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FOOD



Treaty Series No. 7 (1983)

Protocols

for the Sixth Extension of the Wheat Trade
Convention, 1971, and the First Extension of
the Food Aid Convention, 1980, constituting
the International Wheat Agreement, 1971
(with Food Aid Convention, 1980) ✓

Washington, 24 March to 15 May 1981

[The United Kingdom deposited declarations of provisional application on 14 May 1981 and instruments of ratification on 31 December 1981. The Protocols were provisionally applied on 1 July 1981 and entered into force for the United Kingdom on 31 December 1981]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 1983*

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CONTENTS

	<i>Page</i>
Protocol for the Sixth Extension of the Wheat Trade Convention, 1971	3
Protocol for the First Extension of the Food Aid Convention, 1980 ...	11
Food Aid Convention, 1980	16

**1981 PROTOCOLS FOR THE SIXTH EXTENSION OF THE
WHEAT TRADE CONVENTION, 1971 AND THE FIRST
EXTENSION OF THE FOOD AID CONVENTION, 1980,
CONSTITUTING THE INTERNATIONAL WHEAT
AGREEMENT, 1971**

PREAMBLE

The Conference to establish the texts of the 1981 Protocols for the sixth extension of the Wheat Trade Convention, 1971 and the first extension of the Food Aid Convention, 1980 constituting the International Wheat Agreement, 1971⁽¹⁾.

Considering that the International Wheat Agreement of 1949⁽²⁾ was revised, renewed or extended in 1953⁽³⁾, 1956⁽⁴⁾, 1959⁽⁵⁾, 1962⁽⁶⁾, 1965⁽⁷⁾, 1966⁽⁸⁾, 1967⁽⁹⁾, 1968⁽¹⁰⁾, 1971⁽¹⁾, 1974⁽¹¹⁾, 1975⁽¹²⁾, 1976⁽¹³⁾, 1978⁽¹⁴⁾ and 1979⁽¹⁵⁾,

Considering that the International Wheat Agreement, 1971, consisting of two separate legal instruments—the Wheat Trade Convention, 1971, which was further extended by Protocol in 1979; and the Food Aid Convention, 1980⁽¹⁶⁾—will expire on 30 June 1981,

Has established the texts of the 1981 Protocols for the sixth extension of the Wheat Trade Convention, 1971 and for the first extension of the Food Aid Convention, 1980.

**1981 PROTOCOL FOR THE SIXTH EXTENSION OF
THE WHEAT TRADE CONVENTION, 1971**

The Governments party to this Protocol,

Considering that the Wheat Trade Convention, 1971 (hereinafter referred to as "the Convention") of the International Wheat Agreement, 1971, which was further extended by Protocol in 1979, expires on 30 June 1981,

⁽¹⁾ Treaty Series No. 21 (1972), Cmnd. 4953.

⁽²⁾ Treaty Series No. 65 (1949), Cmd. 7819.

⁽³⁾ United Nations Treaty Series No. 2746, Vol. 203, page 242.

⁽⁴⁾ United Nations Treaty Series No. 3896, Vol. 270, page 103.

⁽⁵⁾ Treaty Series No. 28 (1960), Cmnd. 1074.

⁽⁶⁾ Treaty Series No. 15 (1963), Cmnd. 1867.

⁽⁷⁾ Treaty Series No. 92 (1965), Cmnd. 2832.

⁽⁸⁾ Treaty Series No. 64 (1966), Cmnd. 3134.

⁽⁹⁾ Treaty Series No. 77 (1967), Cmnd. 3468.

⁽¹⁰⁾ Treaty Series No. 1 (1969), Cmnd. 3840.

⁽¹¹⁾ Treaty Series No. 20 (1975), Cmnd. 5946.

⁽¹²⁾ Treaty Series No. 132 (1975), Cmnd. 6282.

⁽¹³⁾ Treaty Series No. 24 (1977), Cmnd. 6742.

⁽¹⁴⁾ Treaty Series No. 1 (1980), Cmnd. 7775.

⁽¹⁵⁾ Treaty Series No. 75 (1980), Cmnd. 8016.

⁽¹⁶⁾ See page 16.

Have agreed as follows :

ARTICLE 1

Extension, expiry and termination of the Convention

Subject to the provisions of Article 2 of this Protocol, the Convention shall continue in force between the parties to this Protocol until 30 June 1983 provided that, if a new international agreement covering wheat enters into force before 30 June 1983, this Protocol shall remain in force only until the date of entry into force of the new agreement.

ARTICLE 2

Inoperative provisions of the Convention

The following provisions of the Convention shall be deemed to be inoperative with effect from 1 July 1981 :

- (a) paragraph (4) of Article 19;
- (b) Articles 22 to 26 inclusive;
- (c) paragraph (1) of Article 27;
- (d) Articles 29 to 31 inclusive.

ARTICLE 3

Definition

Any reference in this Protocol to a "Government" or "Governments" shall be construed as including a reference to the European Economic Community (hereinafter referred to as "the Community"). Accordingly, any reference in this Protocol to "signature" or to the "deposit of instruments of ratification, acceptance or approval" or "an instrument of accession" or "a declaration of provisional application" by a Government shall, in the case of the Community, be construed as including signature or declaration of provisional application on behalf of the Community by its competent authority and the deposit of the instrument required by the institutional procedures of the Community to be deposited for the conclusion of an international agreement.

ARTICLE 4

Finance

The initial contribution of any exporting or importing member acceding to this Protocol under paragraph (1)(b) of Article 7 thereof, shall be assessed by the Council on the basis of the votes to be distributed to it and the

period remaining in the current crop year, but the assessments made upon other exporting and importing members for the current crop year shall not be altered.

ARTICLE 5

Signature

This Protocol shall be open for signature in Washington from 24 March 1981 until and including 15 May 1981 by Governments of countries party to the Convention as further extended by the 1979 Protocol, or which are provisionally regarded as party to the Convention as further extended by the 1979 Protocol, on 6 March 1981, or which are members of the United Nations, of its specialized agencies or of the International Atomic Energy Agency, and are listed in Annex A or Annex B to the Convention.

ARTICLE 6

Ratification, acceptance or approval

This Protocol shall be subject to ratification, acceptance or approval by each signatory Government in accordance with its respective constitutional procedures. Instruments of ratification, acceptance or approval shall be deposited with the Government of the United States of America not later than 30 June 1981, except that the Council may grant one or more extensions of time to any signatory Government that has not deposited its instrument of ratification, acceptance or approval by that date.

ARTICLE 7

Accession

- (1) This Protocol shall be open for accession
 - (a) until 30 June 1981 by the Government of any member listed in Annex A or B to the Convention as of that date, except that the Council may grant one or more extensions of time to any Government that has not deposited its instrument by that date, and
 - (b) after 30 June 1981 by the Government of any member of the United Nations, of its specialized agencies or of the International Atomic Energy Agency, upon such conditions as the Council considers appropriate by not less than two thirds of the votes cast by exporting members and two thirds of the votes cast by importing members.
- (2) Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America.
- (3) Where, for the purposes of the operation of the Convention and this Protocol, reference is made to members listed in Annex A or B to the Convention, any member the Government of which has acceded to the

Convention on conditions prescribed by the Council, or to this Protocol in accordance with paragraph (1)(b) of this Article, shall be deemed to be listed in the appropriate Annex.

ARTICLE 8

Provisional application

Any signatory Government may deposit with the Government of the United States of America a declaration of provisional application of this Protocol. Any other Government eligible to sign this Protocol or whose application for accession is approved by the Council may also deposit with the Government of the United States of America a declaration of provisional application. Any Government depositing such a declaration shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

ARTICLE 9

Entry into force

(1) This Protocol shall enter into force on 1 July 1981 if, by 30 June 1981, Governments representing exporting members which held at least 60 per cent of the votes set out in Annex A and representing importing members which held at least 50 per cent of the votes set out in Annex B, or would have held such votes on 30 June 1981 if they had been parties to the Convention on that date, have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, in accordance with Articles 6, 7 and 8 of this Protocol⁽¹⁷⁾.

(2) If this Protocol does not enter into force in accordance with paragraph (1) of this Article, the Governments which have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, may decide by mutual consent that it shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application.

ARTICLE 10

Notification by depositary Government

The Government of the United States of America as the depositary Government shall notify all signatory and acceding Governments of each signature, ratification, acceptance, approval, provisional application of, and accession to, this Protocol as well as of each notification and notice received under Article 27 of the Convention and each declaration and notification received under Article 28 of the Convention.

⁽¹⁷⁾ The Protocol entered into force on 1 July 1981 in accordance with the provisions of Article 9, paragraph (1).

ARTICLE 11

Certified copy of the Protocol

As soon as possible after the entry into force of this Protocol, the depositary Government shall send a certified copy of this Protocol in the English, French, Russian and Spanish languages to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations ⁽¹⁸⁾. Any amendments to this Protocol shall likewise be communicated.

ARTICLE 12

Relationship of Preamble to Protocol

This Protocol includes the Preamble to the 1981 Protocols for the sixth extension of the Wheat Trade Convention, 1971 and for the first extension of the Food Aid Convention, 1980, constituting the International Wheat Agreement, 1971.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Protocol on the dates appearing opposite their signatures.

The texts of this Protocol in the English, French, Russian and Spanish languages shall be equally authentic⁽¹⁹⁾. The originals shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each signatory and acceding party and to the Executive Secretary of the Council.

PROTOCOL FOR THE SIXTH EXTENSION OF THE WHEAT TRADE CONVENTION, 1971

SIGNATURES, DECLARATIONS OF PROVISIONAL APPLICATION, RATIFICATIONS, ACCEPTANCES, APPROVALS AND ACCESSIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of declaration of provisional application</i>	<i>Date of deposit of instrument of ratification, acceptance (AC), approval, or conclusion</i>	<i>Date of deposit of instrument of accession</i>
Algeria	15 May 1981	1 June 1981		
Argentina	14 May 1981	10 June 1981		
Australia	12 May 1981		4 June 1981	
Austria	7 May 1981		29 Dec. 1981	
Barbados				24 July 1981
Belgium	14 May 1981*†	14 May 1981	22 Dec. 1981‡	
Bolivia		25 June 1981		23 Dec. 1981
Brazil	28 Apr. 1981	23 June 1981		
Canada				29 June 1981

⁽¹⁸⁾ Treaty Series No. 67 (1946), Cmd. 7015.

⁽¹⁹⁾ Texts in the French, Russian and Spanish languages will appear in the United Nations Treaty Series, available through Agency Section, Her Majesty's Stationery Office, P.O. Box 569, London, SE1 9NY. Tel. 01-928 6977, ext. 410.

*The EEC and its member States each declare "that it does not accept the reservation by Cuba regarding the EEC".

† By Notes dated 27 May, 1981, the EEC and each of its member States declared "that it does not accept the reservation relating to the European Economic Community accompanying the signature of the Protocol by the Union of Soviet Socialist Republics on 15 May, 1981".

‡ For the texts of declarations and statements see pages 9 and 10.

**SIGNATURES, DECLARATIONS OF PROVISIONAL APPLICATION, RATIFICATIONS,
ACCEPTANCES, APPROVALS AND ACCESSIONS—continued**

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of declaration of provisional application</i>	<i>Date of deposit of instrument of ratification, acceptance (AC), approval, or conclusion</i>	<i>Date of deposit of instrument of accession</i>
Cuba	8 May 1981†	8 May 1981	30 June 1981‡	
Denmark	14 May 1981*†		29 June 1981‡	
Egypt	24 Apr. 1981	22 June 1981	27 July 1981	
El Salvador		10 July 1981		29 July 1981
European Economic Community	14 May 1981*†	14 May 1981		
Finland	12 May 1981	12 May 1981	19 Apr. 1982	
France	14 May 1981*†	29 June 1981	9 Aug. 1982	
Germany, Federal Republic of	14 May 1981*†	14 May 1981 §	30 July 1981 §†	
Greece	14 May 1981*†	14 May 1981		
Guatemala	15 May 1981	17 June 1981	4 Feb. 1982	
India				29 June 1981
Iraq	11 May 1981		8 Sept. 1981	
Ireland, Republic of	14 May 1981*†	14 May 1981	30 Dec. 1981‡	
Israel				18 Nov. 1981
Italy	14 May 1981*†	14 May 1981		
Japan	12 May 1981	29 June 1981¶	25 May 1982(AC)	
Kenya	16 Apr. 1981		8 July 1981	
Korea, Republic of	7 May 1981		29 May 1981	
Luxembourg	14 May 1981*†	14 May 1981		
Malta				7 July 1981
Mauritius	7 May 1981		9 June 1981	
Morocco		2 July 1981		
Netherlands, Kingdom of	14 May 1981*†	14 May 1981		
Nigeria		29 Sept. 1981		4 Feb. 1982
Norway	25 Mar. 1981		26 June 1981	
Pakistan				29 June 1981
Panama				11 June 1981
Peru	15 May 1981	22 June 1981	18 Aug. 1981	
Portugal... ..	13 May 1981		16 Nov. 1981	
Saudi Arabia	30 Apr. 1981		16 June 1981	
South Africa	15 May 1981		26 June 1981	
Spain	15 May 1981 §§	15 May 1981	7 Dec. 1981	
Sweden	6 Apr. 1981		9 June 1981	
Switzerland	6 May 1981		6 May 1981	
Trinidad and Tobago	15 May 1981		16 June 1981	
Tunisia	22 Apr. 1981	29 Apr. 1981	20 Oct. 1981	
Union of Soviet Socialist Republics	15 May 1981 †		15 June 1981 †	
United Kingdom	14 May 1981*†	14 May 1981**	31 Dec. 1981 † † †	
United States of America	8 May 1981	23 June 1981 † †	12 Jan. 1982	
Vatican City	12 May 1981		25 June 1981	
Venezuela	5 May 1981		16 Aug. 1982	

* The EEC and its member States each declare " that it does not accept the reservation by Cuba regarding the EEC ".

† By Notes dated 27 May, 1981, the EEC and each of its member States declared " that it does not accept the reservation relating to the European Economic Community accompanying the signature of the Protocol by the Union of Soviet Socialist Republics on 15 May, 1981 ".

‡ For the texts of declarations and statements see pages 9 and 10.

§ Includes Berlin (West).

¶ Within the limitations of its internal legislations and budgets.

|| With respect to the Kingdom in Europe.

** The United Kingdom declaration of provisional application excluded the territories for the international relations of which the Government of the United Kingdom are responsible, except the Bailiwick of Guernsey, the Isle of Man, Belize, Bermuda, British Virgin Islands, Gibraltar, Hong Kong, Montserrat and Saint Helena and Dependencies.

†† Within the limitations of United States internal legislation and budgetary process.

††† The United Kingdom ratification was in respect of the United Kingdom of Great Britain and Northern Ireland, the Bailiwick of Guernsey, the Isle of Man, Bermuda, British Virgin Islands, Gibraltar, Hong Kong, Montserrat, and Saint Helena and Dependencies.

§§ Subject to ratification.

DECLARATIONS AND STATEMENTS

BELGIUM

On ratifying the Protocol for the Sixth Extension of the Wheat Trade Convention, 1971 the Government of Belgium made the following statements:

“... le Gouvernement belge ne peut accepter la déclaration formulée à l'égard de la Communauté Economique européenne par le Gouvernement de l'Union des Républiques Socialistes Soviétiques...”

“... Le Gouvernement belge ne peut accepter la déclaration formulée à l'égard de la Communauté Economique Européenne par le Gouvernement de Cuba...”

[Unofficial translation]

... The Belgian Government does not accept the declaration by the Government of the Union of Soviet Socialist Republics relating to the European Economic Community...

... The Belgian Government does not accept the declaration by the Government of Cuba relating to the European Economic Community...

CUBA

On signing the Protocol for the Sixth Extension of the Wheat Trade Convention, 1971, the Government of Cuba made the following declarations which were repeated on ratification:

“La República de Cuba declara que la firma del Protocolo 1981, para la Sexta prórroga del Convenio sobre el Comercio del Trigo, 1971, no se podrá interpretar como el reconocimiento o aceptación del gobierno fascista de Africa del Sur que no representa al pueblo sudafricano y que por su práctica sistemática de la política discriminatoria del apartheid, ha sido expulsado de Organismos Internacionales, recibido la condenade la Organización de las Naciones Unidas y la repulsa de todos los pueblos del Mundo.”

“La República de Cuba desea reiterar que las disposiciones del Artículo 28 del Convenio sobre el Comercio del Trigo, 1971, no son aplicables en dicho aspecto por ser contrarias a la Declaración sobre la Concesión de la Independencia de los países y pueblos coloniales (Resolución 1514) hecha por la Asamblea General de las Naciones Unidas el 14 de diciembre de 1960, en la que se proclama la necesidad de poner fin rápida e incondicionalmente al colonialismo en todas sus formas y manifestaciones.”

“La República de Cuba declara en relación con el Artículo 3 del Protocolo 1981 para la Sexta prórroga del Convenio sobre el Comercio del Trigo, 1971, que la participación de la Comunidad Económica Europea en el mismo no significa la existencia de aceptación de obligaciones de carácter legal para la República de Cuba.”

“La República de Cuba declara que aplicará provisionalmente el Protocolo 1981, para la Sexta prórroga del Convenio sobre el Comercio del Trigo, 1971, debiendo considerarse por tanto, como Parte Provisional del Protocolo antes mencionado.”

“La firma de la República de Cuba al Protocolo 1981, para la Sexta prórroga del Convenio sobre el Comercio del Trigo 1971, no podrá interpretarse como el reconocimiento o aceptación a la República de Corea, por considerar que no son los genuinos representantes de los intereses del pueblo coreano.”

[Translation]

The Republic of Cuba declares that signature of the 1981 Protocol for the Sixth Extension of the Wheat Trade Convention, 1971, can not be interpreted as recognition or acceptance of the fascist government of South Africa, which does not represent the South African people and which, because of its systematic practice of the discriminatory policy of apartheid, has been expelled from international organizations, condemned by the United Nations, and rejected by all the peoples of the world.

The Republic of Cuba wishes to reiterate that Article 28 of the Wheat Trade Convention, 1971, does not apply in this regard because it is contrary to the United Nations General Assembly Declaration on Granting of Independence to Colonial Countries and Peoples (Resolution 1514) of December 14, 1960, which proclaims the necessity of bringing colonialism to a speedy and unconditional end, in all its forms and manifestations.

The Republic of Cuba declares with respect to Article 3 of the 1981 Protocol for the Sixth Extension of the Wheat Trade Convention, 1971, that participation by the European Economic Community in the Convention does not signify the acceptance of obligations of a legal nature by the Republic of Cuba.

The Republic of Cuba declares that it will apply provisionally the 1981 Protocol for the Sixth Extension of the Wheat Trade Convention, 1971, and should therefore be considered a provisional party to the above-mentioned Protocol.

Signature by the Republic of the 1981 Protocol for the Sixth Extension of the Wheat Trade Convention, 1971, can not be interpreted as recognition or acceptance of the Republic of Korea, which is not considered to be the true representative of the interests of the Korean people.

DENMARK

On ratifying the Protocol for the Sixth Extension of the Wheat Trade Convention, 1971, the Government of Denmark made the following declarations:

"... in connection with the Protocol for the Sixth Extension of the Wheat Trade Convention, 1971, the Government of Denmark does not accept the reservation accompanying the signature of the Union of Soviet Socialist Republics of the Protocol on 15 May, 1981, relating to the European Economic Community and repeated at the deposit of the instrument of acceptance on 15 June, 1981, with the Government of the United States of America.

The Government of Denmark does not accept either, the reservation relating to the European Economic Community, accompanying the signature of the said Protocol by Cuba on 8 May, 1981, and repeated in its instruments of ratification deposited on 30 June, 1981, with the Government of the United States of America."

FEDERAL REPUBLIC OF GERMANY

On ratifying the Protocol for the Sixth Extension of the Wheat Trade Convention, 1971 the Government of the Federal Republic of Germany made the following statement:

"... the Government of the Federal Republic of Germany does not accept the reservation relating to the European Economic Community accompanying the signature of the Protocol by the Union of Soviet Socialist Republics on 15 May, 1981 and repeated at the deposit of its instrument of acceptance on 15 June, 1981 ...

... the Government of the Federal Republic of Germany does not accept either the reservation relating to the European Economic Community accompanying the signature of the said Protocol by the Republic of Cuba on 8 May, 1981, and repeated at the deposit of its instrument of ratification on 30 June, 1981 ..."

REPUBLIC OF IRELAND

On ratifying the Protocol for the Sixth Extension of the Wheat Trade Convention, 1971 the Government of the Republic of Ireland made the following statement:

"... the Government of Ireland does not accept the reservation accompanying the signature of the Union of Soviet Socialist Republics of the Protocol on 15 May, 1981 relating to the European Economic Community and repeated at the deposit of the instrument of acceptance on 15 June, 1981 ...

... The Government of Ireland does not accept either, the reservation relating to the European Economic Community, accompanying the signature of the said Protocol by Cuba on 8 May, 1981 and repeated in its instruments of ratification deposited on 30 June, 1981 ..."

UNION OF SOVIET SOCIALIST REPUBLICS

On signing the Protocol for the Sixth Extension of the Wheat Trade Convention, 1971, the Government of the Union of Soviet Socialist Republics made the following statement which was repeated on ratification:

«Правительство Союза Советских Социалистических Республик заявляет, что участие Союза Советских Социалистических Республик в Протоколе не создает для СССР каких-либо обязательств в отношении Европейского экономического сообщества и что положения Протокола, ограничивающие возможность участия в нем некоторых государств, противоречат общепризнанному принципу суверенного равенства государств.»

[Unofficial translation]

The Government of the Union of Soviet Socialist Republics declares that the participation of the Union of Soviet Socialist Republics in the Protocol creates no obligations for the USSR with regard to the European Economic Community, and that the provisions of the Protocol limiting a possibility of participation therein of certain states are in contradiction with the universally recognized principle of sovereign equality of states.

UNITED KINGDOM

On ratifying the Protocol for the Sixth Extension of the International Wheat Trade Convention, 1971 the Government of the United Kingdom declared that it "does not accept the declaration relating to the European Economic Community made by the Government of the Union of Soviet Socialist Republics on signature of the said Protocol on 15 May 1981 and repeated on the deposit of its instrument of acceptance on 15 June 1981 ... The Government of the United Kingdom does not accept the declaration relating to the European Economic Community accompanying the signature of the Protocol by the Republic of Cuba on 8 May 1981, repeated on the deposit of its instrument of Ratification on 30 June 1981".

1981 PROTOCOL FOR THE FIRST EXTENSION OF
THE FOOD AID CONVENTION, 1980

The parties to this Protocol,

Considering that the Food Aid Convention, 1980^(a) (hereinafter referred to as "the Convention") of the International Wheat Agreement, 1971 expires on 30 June 1981.

