

Agreement establishing the Pepper Community.

Opened for signature at Bangkok on 16 April 1971

PREAMBLE

The Contracting Parties to this Agreement,

Convinced that the present situation and future outlook for pepper (*piper nigrum*) necessitates their joining together and developing a well-planned programme of concerted action to solve their common problems and to enable them to obtain the benefits of co-operation in the areas of production, research and marketing,

Recognizing that the formation of an organization among the producing countries having a substantial interest in the production and marketing of pepper is a necessary and effective instrument for implementation of the basic strategy of plan harmonization and co-operation on a commodity basis for achieving accelerated development of their economies,

Believing that such a grouping is in accordance with the principle endorsed by the United Nations Economic Commission for Asia and the Far East at its twenty-third and twenty-fourth sessions held in 1967 and 1968, by the United Nations Economic and Social Council at its forty-third and forty-fifth sessions, by the United Nations Conference on Trade and Development in General Principle Ten of the Final Act of its first session in 1964, and by the declaration of the United Nations General Assembly at its 1883rd plenary meeting on International Development Strategy for the Second Development Decade,

Realizing that the co-ordination of national efforts among the producing countries that could be effected by such an organization would lead to better utilization of resources and yield quicker results, and

Recognizing that such an organization would be of immense value in the mobilization of resources to improve the pepper economy and promote its rapid development,

Have resolved to combine their efforts and have agreed as follows

Article 1

ESTABLISHMENT OF THE COMMUNITY

There shall be established an organization to be known as "The Pepper Community" (hereinafter called the Community) having the membership, functions and powers hereinafter prescribed.

Article 2

MEMBERSHIP

1. Initially the Community shall consist of the Contracting Parties only, namely, India, Indonesia, Malaysia.
2. Other pepper producing countries may apply to become members of the Community and may become members on the unanimous decision of the then existing members of the Community and by accession to this Agreement.

Article 3

OBJECTIVES AND FUNCTIONS

The functions of the Community shall be to promote, co-ordinate and harmonize all activities relating to the pepper economy with a view to achieving the following broad objectives:

- (1) To co-ordinate and stimulate research on technical and economic aspects of production, including research on diseases affecting the pepper plant, research on development of disease-resistant and high-yielding varieties;
- (2) To facilitate the exchange of information on programmes and policies, and on any other aspects relating to production;
- (3) To develop programmes for increasing consumption in traditional and new markets, including programmes of co-operation in promotion activities;
- (4) To intensify and co-ordinate research on new uses of pepper;
- (5) To further joint action for the relaxation of tariff and non-tariff barriers and for the removal of other obstacles to trade;
- (6) To co-ordinate standards of quality so as to facilitate international marketing;
- (7) To keep under constant review developments relating to supply, demand and prices of pepper;
- (8) To carry out investigations into the causes and consequences of fluctuations in the price of pepper and suggest appropriate solutions;
- (9) To improve statistical and other information on pepper production, consumption, trade and prices, including techniques of production and consumption forecasting; and
- (10) To undertake such other activities and functions as may be deemed desirable in the interests of the world pepper economy.

Article 4

RELATIONSHIP WITH UNITED NATIONS ORGANIZATIONS

The Community shall maintain close relations with United Nations bodies and the specialized agencies. In carrying out its functions in any particular field the Community may consult, co-operate with and seek assistance from the United Nations bodies or specialized agencies having particular responsibility in that field.

Article 5

ORGANIZATION

1. Each member State shall be represented in the Community by one representative with plenipotentiary authority and may if it so desires also appoint one or more alternates. A member State may also designate one or more advisers to accompany its representative or alternate.

2. The chairmanship of the Community shall be held in turn by the representatives of member States in the alphabetical order of the member States. Each representative shall hold office for one year.
3. The Community shall be serviced by a secretariat comprised of a Director and such other staff as the Community may decide. The Director and other staff shall be selected and appointed by the Community to hold office for a period and on terms and conditions established by the Community.
4. Pending the establishment of the secretariat, the Community may request the secretariat of the United Nations Economic Commission for Asia and the Far East to provide secretariat assistance to service the Community.
5. The Community shall submit reports on its activities not less than once a year to the Governments of member States.

Article 6

MEETINGS OF THE COMMUNITY

- I. Subject to the provisions of this Agreement, the Community shall adopt its own rules of procedure.
2. The Community shall meet as often as necessary but in any case not less than once in each calendar year. In addition, the Community shall meet if request to that effect is made in writing to the Director by any two members of the Community. The Director shall be responsible for convening all meetings of the Community.
3. Decisions of the Community shall be by majority vote of the members present. No decision shall be given effect to unless : (a) members voting represent not less than eighty-five per cent of the quantum of production of the Community or, (b) members voting represent not less than seventy-five per cent of the quantum of export of the Community (average production and exports of the preceding four years).

Article 7

OBSERVERS

The Community may invite representatives of Governments of non- member States and of United Nations bodies and specialized agencies and of other organizations to attend meetings of the Community in the capacity of observers without the right to vote.

Article 8

FINANCE

The administrative and operational expenses as approved by the Community shall be met by contributions from member States on the following basis: fifty per cent to be shared equally, twenty-five per cent on the basis of quantum of production and the remaining twenty-five per cent on the basis of quantum of exports (average production and exports of the preceding four years).

Article 9

GENERAL PROVISIONS

1. Subject to the provisions of this Agreement the Community shall adopt such regulations, including financial and staff regulations, as are necessary to carry out the provisions of this Agreement.

2. The Community shall be a separate legal entity with the capacity to contract and the right to acquire, hold and dispose of property.

Article 10

SIGNATURE

The original of this Agreement in a single copy in the English language shall remain open for signature, by the duly accredited representatives of the Contracting Parties, at the United Nations Economic Commission for Asia and the Far East in Bangkok from 16 April 1971 to 31 August 1971. This Agreement shall thereafter be transmitted to the Secretary-General of the United Nations.

Article 11

RATIFICATION

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

Instruments of ratification or acceptance shall be deposited with the Secretary-General of the United Nations not later than 31 March 1972.

Article 12

ENTRY INTO FORCE

This Agreement shall enter into force between those Contracting Parties which have deposited instruments of ratification or acceptance when not less than three of them have deposited such instruments.

Article 13

Accession

Other pepper producing countries may accede to this Agreement in accordance with the provisions of article 2 (2). Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 14

VOLUNTARY WITHDRAWAL

After this Agreement has entered into force a member State may withdraw voluntarily from the Agreement by giving written notice of withdrawal simultaneously to the Community and the Secretary-General of the United Nations. Withdrawal shall become effective ninety days after the notice is received by the Secretary-General of the United Nations.

Article 15

AMENDMENT

The Community may, by a unanimous vote of the members present and voting, amend the provisions of this Agreement.

The Secretary-General of the United Nations shall be notified forthwith of any such amendment.

Article 16

NOTIFICATIONS BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

The Secretary-General of the United Nations shall notify the Contracting Parties of each deposit of an instrument of ratification, acceptance or accession and of the date on which this Agreement enters into force.

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 original of this Agreement and any amendments thereto shall be deposited in the archives of the United Nations and the Secretary-General of the United Nations shall transmit certified copies thereof to each signatory and acceding Government.

For Ceylon:

For Cambodia:

For India:

H. LAL

21/4/71

For Indonesia:

A. MALIK

2/4/71

For Malaysia:

K. JOHARI

21/4/71

For Thailand: