:

За Мексику:

FOR MÉXICO:

F. CUEVAS

20. XII. 68

FOR MONACO:

POUR MONACO:

摩納哥:

За Монако:

POR MÓNACO:

FOR MONGOLIA:

POUR LA MONGOLIE:

蒙古:

За Монголию:

POR MONGOLIA:

FOR MOROCCO:

POUR LE MAROC:

摩洛哥:

За Марокко:

POR MARRUECOS:

FOR NEPAL:

POUR LE NÉPAL:

尼泊爾:

За Непал:

FOR NEPAL:

FOR THE NETHERLANDS:

POUR LES PAYS-BAS:

荷蘭:

За Нидерланды:

FOR LOS PAÍSES BAJOS:

FOR NEW ZEALAND:

POUR LA NOUVELLE-ZÉLANDE:

紐西蘭:

За Новую Зеландию:

FOR NUEVA ZELANDIA:

N. V. FARRELL

23 Dec. 1968

FOR NICARAGUA:
POUR LE NICARAGUA:
尼加拉瓜:
3a Никарагуа:
POR NICARAGUA:

José ROMÁN
Dec. 23, 1968

FOR THE NIGER:
POUR LE NIGER:
奈及爾:
3a Нигер:
POR EL NÍGER:

FOR NIGERIA:
POUR LA NIGÉRIA:
奈及利亞:
3a Нигерия:
POR NIGERIA:

FOR NORWAY:

POUR LA NORVÈGE:

挪威:

За Норвегию:

POR NORUEGA:

FOR PAKISTAN:

POUR LE PAKISTAN:

巴基斯坦:

За Пакистан:

POR EL PAQUISTÁN:

FOR PANAMA:

POUR LE PANAMA:

巴拿馬:

За Панаму:

POR PANAMÁ:

FOR PARAGUAY:

POUR LE PARAGUAY:

巴拉圭:

За Парагвай:

POR EL PARAGUAY:

FOR PERU:

POUR LE PÉROU:

秘魯:

3a Непы:

POR EL PERÚ:

El Gobierno del Perú, al firmar el Convenio Internacional del Azúcar, que se propone ratificar oportunamente, desea hacer constar por escrito las reservas que formula a todas aquellas estipulaciones del Convenio que puedan afectar el derecho del Perú a reclamar el aumento de su cuota de venta de azúcar cuando caso circunstancias especiales impidieran exportar a mercados internacionales, sujeto a acuerdos especiales.

Carlos MACKEHENIE

24 de Diciembre de 1968¹

Translation

¹The Government of Peru, in signing the International Sugar Agreement, 1968, which it proposes to ratify in due course, wishes to place on record its reservations to all those provisions of the Agreement which may affect the right of Peru to claim an increase in its sales quota for sugar whenever special circumstances prevent export to international markets, subject to special arrangements.

Carlos MACKEHENIE
24 December 1968

Traduction

¹En signant l'Accord international de 1968 sur le sucre, qu'il se propose de ratifier le moment venu, le Gouvernement péruvien tient à faire consigner ses réserves au sujet de toutes les dispositions de l'Accord qui peuvent porter atteinte au droit du Pérou de demander, sous réserve d'arrangements spéciaux, un accroissement de son contingent de vente de sucre lorsque des circonstances particulières entravent les exportations sur les marchés internationaux.

Carlos MACKEHENIE
24 décembre 1968

FOR THE PHILIPPINES:

POUR LES PHILIPPINES:

菲律賓:

За Филиппины:

POR FILIPINAS:

FOR POLAND:

POUR LA POLOGNE:

波蘭:

За Польшу:

POR POLONIA:

B. TOMOROWICZ

23rd Dec. 1968

FOR PORTUGAL:

POUR LE PORTUGAL:

葡萄牙:

За Португалию:

POR PORTUGAL:

Duarte VAZ PINTO

December 20th, 1968

FOR THE REPUBLIC OF KOREA:

POUR LA RÉPUBLIQUE DE CORÉE:

大韓民國:

За Корейскую Республику:

POR LA REPÚBLICA DE COREA:

FOR THE REPUBLIC OF VIET-NAM:

