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Universal Postal Union

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# **Constitution General Regulations**

Resolutions and decisions

Rules of procedure

Legal status of the UPU

With commentary

by the International Bureau of the UPU

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Berne 1995

International Bureau of the Universal Postal Union

## **Note concerning the printing**

The **bold characters** in the texts indicate amendments to the Acts amended or adopted by the 1989 Washington Congress.

The texts of the commentary by the International Bureau are printed in small characters preceded by a square (■). The number of the provisions commented on is printed in **bold characters**.

## Remarks

This binder containing the organic Acts of the Universal Postal Union replaces volume 1 of the Annotated Code published by the International Bureau after each Congress from 1940 to 1991. It includes the provisions of the UPU Constitution and the General Regulations, with the amendments made by the 1994 Seoul Congress, various regulations and agreements on the operation and legal status of the UPU and the commentary made by the International Bureau.

The commentary now includes only topical elements to the exclusion of purely historical developments. People doing research and wishing to define the origins and development of the texts are advised to carefully retain the 1991 edition of volume 1 of the Annotated Code.





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# Part I

## General

### **The Universal Postal Union**

#### **Its creation and development (historical outline)**

#### **Contents**

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#### **I. Historical background**

The origin of the Post is lost in the mists of time. In ancient lands such as China, Persia, Egypt, Greece and the Roman Empire, we find traces of a communication system operating by word of mouth or writing and based on relays of men and horses stationed at different points along the highways. The Post as such was the monopoly of monarchs and princes, whose main concern was that their orders should reach the farthest corners of their vast domains. Later, monasteries had their own courier system, the ramifications of which spread as religion gained ground. And eventually, as social life developed under the stimulus of the guilds and merchants, private individuals were allowed to communicate with one another by means of the couriers of princes and monasteries.

This rudimentary organization, half official and half private, lasted until the end of the Middle Ages, but before long it was found to be inadequate to meet the needs of a continually changing society. With the advent of printing, education penetrated into all social strata, while the discovery of new worlds and the consequences of that event extended relations between nations. Thus communications steadily increased.

Under the pressure of these needs, the Post inevitably developed. During the sixteenth century, thanks to the impetus given to it by Franz von Taxis, who for the first time created a postal service operating in several European States, it began to extend beyond national frontiers. Later, in the eighteenth century, it definitively became a public service and gradually assumed its present form.

International postal communications were originally governed by bilateral agreements which answered the particular needs of each country. This system, involving as it did a great variety of rates calculated in different currencies and according to different units of weight and different scales, made it complicated to operate the service and hampered its development. The invention of steam navigation and the railway brought about a change in the postal system. The administrations began to realize that, if international communications were to keep pace with the means of transport, formalities would have to be standardized and reduced.

A first step in that direction was taken in Great Britain in 1840. On the proposal of Rowland Hill, the rate for letters in the internal service was reduced to a penny (*penny postage*); that reform was accompanied by the creation of the postage stamp. In 1862, Montgomery Blair, Postmaster-General of the United States of America, took the initiative of convening the first international meeting with a view to reaching a common postal agreement. The conference, which met in Paris on 11 May 1863, was attended by delegates from fifteen European and American countries: Austria, Belgium, Costa Rica, Denmark, France, Great Britain, the Hanseatic Towns, Italy, the Netherlands, Portugal, Prussia, the Sandwich Islands, Spain, Switzerland and the United States of America. It adopted a number of general principles which administrations were recommended to bear in mind when concluding postal conventions with other administrations.

## II. The foundation of the Union

The attempts made to improve the service by applying uniform principles in the bilateral agreements could not long meet the growing needs arising from the rapid development of international relations. This prompted Heinrich von Stephan, a senior official in the postal administration of the North German Confederation, to draw up the outline of a plan for a postal union of civilized countries, in 1868. He proposed to his Government that the plan be submitted to a Plenipotentiary Conference, which, at the invitation of the Swiss Government, met at Berne on 15 September 1874. Plenipotentiary delegates from the following twenty-two countries attended the conference: Austria and Hungary, Belgium, Denmark, Egypt, France, Germany, Great Britain, Greece, Italy, Luxembourg, the Netherlands, Norway, Portugal, Romania, Russia, Serbia, Spain, Sweden, Switzerland, Turkey and the United States of America. The Congress resulted in the signing of the 1874 Treaty of Berne, which established the first collective Convention governing the

international postal service and founded the "General Postal Union". The Convention went into force on 1 July 1875. Three years later, in view of the numerous accessions which had taken place since the coming into force of the Treaty of Berne, the title "General Postal Union" was changed to "Universal Postal Union". The fundamental rules introduced by the 1874 Berne Convention, as they still appear in the UPU Constitution concluded at Vienna in 1964 and in the 1994 Seoul Convention, are as follows:

- i the formation among all member countries of a single postal territory for the reciprocal exchange of letter-post items;
- ii guaranteed freedom of transit within the territory of the Union;
- iii standardization of the charges to be collected by each country for letter-post items addressed to any part of the Union's territory; it must be noted, however, that this principle is not applied as strictly as in the past owing to the option which administrations were given of greatly increasing or of reducing the basic charges and the fact that those charges became guideline charges when the Acts of the 1989 Washington Congress came into force;
- iv in the case of letter-post items, the abolition of the sharing of charges between the country of origin and the country of destination, each administration retaining the entire amount of the charges which it collects, subject to remuneration, at the established rates, of intermediate administrations ensuring the transit of such items; since the 1969 Tokyo Congress, however, the UPU has allowed administrations of destination to demand a lump-sum remuneration from dispatching administrations as compensation for the amount of mail received in excess of the mail dispatched;
- v the institution of an arbitration procedure to settle disputes between administrations;
- vi the creation of a central office, called the International Bureau, the cost of which is borne by all contracting countries;
- vii periodical meetings of a Congress of plenipotentiaries of the member countries with a view to revising the basic Acts of the Union and discussing questions of common interest.

### **III. Structure of the Acts**

The question of how to divide up the subject matter of the Acts of the Union was raised at the Congresses of Vienna 1891, Washington 1897, Madrid 1920, Buenos Aires 1939 and Paris 1947.

The Interim ELC set up a Subcommittee in 1948 to redraft the Convention and rearrange the Acts. This Subcommittee proposed that the organic provisions of the Union should be separated from those governing the letter-post service. The ELC adopted the draft Acts thus reorganized, subject to some slight amendments. However, the 1952 Brussels Congress rejected the proposed division, preferring to maintain a single Act while preserving the arrangement of the matter proposed in the reorganized draft Acts.

The question of the General Revision of the Convention was again discussed by the ELC at its May 1955 session. The Secretary-General presented a report to the

Committee at its May 1956 session on the subject. The majority which declared itself in favour of a possible Revision of the Convention was considered insufficient to allow the Committee to express an opinion on the principle.

The 1957 Ottawa Congress recommended continuing the study; at the same time it established the principles of the Revision and the procedure to be followed.

The expanded ELC completed the definitive version of the revised draft Acts at its 1960 session. It then consulted the administrations of the Union to see whether they would be willing to present proposals in connection with those drafts. The administrations were in almost unanimous agreement with this procedure.

The results of the General Revision of the Convention, completed by the ELC in 1961, were submitted to the 1964 Vienna Congress. That Congress approved the draft revised Acts (Constitution, General Regulations, Convention and its Detailed Regulations); the principle of dividing up the subject matter was approved by a very large majority and it was decided to take the drafts as the basis for discussion. On the basis of the conclusions of the study conducted by the EC at the request of the 1984 Hamburg Congress, the 1989 Washington Congress:

- transferred to the EC part of the legislative function of Congress, particularly as regards the Detailed Regulations;
- instructed the EC to continue the study relating to a second phase of transfer to the EC of some of the legislative functions of Congress and to conduct a study of the structure of the Convention, the Agreements and their Detailed Regulations;
- ratified the Framework Agreement adopted by the EC in conjunction with the CCPS concerning EMS and authorized the EC to prepare and amend the regulations governing that service, in conjunction with the CCPS.

On the basis of the results of the above study, the 1994 Seoul Congress recast the Acts. This recast makes it possible to speed up the amendment of the international regulations as the need arises, without recourse to Congress when no fundamental principles are involved, and to meet the need for clear, simple and flexible regulations for operating the international postal services. That Congress also transferred to the POC the authority to draw up the Detailed Regulations.