Have agreed as follows:

ARTICLE I

Extension, expiry and termination of the Convention

Subject to the provisions of Article II of this Protocol, the Convention shall continue in force between the parties to this Protocol until 30 June 1983 provided that, if a new agreement covering food aid enters into force before 30 June 1983, this Protocol shall remain in force only until the date of entry into force of the new agreement.

ARTICLE II

Inoperative provisions of the Convention

The following provisions of the Convention shall be deemed to be inoperative with effect from 1 July 1981:

- (a) Article XII
- (b) Article XVII
- (c) paragraph (1) of Article XVIII.

ARTICLE III

International food aid

For the purposes of the operation of the Convention as extended by this Protocol, any member which has acceded to this Protocol pursuant to paragraph (2) of Article VIII of this Protocol shall be deemed to be listed in paragraph (3) of Article III of the Convention, together with its minimum contribution as determined under the relevant provisions of Article VIII of this Protocol.

ARTICLE IV

Signature

This Protocol shall be open for signature in Washington from 24 March 1981 until and including 15 May 1981 by the Governments referred to in paragraph (3) of Article III of the Convention.

ARTICLE V

Depositary

The Government of the United States of America shall be the depositary of this Protocol.

ARTICLE VI

Ratification, acceptance or approval

This Protocol shall be subject to ratification, acceptance or approval by each signatory Government in accordance with its constitutional procedures. Instruments of ratification, acceptance or approval shall be deposited with the depositary not later than 30 June 1981, except that the Food Aid Committee under the Convention (hereinafter referred to as "the Committee") may grant one or more extensions of time to any signatory Government that has not deposited its instrument of ratification, acceptance or approval by that date.

ARTICLE VII

Provisional application

Any signatory Government may deposit with the depositary a declaration of provisional application of this Protocol. Any such Government shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

ARTICLE VIII

Accession

(1) This Protocol shall be open for accession by any Government referred to in paragraph (3) of Article III of the Convention that has not signed this Protocol. Instruments of accession shall be deposited with the depositary not later than 30 June 1981, except that the Committee may grant one or more extensions of time to any Government that has not deposited its instrument of accession by that date.

(2) Once this Protocol has entered into force in accordance with Article IX of this Protocol, it shall be open for accession by any Government other than those referred to in paragraph (3) of Article III of the Convention, upon such conditions as the Committee considers appropriate. Instruments of accession shall be deposited with the depositary.

(3) Any Government acceding to this Protocol under paragraph (1) or paragraph (2) of this Article may deposit with the depositary a declaration of provisional application of this Protocol pending the deposit of its instrument of accession. Any such Government shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

ARTICLE IX

Entry into force

(1) This Protocol shall enter into force on 1 July 1981, if by 30 June 1981 the Governments referred to in paragraph (3) of Article III of the Convention have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, and provided that the 1981 Protocol for the sixth extension of the Wheat Trade Convention, 1971, or a new Wheat Trade Convention replacing it, is in force.

(2) If this Protocol does not enter into force in accordance with paragraph (1) of this Article, the Governments which have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, may decide by unanimous consent that it shall enter into force among themselves provided that the 1981 Protocol for the sixth extension of the Wheat Trade Convention, 1971, or a new Wheat Trade Convention replacing it, is in force, or may take whatever other action they consider the situation requires.⁽²⁰⁾

ARTICLE X

Duration

This Protocol shall remain in force until and including 30 June 1983, provided that the 1981 Protocol for the sixth extension of the Wheat Trade Convention, 1971, or a new Wheat Trade Convention replacing it, remains in force until and including that date.

ARTICLE XI

Authentic texts

The texts of this Protocol in the English, French, Russian and Spanish languages shall all be equally authentic.⁽¹⁹⁾ The originals shall be deposited in the archives of the depositary, which shall transmit certified copies thereof to each signatory and acceding Government.

ARTICLE XII

Relationship of Preamble to Protocol

This Protocol includes the Preamble to the 1981 Protocols for the sixth extension of the International Wheat Agreement, 1971.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Protocol on the dates appearing opposite their signatures.

⁽²⁰⁾ The Protocol entered into force on 1 July, 1981 in accordance with the provisions of Article IX, paragraph (2).

PROTOCOL FOR THE FIRST EXTENSION OF THE FOOD AID CONVENTION, 1980

SIGNATURES, DECLARATIONS OF PROVISIONAL APPLICATION, RATIFICATIONS, ACCEPTANCES, APPROVALS AND ACCESSIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of declaration of provisional application</i>	<i>Date of deposit of instrument of ratification, acceptance (AC), approval, or conclusion</i>	<i>Date of deposit of instrument of accession</i>
Argentina	14 May 1981	10 June 1981		
Australia	12 May 1981		4 June 1981	
Austria	7 May 1981		29 Dec. 1981	
Belgium	14 May 1981	14 May 1981		
Canada				29 June 1981
Denmark	14 May 1981		29 June 1981	
European Economic Community	14 May 1981	14 May 1981		
Finland	12 May 1981	12 May 1981	19 Apr. 1982	
France	14 May 1981	29 June 1981	9 Aug. 1982	
Germany, Federal Republic of	14 May 1981	14 May 1981	30 July 1981*	
Greece	14 May 1981	14 May 1981		
Ireland, Republic of	14 May 1981	14 May 1981	30 Dec. 1981	
Italy	14 May 1981	14 May 1981		
Japan	12 May 1981	29 June 1981†	25 May 1982(AC)	
Luxembourg	14 May 1981	14 May 1981	29 July 1981 15 Dec. 1982	
Netherlands	14 May 1981	14 May 1981‡		
Norway	25 Mar. 1981		26 June 1981	
Spain	15 May 1981	15 May 1981§		
Sweden	6 Apr. 1981		9 June 1981	
Switzerland	6 May 1981§		6 May 1981§	
United Kingdom	14 May 1981	14 May 1981	31 Dec. 1981	
United States of America	8 May 1981	23 June 1981¶	12 Jan. 1982	

RESERVATIONS

SPAIN

On depositing their declaration of provisional application of the Protocol for the First Extension of the Food Aid Convention the Government of Spain made the following reservation:

“ Por lo que se refiere a la I Prórroga del Convenio sobre Ayuda Alimentaria, la Embajada de España transmite al Departamento de Estado, en su condición de depositario del mismo, la declaración del Gobierno de España de que aplicará provisionalmente, durante su primer año, el Protocolo de la I Prórroga de 1981 al Convenio de Ayuda Alimentaria de 1980. Con respecto a años posteriores, la aplicación de dicho Protocolo se supeditará a la aprobación por las Cortes Generales de los correspondientes créditos presupuestarios para financiar la aportación española a dicho Convenio.”