POUR LA RÉPUBLIQUE DU VIET-NAM:

越南共和國:

За Республику Вьетнам:

POR LA REPÚBLICA DE VIET-NAM:

FOR ROMANIA:

POUR LA ROUMANIE:

羅馬尼亞:

За Румынию:

POR RUMANIA:

FOR RWANDA:

POUR LE RWANDA:

盧安達:

За Руанду:

POR RWANDA:

FOR SAN MARINO:

POUR SAINT-MARIN:

聖馬利諾:

За Сан-Марино:

POR SAN MARINO:

FOR SAUDI ARABIA:

POUR L'ARABIE SAUDITE:

沙烏地阿拉伯:

За Саудовскую Аравию:

POR ARABIA SAUDITA:

FOR SENEGAL:

POUR LE SÉNÉGAL:

塞內加爾:

За Сенегал:

POR EL SENEGAL:

FOR SIERRA LEONE:

POUR LE SIERRA LEONE:

獅子山:

За Сьерра-Леоне:

POR SIERRA LEONA:

FOR SINGAPORE:

POUR SINGAPOUR:

新加坡:

За Сингапур:

POR SINGAPUR:

FOR SOMALIA:

POUR LA SOMALIE:

索馬利亞:

За Сомали:

FOR SOMALIA:

FOR SOUTH AFRICA:

POUR L'AFRIQUE DU SUD:

南非:

За Южную Африку:

FOR SUDÁFRICA:

M. I. BOTHA

12th December, 1968

FOR SOUTHERN YEMEN:

POUR LE YÉMEN DU SUD:

南也門:

За Южный Йемен:

FOR EL YEMEN MERIDIONAL:

FOR SPAIN:

POUR L'ESPAGNE:

西班牙:

За Испанию:

POR ESPAÑA:

FOR THE SUDAN:

POUR LE SOUDAN:

蘇丹:

За Судан:

POR EL SUDÁN:

FOR SWAZILAND:

POUR SOUAZILAND:

史瓦濟蘭:

За Свазиленд:

POR SWAZILANDIA:

S. T. M. SUKATI

23/12/1968

FOR SWEDEN:

POUR LA SUÈDE:

瑞典:

За Швецию:

FOR SUECIA:

Sverker ÅSTRÖM

December 20, 1968

FOR SWITZERLAND:

POUR LA SUISSE:

瑞士:

За Швейцарию:

FOR SUIZA:

FOR SYRIA:

POUR LA SYRIE:

叙利亚:

За Сирию:

FOR SIRIA:

FOR THAILAND:

POUR LA THAILANDE:

泰國:

За Таиланд:

FOR TAILANDIA:

FOR TOGO:

POUR LE TOGO:

多哥:

За Того:

FOR EL TOGO:

FOR TRINIDAD AND TOBAGO:

POUR LA TRINITÉ ET TOBAGO:

千里達及托貝哥:

За Тринидад и Тобаго:

FOR TRINIDAD Y TABAGO:

P. V. J. SOLOMON

23rd Dec. 1968

FOR TUNISIA:

POUR LA TUNISIE:

突尼西亞:

3a Tyhnc:

POR TÚNEZ:

FOR TURKEY:

POUR LA TURQUIE:

土耳其:

3a Typhno:

POR TURQUÍA:

FOR UGANDA:

POUR L'OUGANDA:

烏干達:

3a Yrany:

POR UGANDA:

FOR THE UKRAINIAN SOVIET SOCIALIST REPUBLIC:

POUR LA RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE D'UKRAINE:

烏克蘭蘇維埃社會主義共和國:

За Украинскую Советскую Социалистическую Республику:

POR LA REPÚBLICA SOCIALISTA SOVIÉTICA DE UCRANIA:

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:

POUR L'UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES:

蘇維埃社會主義共和國聯邦:

За Союз Советских Социалистических Республик:

POR LA UNIÓN DE REPÚBLICAS SOCIALISTAS SOVIÉTICAS:

«Подразумевается, что ввиду социально-экономического строя СССР, положения статей Соглашения, касающиеся ограничения производства, максимальных и минимальных запасов сахара, а также субсидирования производства и экспорта, не применимы к СССР».