The Constitution of the Universal Postal Union is the fundamental Act containing the organic rules of the Union. It is a diplomatic Act which is ratified by the competent authorities of each member country. The Constitution does not have to be renewed for each Congress. Amendments to it can only be made in Congress and are recorded in an Additional Protocol which is also subject to ratification.

The provisions relating to the application of the Constitution and the operation of the Union are contained in the General Regulations of the Universal Postal Union. The common rules applicable to the international postal service and the provisions concerning the letter-post services are given in the Universal Postal Convention and its Detailed Regulations. The last three Acts are binding on all member countries. Branches of the international postal service other than the letter post are governed by special Agreements and their Detailed Regulations. They are binding only on countries that are parties to the Agreements.

The Detailed Regulations of the Convention and of the Agreements are not treaties but agreements concluded at postal administration level. The 1994 Seoul Congress transferred to the Postal Operations Council the power of enacting and amending the Detailed Regulations.

In addition to the UPU Acts proper, there are the resolutions, decisions, recommendations and formal opinions, which together make up the Decisions of Congress. To these is added the Agreement making the UPU a specialized agency of the UN and defining the relations between the two organizations. This Agreement is annexed to the Constitution and determines the conditions of any amendment of it. An additional Agreement was concluded in 1949 on the use of the United Nations *laissez-passer*.

#### **IV. Membership of the Union**

Among the organic provisions embodied in the Constitution, the one relating to *the acquisition of membership of the Union* is especially noteworthy in that it has developed by successive stages. The 1874 Convention laid down that overseas countries not members of the Union at the time of its foundation might be admitted subject to agreement with administrations having postal conventions or direct relations with them. Charges and transit dues to be collected had to be fixed. On this basis, a conference was held at Berne in 1876 with a view to the accession of British India and the French colonies. Similar applications for membership were made almost simultaneously by the Netherlands colonies and Brazil, but they did not succeed, the conference considering that it did not have the data needed to fix the charges and dues to be collected. The 1878 Paris Congress decreed that any country could accede to the Union merely by a *unilateral declaration*, without consulting the existing members beforehand. The Union thus became an "open union", and, as accessions occurred in rapid succession, it soon included almost every country in the world. This system lasted seventy years, ie up to 1 July 1948, the date of the entry into force of the Convention revised by the 1947 Paris Congress, which amended the article relating to accessions. Requests for admission had henceforth to be approved by two thirds of the member countries of the Union. This new procedure was one of the conditions laid down for the UPU to become a specialized agency of the United Nations.

The 1964 Vienna Congress maintained this admission procedure; but in addition, it decided that *any member of the United Nations* could accede to the Union by a unilateral act involving a formal declaration of accession to the Constitution and to the compulsory Acts of the Union. Thus UN members wishing to join the UPU are not compelled to submit to any consultations of member countries of the Union; a unilateral declaration of accession to the Union and to the compulsory Acts is sufficient. This is the procedure used by most new member countries.

#### **V. Universality**

One of the essential features of the Union is its universality. The number of member countries, originally twenty-two, had increased to 189 at 1 January 1995. The title "Universal Postal Union" is thus fully justified.

The task of the Union is essentially functional, which is one of the primary reasons for its success. Another reason lies in the eminently humanitarian aim which it pursues: that of serving the public by constantly improving its methods of operation.

Moreover, the expansion of its work has not been hampered by difficulties comparable with those encountered by other international organizations. Lastly, the UPU's universal nature is not incompatible with the defence of regional interests, and this is a task to which the Restricted Unions in particular apply themselves. The UPU maintains the closest relations with the latter and cooperates with them in many fields, especially that of technical assistance.

### **VI. The legal status of the Union in Switzerland and in certain other States**

In view of the status of the Universal Postal Union as a United Nations specialized agency, the Swiss Government decided on 3 February 1948, that, as from 1 January 1948, the Interim Arrangement on Privileges and Immunities of the United Nations, concluded on 1 July 1946 between the Swiss Federal Council and the Secretary-General of the United Nations and revised in 1963, would by analogy apply to the Universal Postal Union, its bodies, the representatives of member countries, and the Union's experts and officials. The decision was approved by both Chambers of the Federal Parliament in a Federal Decree dated 29 September 1955.