[Translation]

With reference to the First Extension of the Food Aid Convention, the Embassy of Spain is transmitting to the Department of State, as the depositary, the declaration by the Spanish government that it will apply the 1981 Protocol for the First Extension of the 1980 Food Aid Convention provisionally, during the first year. With respect to subsequent years, the application of said Protocol will be subject to approval by the Cortes Generales of the corresponding budget appropriations to finance the Spanish contribution to said Convention.

* Includes Berlin (West).

† Within the limitations of its internal legislations and budgets.

‡ With respect to the Kingdom in Europe.

§ For text of reservations see pages 14 and 15.

¶ Within the limitations of United States internal legislation and budgetary process.

|| Subject to ratification.

SWITZERLAND

On signing and on ratifying the Protocol for the First Extension of the Food Aid Convention, 1980, the Government of Switzerland made the following reservation:

“ L'approbation est donnée pour la première année (1.7.1981-30.6.1982), et pour la deuxième année (1.7.1982-30.6.1983) sous réserve que le parlement alloue le crédit de programme nécessaire pour la continuation de l'aide humanitaire internationale de la Confédération.”

[Translation]

Approval is granted for the first year (July 1, 1981-June 30, 1982) and for the second year (July 1, 1982-June 30, 1983), provided Parliament makes the appropriations necessary to continue the international humanitarian aid program of the Confederation.

FOOD AID CONVENTION, 1980⁽¹⁵⁾

PART I

OBJECTIVE AND DEFINITIONS

ARTICLE I

Objective

The objective of this Convention is to secure, through a joint effort by the international community, the achievement in physical terms of the World Food Conference target of at least 10 million tons of food aid annually to developing countries in the form of wheat and other grains suitable for human consumption, and as determined by the provisions of this Convention.

ARTICLE II

Definitions

(1) For the purposes of this Convention:

- (a) "c.i.f." means cost, insurance and freight;
- (b) "Committee" means the Food Aid Committee referred to in Article V;
- (c) "Executive Secretary" means the Executive Secretary of the International Wheat Council;
- (d) "f.o.b." means free on board;
- (e) "grain" or "grains", unless otherwise stated, means wheat, barley, maize, oats, rye, sorghum and rice, or products derived therefrom, including products of secondary processing, as defined in the Rules of Procedure, subject to the provisions of paragraph (1) of Article III;
- (f) "member" means a Party to this Convention;
- (g) "Secretariat" means the secretariat of the International Wheat Council;
- (h) "ton" means 1,000 kilogrammes;
- (i) "year" means the period from 1 July to 30 June, unless otherwise stated.

(2) Any reference in this Convention to a "Government" or "Governments" shall be construed as including a reference to the European Economic Community (hereinafter referred to as the EEC). Accordingly, any reference in this Convention to "signature" or to the "deposit of instruments of ratification, acceptance or approval" or "an instrument of accession" or to a "declaration of provisional application" by a Government shall, in the case of the EEC, be construed as including signature or declaration of provisional application 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.

PART II
MAIN PROVISIONS

ARTICLE III

International food aid

(1) The members of this Convention agree to contribute as food aid to the developing countries grains, as defined in Article II paragraph 1(e), suitable for human consumption and of an acceptable type and quality or the cash equivalent thereof, in the minimum annual amounts specified in paragraph (3) below.

(2) To the maximum extent possible, contributions shall be made by members and needs estimated by recipient countries on a forward planning basis, so that recipient countries may be able to take account, in their development programmes, of the likely flow of food aid they will receive during each year of this Convention. Furthermore, members should, to the extent possible, indicate the amount of their contributions to be made in the form of gifts or grants.

(3) The minimum annual contribution of each member towards the achievement of the objective of Article I is as follows:

<i>Member</i>	<i>Tons</i>
Argentina	35,000
Australia	400,000
Austria	20,000
Canada	600,000
European Economic Community and its member States	1,650,000
Finland	20,000
Japan	300,000
Norway	30,000
Sweden	40,000
Switzerland	27,000
United States of America	4,470,000

(4) For the purposes of the operation of this Convention, any member which has acceded to this Convention pursuant to paragraph (2) of Article XVI shall be deemed to be listed in paragraph (3) of this Article together with its minimum contribution as determined under the relevant provisions of Article XVI.

(5) In the case of a member making the whole or part of its contribution in the form of cash, the quantity determined for that member, or that portion of that quantity not contributed in grain, shall be evaluated at prevailing market prices for wheat. For the purposes of this paragraph, the Committee shall annually determine the prevailing market price for the following year on the basis of the average monthly price of wheat for the preceding calendar year. The Committee shall establish a Rule of Procedure for the determination of the average monthly price of wheat. In determining the

prevailing market price, the Committee shall pay due consideration to any significant increase or decrease in the annual average price.

(6) The Committee shall establish Rules of Procedure for the purposes of evaluating a member's contribution, committed or shipped, in grain other than wheat, taking into account, where appropriate, the grain content of products and the commercial value of the grain relative to wheat.