Я. МАЛИК

23. XII. 1968¹

Translation

¹It is understood that, in view of the socio-economic system prevailing in the USSR, the provisions of the articles of the Agreement relating to the limitation of production, maximum and minimum stocks of sugar and the subsidization of production and exports do not apply to the USSR.

Y. A. MALIK
23. XII. 1968

Traduction

¹Il est entendu qu'en raison du régime social et économique de l'URSS les dispositions des articles de l'Accord qui concernent la limitation de la production, les stocks maximums et les stocks minimums de sucre et les subventions à la production et à l'exportation ne sont pas applicables à l'URSS.

Y. A. MALIK
23. XII. 1968

FOR THE UNITED ARAB REPUBLIC:

POUR LA RÉPUBLIQUE ARABE UNIE:

阿拉伯聯合共和國:

За Объединенную Арабскую Республику:

POR LA REPÚBLICA ÁRABE UNIDA:

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

POUR LE ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD:

大不列顛及北愛爾蘭聯合王國:

За Соединенное Королевство Великобритании и Северной Ирландии:

POR EL REINO UNIDO DE GRAN BRETAÑA E IRLANDA DEL NORTE:

CARADON

20th December 1968

FOR THE UNITED REPUBLIC OF TANZANIA:

POUR LA RÉPUBLIQUE-UNIE DE TANZANIE:

坦尚尼亞聯合共和國:

За Объединенную Республику Танзания:

POR LA REPÚBLICA UNIDA DE TANZANIA:

FOR THE UNITED STATES OF AMERICA:

POUR LES ÉTATS-UNIS D'AMÉRIQUE:

美利堅合衆國:

За Соединенные Штаты Америки:

POR LOS ESTADOS UNIDOS DE AMÉRICA:

FOR THE UPPER VOLTA:

POUR LA HAUTE-VOLTA:

上伏塔:

За Верхнюю Вольту:

POR EL ALTO VOLTA:

FOR URUGUAY:

POUR L'URUGUAY:

烏拉圭:

За Уругвай:

POR EL URUGUAY:

FOR VENEZUELA:
POUR LE VENEZUELA:
委內瑞拉:
За Венесуэлу:
POR VENEZUELA:

M. PÉREZ GUERRERO
23 de diciembre de 1968

FOR WESTERN SAMOA:
POUR LE SAMOA-OccIDENTAL:
西薩摩亞:
За Западное Самоа:
POR SAMOA OCCIDENTAL:

FOR YEMEN:
POUR LE YÉMEN:
也門:
За Йемен:
POR EL YEMEN:

FOR YUGOSLAVIA:

POUR LA YOUGOSLAVIE:

南斯拉夫:

За Югославию:

POR YUGOSLAVIA:

FOR ZAMBIA:

POUR LA ZAMBIE:

尚比亞:

За Замбию:

POR ZAMBIA:

FOR THE EUROPEAN ECONOMIC COMMUNITY:

POUR LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE:

歐洲經濟聯盟:

За европейское экономическое сообщество:

POR LA COMUNIDAD ECONÓMICA EUROPEA:

DECLARATIONS MADE
AT THE TIME OF SIGNATUREDÉCLARATIONS FAITES
AU MOMENT DE LA SIGNATURE

CUBA

[SPANISH TEXT — TEXTE ESPAGNOL]

« La firma en nombre de la República de Cuba del presente Convenio Internacional del Azúcar, 1968, que en su Artículo 40 y en el Anexo B, menciona a China (Taiwán), en ningún momento significa, por parte del Gobierno de Cuba, reconocimiento del Gobierno de Chiang Kai-Shek sobre el territorio de Taiwán ni reconocimiento del llamado « Gobierno Nacionalista de China » como legal o competente de China. »

[TRANSLATION]

The signing on behalf of the Republic of Cuba of the present International Sugar Agreement, 1968, which in article 40 and in annex B contains a reference to China (Taiwan), does not in any sense signify that the Cuban Government recognizes the authority of the Government of Chiang Kai-shek over the territory of Taiwan or that it recognizes the so-called 'Nationalist Government of China' as the legal or competent Government of China.