(7) Food aid under this Convention may be supplied on any of the following terms:

- (a) gifts of grain or gifts of cash to be used to purchase grain for the recipient country;
- (b) sales for the currency of the recipient country which is not transferable and is not convertible into currency or goods and services for use by the donor members⁽²¹⁾;
- (c) sales on credit, with payment to be made in reasonable annual amounts over periods of 20 years or more and with interest at rates which are below commercial rates prevailing in world markets⁽²²⁾;

on the understanding that such aid shall be supplied to the maximum extent possible by way of gifts, especially in the case of least developed countries, low *per capita* income countries and other developing countries in serious economic difficulties.

(8) Grain purchases under paragraph (7)(a) of this Article shall be made from members of the Food Aid Convention, 1980 and the Wheat Trade Convention in force⁽²³⁾, with preference accorded to developing members of both Conventions, with a view to facilitating exports of, or processing by, developing members of both Conventions. In making purchases it shall be the general aim that the major part of such purchases shall come from developing countries, with priority being given to developing members of the Food Aid Convention. These provisions shall not therefore exclude the purchase of grain from a developing country, not a member of these Conventions. In all purchases under this paragraph, special regard shall be given to the quality, the c.i.f. price advantages and the possibilities of speedy delivery to the recipient country, and the specific requirements of the recipient countries themselves. Cash contributions shall not normally be used in any year to purchase a grain from a country which is the same type of grain as that country has received as bilateral or multilateral food aid during the same year, or during the previous year if the grain so provided is still being used.

(9) Aid transactions under paragraphs (7) and (8) of this Article shall be carried out in a way consistent with the concerns expressed in the FAO Principles of Surplus Disposal and Guiding Lines.

⁽²¹⁾ Under exceptional circumstances an exemption of not more than 10 per cent may be granted.

⁽²²⁾ The credit sales agreement may provide for payment of up to 15 per cent of principal upon delivery of the grain.

⁽²³⁾ Treaty Series No. 21 (1972), Cmnd. 4953 as extended by Treaty Series No. 20 (1975), Cmnd. 5946, Treaty Series No. 132 (1975), Cmnd. 6282, Treaty Series No. 24 (1977), Cmnd. 6742, Treaty Series No. 1 (1980), Cmnd. 7775 and Treaty Series No. 75 (1980), Cmnd. 8016.

(10) Contributions in the form of grains shall be placed in a f.o.b. forward position by members.

(11) If transport costs beyond the f.o.b. position are borne by donors, these shall be regarded as cash contributions under the Convention over and above the minimum annual amounts specified in paragraph (3) of this Article.

(12) Members may, in respect of their contributions under this Convention, specify a recipient country or countries.

(13) Members may make their contributions through an international organization or bilaterally. However, members shall give full consideration to the advantages of directing a greater proportion of food aid through multilateral channels, in particular the World Food Programme, and shall otherwise act in accordance with the Guidelines and Criteria for Food Aid, approved by the Committee on Food Aid Policies and Programmes of the World Food Programme.

(14) In the case of the inability of a member to fulfil its obligations under this Convention in any one year, such member shall increase its commitments or shipments, as appropriate, in the following year by the residual amount remaining from the preceding year.

ARTICLE IV

Special provision for emergency needs

If in any year there is a substantial food grain production shortfall in the low income developing countries as a whole, the Chairman of the Committee, after considering information received from the Executive Secretary, shall call a session of the Committee to consider the seriousness of the production shortfall. The Committee may recommend that members should respond to the situation by increasing the amount of food aid available.

ARTICLE V

Food Aid Committee

There shall be established a Food Aid Committee whose membership shall consist of all parties to this Convention. The Committee shall appoint a Chairman and a Vice-Chairman.

ARTICLE VI

Powers and functions of the Committee

(1) The Committee shall:

- (a) receive from members, and members shall provide, regular reports on the amount, content, channelling and terms of their contributions under this Convention;
- (b) keep under review the purchase of grains financed by cash contributions with particular reference to the obligation in paragraph (8) of Article III concerning purchases of grain from developing countries;

- (c) examine the way in which the obligations undertaken under this Convention have been fulfilled; and
- (d) exchange information on a regular basis on the functioning of the food aid arrangements under this Convention, in particular, where information is available, on its effects on food production in recipient countries.

The Committee shall report as necessary.

(2) For the purposes of Article IV and sub-paragraphs 1(c) and 1(d) of this Article the Committee may receive information from recipient countries and may consult with them.

(3) The Committee shall establish such rules of procedure as are necessary to carry out the provisions of this Convention.

(4) In addition to the powers and functions specified in this Article, the Committee shall have such other powers and perform such other functions as are necessary to carry out the provisions of this Convention.

ARTICLE VII

Seat, sessions and quorum

(1) The seat of the Committee shall be London, unless the Committee decides otherwise.

(2) The Committee shall meet at least twice a year in conjunction with the statutory sessions of the International Wheat Council. The Committee shall meet also at such other times as the Chairman shall decide; or at the request of three members; or as otherwise required by this Convention.

(3) The presence of delegates representing two-thirds of the membership of the Committee shall be necessary to constitute a quorum at any session of the Committee.

ARTICLE VIII

Decisions

The decisions of the Committee shall be reached by consensus.

ARTICLE IX

Admission of observers

The Committee may, when appropriate, invite representatives of the secretariats of other international organizations, whose membership is limited to governments that are members of the United Nations, or its specialized agencies, to attend its sessions as observers.

ARTICLE X

Administrative provisions

The Committee shall use the services of the Secretariat for the performance of such administrative duties as the Committee may request, including the processing and distribution of documentation and reports.

ARTICLE XI

Defaults and disputes

In the case of a dispute concerning the interpretation or application of this Convention, or of a default in obligations under this Convention, the Committee shall meet and take appropriate action.