[TRADUCTION]

La signature au nom de la République de Cuba dudit Accord international de 1968 sur le sucre, dont l'article 40 et l'annexe B mentionnent la Chine (Taïwan), ne signifie aucunement, de la part du Gouvernement cubain, reconnaissance du Gouvernement de Tchang Kaï-shek sur le territoire de Taïwan ni reconnaissance du prétendu "Gouvernement nationaliste de Chine" comme gouvernement légal ou compétent de la Chine.

POLAND

POLOGNE

[TRADUCTION — TRANSLATION]

"The signing of the International Sugar Agreement in the provisions of which China (Taiwan) is mentioned may under no circumstances be regarded as a recognition by the Government of the Polish People's Republic of the authority of the

La signature de l'Accord international sur le sucre dont les dispositions mentionnent la Chine (Taïwan), ne peut en aucun cas être considérée comme impliquant que le Gouvernement de la République populaire de Pologne reconnaît l'autorité du

Kuomintang over the territory of Taiwan of the so-called 'Chinese nationalist government'.

"The Government of the Polish People's Republic considers that the provisions of articles 13, 59 and 64 of the International Sugar Agreement, the effect of which is to prevent sovereign States from becoming parties to the Agreement or from taking part as observers in the work of the International Sugar Organization, are of a discriminatory nature. The Agreement, in accordance with the principle of the sovereign equality of States, should be open for the participation of all States without any discrimination or restrictions whatsoever."

Kouo-min-tang sur le territoire de Taïwan du prétendu « Gouvernement nationaliste chinois ».

Le Gouvernement de la République populaire de Pologne considère que les dispositions des articles 13, 59 et 64 de l'Accord international sur le sucre, qui ont pour effet d'empêcher des États souverains de devenir parties à l'Accord ou de participer en tant qu'observateurs aux travaux de l'Organisation internationale du sucre, ont un caractère discriminatoire. Conformément au principe de l'égalité souveraine des États, l'Accord devrait être ouvert à la participation de tous les États sans discrimination ni restriction de quelque nature que ce soit.

UNION OF SOVIET SOCIALIST
REPUBLICS

UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES

[RUSSIAN TEXT - TEXTE RUSSE]

« а) В случае присоединения ЕЭС к Соглашению, участие СССР в Соглашении не будет означать признание им ЕЭС и не будет создавать для СССР каких-либо обязательств в отношении этого сообщества.

б) Положения статей 4 и 66 Соглашения, предусматривающие распространение договаривающимися сторонами его действия на территории, за международные отношения которых они несут ответственность, являются устаревшими и противоречат Декларации Генеральной Ассамблеи ООН о предоставлении независимости колониальным странам и народам (резолюция Генеральной Ассамблеи ООН 1514/XV от 14.XII.1960 г.).

в) Положения Соглашения, ограничивающие возможность участия в нем некоторых государств, противоречат общепризнанному принципу суверенного равенства государств.

г) В связи с упоминанием в Соглашении о Китае (континентальном) и Китае (Тайване) Советский Союз считает необходимым заявить, что чанкай-

шистская клика никого не представляет и не имеет права выступать от имени Китая. В мире имеется только одно китайское государство — Китайская Народная Республика.

д) В статье 36 Соглашения допущены искажения наименования Германской Демократической Республики, Корейской Народно-Демократической Республики, Демократической Республики Вьетнам.

е) Содержащееся в приложении В к Соглашению упоминание так называемой « Республики Вьетнам » является неправомерным, так как сайгонские власти ни в коем случае не могут выступать от имени Вьетнама ».

[TRANSLATION]

[TRADUCTION]

(a) In the event that the European Economic Community accedes to the Agreement, the participation of the USSR in the Agreement shall not be deemed to imply recognition by it of the European Economic Community and shall not give rise to any obligations on the part of the USSR in respect of the Community.

(b) The provisions of articles 4 and 66 of the Agreement, which provide that Contracting Parties may extend the Agreement to territories for whose international relations they are responsible, are outmoded and at variance with the United Nations General Assembly's Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960).

(c) The provisions of the Agreement restricting the opportunity for certain States to participate in it are contrary to the generally recognized principle of the sovereign equality of States.