PART III

FINAL PROVISIONS

ARTICLE XII

Signature

This Convention shall be open for signature in Washington from 11 March 1980 until and including 30 April 1980 by the Governments referred to in paragraph (3) of Article III.

ARTICLE XIII

Depositary

The Government of the United States of America shall be the depositary of this Convention.

ARTICLE XIV

Ratification, acceptance or approval

This Convention shall be subject to ratification, acceptance or approval by each signatory Government in accordance with its constitutional procedures. Instruments of ratification, acceptance or approval shall be deposited with the depositary not later than 30 June 1980, except that the Committee under the Food Aid Convention, 1971⁽²³⁾, as extended, or the Committee under this Convention may grant one or more extensions of time to any signatory Government that has not deposited its instrument of ratification, acceptance or approval by that date.

ARTICLE XV

Provisional application

Any signatory Government may deposit with the depositary a declaration of provisional application of this Convention. Any such Government shall provisionally apply this Convention and be provisionally regarded as a party thereto.

ARTICLE XVI

Accession

(1) This Convention shall be open for accession by any Government referred to in paragraph (3) of Article III that has not signed this Convention. Instruments of accession shall be deposited with the depositary not later than 30 June 1980, except that the Committee under the Food Aid

Convention, 1971, as extended, or the Committee under this Convention may grant one or more extensions of time to any Government that has not deposited its instrument of accession by that date.

(2) Once this Convention has entered into force in accordance with Article XVII of this Convention, it shall be open for accession by any Government other than those referred to in paragraph (3) of Article III, upon such conditions as the Committee considers appropriate. Instruments of accession shall be deposited with the depositary.

(3) Any Government acceding to this Convention under paragraph (1) or paragraph (2) of this Article may deposit with the depositary a declaration of provisional application of this Convention pending the deposit of its instrument of accession. Any such Government shall provisionally apply this Convention and be provisionally regarded as a party thereto.

ARTICLE XVII

Entry into force

(1) This Convention shall enter into force on 1 July 1980, if by 30 June 1980 the Governments referred to in paragraph (3) of Article III have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, and provided that the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971⁽²³⁾, or a new Wheat Trade Convention replacing it, is in force.

(2) If this Convention does not enter into force in accordance with paragraph (1) of this Article, the Governments which have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, may decide by unanimous consent that it shall enter into force among themselves provided that the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971, or a new Wheat Trade Convention replacing it, is in force, or may take whatever other action they consider the situation requires⁽²⁴⁾.

ARTICLE XVIII

Duration and extension

(1) This Convention shall remain in force until and including 30 June 1981, provided that the 1979 Protocol for the fifth extension of the Wheat Trade Convention, 1971, or a new Wheat Trade Convention replacing it, remains in force until and including that date.

(2) If the Wheat Trade Convention, 1971 is further extended, or if a new Wheat Trade Convention replacing it enters into force, the Committee may extend this Convention for the period of extension of the Wheat Trade Convention, 1971, or for the duration of the new Wheat Trade Convention

⁽²⁴⁾ The Convention entered into force on 1 July 1980, in accordance with Article XVII, paragraph (2).

replacing it. At the time of such extension of this Convention, a member which does not wish to participate in this Convention, as extended, may withdraw therefrom by giving written notice of withdrawal to the depositary. Such member shall inform the Committee accordingly, but shall not be released from any obligations under this Convention which have not been discharged.

ARTICLE XIX

Relationship of this Convention to the International Wheat Agreement, 1971, as extended

This Convention shall replace the Food Aid Convention, 1971⁽²³⁾, as extended and shall be one of the constituent instruments of the International Wheat Agreement, 1971⁽²³⁾, as extended.

ARTICLE XX

Authentic texts

The texts of this Convention in the English, French, Russian and Spanish languages⁽¹⁹⁾ shall all be equally authentic. The originals shall be deposited in the archives of the depositary, which shall transmit certified copies thereof to each signatory and acceding Government.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Convention on the dates appearing opposite their signatures.

FOOD AID CONVENTION, 1980

SIGNATURES, DECLARATIONS OF PROVISIONAL APPLICATION, RATIFICATIONS, ACCEPTANCES, APPROVALS AND ACCESSIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of declaration of provisional application</i>	<i>Date of deposit of instrument of ratification, acceptance (AC) or approval (AP)</i>	<i>Date of deposit of instrument of accession</i>
Argentina	30 Apr. 1980	24 June 1980	10 June 1982	
Australia	30 Apr. 1980		5 June 1980	
Austria	29 Apr. 1980		14 Aug. 1980	
Belgium	30 Apr. 1980	30 June 1980		
Canada	30 Apr. 1980		12 May 1980	
Denmark	30 Apr. 1980		30 June 1980	
European Economic Community	30 Apr. 1980	30 June 1980		
Finland	22 Apr. 1980	17 June 1980	31 Dec. 1980	
France	30 Apr. 1980	30 June 1980		
Germany, Federal Republic of	30 Apr. 1980	30 June 1980	23 Mar. 1981*	
Ireland, Republic of	30 Apr. 1980		30 June 1980	
Italy	30 Apr. 1980	30 June 1980	30 June 1982	
Japan	22 Apr. 1980	17 June 1980†	26 Nov. 1980 (AC)	
Luxembourg	30 Apr. 1980	30 June 1980	29 July 1981 (AC)	
Netherlands	30 Apr. 1980		30 June 1980 (AC)	
Norway	24 Apr. 1980		13 June 1980	
Spain		21 July 1980		24 Feb. 1981
Sweden	9 Apr. 1980		16 June 1980	
Switzerland	29 Apr. 1980		2 June 1980	
United Kingdom	30 Apr. 1980	30 June 1980	30 June 1981	
United States of America	29 Apr. 1980	27 June 1980‡	11 Nov. 1980	

* Includes Berlin (West).

† Within the limitations of its internal legislations and budgets.

‡ Within the limitations of the United States internal legislation and budgetary process.