(d) In connexion with the reference in the Agreement to China (mainland) and China (Taiwan), the Soviet Union deems it necessary to

a) Au cas où la Communauté économique européenne adhérerait à l'Accord, la participation de l'URSS audit Accord ne sera pas considérée comme impliquant que l'URSS reconnaît la Communauté économique européenne et ne fera naître aucune obligation pour l'URSS à l'égard de la Communauté.

b) Les dispositions des articles 4 et 66 de l'Accord, qui prévoient que les Parties contractantes peuvent étendre l'application de l'Accord à des territoires dont elles assurent les relations internationales, sont archaïques et incompatibles avec la Déclaration de l'Assemblée générale des Nations Unies sur l'octroi de l'indépendance aux pays et aux peuples coloniaux [résolution 1514 (XV) de l'Assemblée générale en date du 14 décembre 1960].

c) Les dispositions de l'Accord qui limitent la possibilité pour certains États de participer audit Accord sont incompatibles avec le principe universellement reconnu de l'égalité souveraine des États.

d) Étant donné que l'Accord fait mention de la Chine (continentale) et de la Chine (Taïwan), l'Union soviétique estime nécessaire de déclara-

state that the Chiang Kai-shek clique does not represent anyone and is not entitled to speak on behalf of China. There is only one Chinese State in the world, namely, the People's Republic of China.

(e) In article 36 of the Agreement, the names of the German Democratic Republic, the Democratic People's Republic of Korea and the Democratic Republic of Viet-Nam are distorted.

(f) The reference in Annex B of the Agreement to the so-called "Republic of Viet-Nam" is illegal, since the Saigon authorities cannot in any sense speak on behalf of Viet-Nam.

UNITED KINGDOM
OF GREAT BRITAIN
AND NORTHERN IRELAND

"Since the Government of the United Kingdom do not recognise the Nationalist Chinese Authorities as the competent Government of China, they cannot regard the signature of the Agreement by a Nationalist Chinese Representative as a valid signature on behalf of China".

rer que la clique de Tchang Kaï-chek ne représente personne et n'est pas en droit de parler au nom de la Chine. Il n'y a qu'un seul État chinois — la République populaire de Chine.

e) A l'article 36 de l'Accord, le nom de la République démocratique allemande, de la République populaire démocratique de Corée et de la République démocratique du Viet-Nam est déformé.

f) La mention de la prétendue « République du Viet-Nam » à l'annexe B de l'Accord est illégale, étant donné que les autorités de Saigon ne peuvent en aucun cas parler au nom du Viet-Nam.

ROYAUME-UNI
DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD

[TRADUCTION — TRANSLATION]

Étant donné que le Gouvernement du Royaume-Uni ne reconnaît pas les autorités de la Chine nationaliste comme constituant le Gouvernement légal de Chine, il ne saurait considérer la signature de l'Accord par un représentant de la Chine nationaliste comme une signature valable au nom de la Chine.

LIST OF THE SIGNATORY STATES WHICH BY 1 JANUARY 1969 HAD DEPOSITED THEIR INSTRUMENTS OF RATIFICATION (*r*), ACCEPTANCE (*a*) OR APPROVAL (*A*) OR HAD NOTIFIED THE SECRETARY-GENERAL,¹ PURSUANT TO PARAGRAPH (1) OF ARTICLE 62, THAT THEY WOULD APPLY PROVISIONALLY THE AGREEMENT (*n*), SHOWING THE NUMBER OF VOTES ALLOCATED IN ANNEX B FOR THE PURPOSES OF ARTICLE 63 OF THE AGREEMENT

| State | Date of deposit of the instrument or receipt of notification | Allocation of votes | |
|--|---|---------------------|-----------|
| | | Importers | Exporters |
| ARGENTINA | 31 December 1968 (<i>n</i>) | | 9 |
| AUSTRALIA ² (Including the Territory of Papua and the Trust Territory of New Guinea) | 20 December 1968 (<i>n</i>) | | 109 |
| BARBADOS | 24 December 1968 (<i>n</i>) | | 5 |
| BRAZIL | 18 December 1968 (<i>n</i>) | | 70 |
| CANADA | 23 December 1968 (<i>r</i>) | 74 | |
| CHINA | 16 December 1968 (<i>n</i>) | | 55 |
| COLOMBIA | 31 December 1968 (<i>n</i>) | | 16 |
| CUBA | 18 December 1968 (<i>n</i>) | | 200 |
| CZECHOSLOVAKIA | 31 December 1968 (<i>n</i>) | | 39 |
| DENMARK | 23 December 1968 (<i>n</i>) | | 5 |
| DOMINICAN REPUBLIC | 30 December 1968 (<i>n</i>) | | 20 |
| GUATEMALA | 20 December 1968 (<i>n</i>) | | 5 |
| GUYANA | 24 December 1968 (<i>n</i>) | | 11 |
| INDONESIA | 30 December 1968 (<i>n</i>) | | 10 |
| JAMAICA | 27 December 1968 (<i>r</i>) | | 13 |
| JAPAN | 23 December 1968 (<i>n</i>) | 138 | |
| KENYA | 30 December 1968 (<i>r</i>) | 5 | |
| MADAGASCAR | 31 December 1968 (<i>n</i>) | | 5 |
| MAURITIUS | 23 December 1968 (<i>a</i>) | | 23 |
| MEXICO | 27 December 1968 (<i>n</i>) | | 28 |
| NEW ZEALAND | 23 December 1968 (<i>r</i>) | 12 | |
| NICARAGUA | 30 December 1968 (<i>n</i>) | | 5 |
| PERU | 31 December 1968 (<i>n</i>) | | 14 |
| POLAND ³ | 23 December 1968 (<i>n</i>) | | 41 |
| PORTUGAL | 31 December 1968 (<i>n</i>) | 5 | |

| State | Date of deposit of the instrument or receipt of notification | Allocation of votes | |
|---|---|---------------------|-----------|
| | | Importers | Exporters |
| SOUTH AFRICA. | 24 December 1968 (r) | | 60 |
| SWAZILAND | 23 December 1968 (n) | | 6 |
| TRINIDAD AND TOBAGO. | 23 December 1968 (r) | | 6 |
| UNION OF SOVIET SOCIALIST REPUBLICS ⁴ | 30 December 1968 (A) | 200 | |
| UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ⁵ | 20 December 1968 (n) | 153 | |
| (Including Antigua | | | 5 |
| British Honduras | | | 5 |
| Fiji | | | 16 |
| British Solomon Islands, British Virgin Islands, Gibraltar, Gilbert and Ellice Islands, Montserrat, St. Helena, and Seychelles.) | | | |
| | TOTAL : | 587 | 781 |

¹ The Governments of Hungary, Sweden and Venezuela notified the Secretary-General pursuant to article 61 (1) of the Agreement, of their undertaking to seek ratification, acceptance or approval thereof in accordance with the constitutional procedures required as rapidly as possible, but did not indicate that they would apply the Agreement provisionally, as provided for in article 62 (1). The said notifications were received by the Secretary-General on 30 December 1968 from the Government of Hungary, on 20 December 1968 from the Government of Sweden and on 27 December 1968 from the Government of Venezuela.

² The notification by the Government of Australia also contains a declaration made under article 66 of the Agreement to the effect that the Agreement shall extend to the Territory of Papua and the Trust Territory of New Guinea.

³ For the reservation made on signature by the Government of Poland, see p. 326 of this volume.

⁴ For the reservation made on signature and confirmed in the instrument of approval by the Government of the Union of Soviet Socialist Republics, see p. 327 of this volume.

⁵ In the notification of extension of the Agreement to the territories listed above, made on signature under paragraph (1) of article 66 thereof, the Government of the United Kingdom declared : (a) that the said notification is given without prejudice to its right to make further extensions at a later date; (b) that it will apply the Agreement provisionally on behalf of the said territories; and (c) that it intends, on ratification of the Agreement, to exercise, as a Contracting Party, its rights under article 4 and to make notification to the Secretary-General under paragraph (3) of article 66 to the effect that it wishes to apply for separate membership of Antigua, British Honduras and Fiji.