Outside Switzerland the Union's legal status is governed by the Convention on the Privileges and Immunities of the Specialized Agencies – approved on 21 November 1947 by the United Nations General Assembly and accepted by the Union – in so far as States have acceded to this Convention and undertaken to apply its provisions to the Universal Postal Union. As of 1 December 1997, 99 countries have acceded to this Convention and have accepted the obligations stipulated therein with regard to the Union.

Other States may be expected to act in the same manner, since there is nothing to prevent them from granting the Union, either by their own legislation or by a simple unilateral declaration, such privileges and immunities as they may consider desirable. Thus the President of the United States of America, under the legislation of that country, has recognized the Universal Postal Union as an international organization entitled to the privileges, exceptions and immunities conferred under the *International Organizations Immunities Act* (US Code Title 22 S 288).

### **VII. The operation of the Union**

#### *A Congress*

Supreme authority of the Union, Congress meets not later than five years after the Acts of the previous Congress have been put into effect, unless exceptional circumstances justify the convening of an extraordinary Congress.

So far the Union has held the following twenty-one ordinary Congresses, listed below with their duration, and the number of participants, countries represented and proposals made:



	<i>Days</i>	<i>Dele- gates</i>	<i>Officials, experts, etc attached to dele- gates</i>	<i>Total number of parti- cipants</i>	<i>Countries repre- sented</i>	<i>Number of props</i>
1 Berne 1874 (15 September–9 October)	25	33	9	42	22	—
2 Paris 1878 (2 May–4 June)	34	54	9	63	37	413
3 Lisbon 1885 (4 February–21 March)	46	57	27	84	48	818
4 Vienna 1891 (20 May–4 July)	46	74	25	99	49	553
5 Washington 1897 (5 May–15 June)	42	86	17	103	56	653
6 Rome 1906 (7 April–26 May)	50	107	26	133	63	798
7 Madrid 1920 (1 October–30 November)	61	138	33	171	69	2248
8 Stockholm 1924 (4 July–28 August)	56	148	34	182	78	1501
9 London 1929 (10 May–28 June)	50	148	31	179	85	1895
10 Cairo 1934 (1 February–20 March)	48	121	32	153	81	1666
11 Buenos Aires 1939 (1 April–23 May)	53	141	33	174	81	1108
12 Paris 1947 (7 May–5 July)	60	208	83	291	79	821
13 Brussels 1952 (14 May–11 July)	59	228	55	283	91	1712
14 Ottawa 1957 (14 August–3 October)	51	241	49	290	96	1288
15 Vienna 1964 (29 May–11 July)	44	466	54	520	122	1244
16 Tokyo 1969 (1 October–14 November)	45	474	54	528	133	1156
17 Lausanne 1974 (22 May–4 July)	44	616	75	691	143	1038
18 Rio de Janeiro 1979 (12 September–26 October)	45	681	143	824	143	1351
19 Hamburg 1984 (18 June–27 July)	40	757	179	936	153	1048
20 Washington 1989 (13 November–14 December)	32	1006	157	1163	162	881
21 Seoul 1994 (22 August–14 September)	24	1055	82	1137	174	823

An extraordinary Congress which met at Berne in July 1900 celebrated the 25th anniversary of the foundation of the Union and decided that a commemorative monument should be erected. Its 50th anniversary was commemorated at the 1924 Stockholm Congress, its 75th anniversary at Berne in 1949, and its 100th anniversary at Berne in 1974.

Among the important measures initiated by ordinary Congresses, special mention should be made of the following:

- a conclusion of Insured Letters and Money Orders Agreements (Paris 1878) (see item r below);

- b conclusion of a Collection of Bills Agreement (Lisbon 1885) (see item w below);
- c conclusion of a Subscriptions to Newspapers and Periodicals Agreement (Vienna 1891) (see item w below);
- d creation of the international reply coupon (Rome 1906);
- e conclusion of a Giro Transfers Agreement (now Giro Agreement) (Madrid 1920);
- f creation of the small packet service (London 1929);
- g conclusion of an Agreement with the United Nations; changes in the procedure relating to the admission of new members; creation of the Executive and Liaison Committee; conclusion of a Cash-on-Delivery Agreement (Paris 1947);
- h extension of the free postage already provided for prisoners of war and civilian internees and granting of the same exemption to literature for the blind; introduction of simultaneous interpretation in the accepted languages for sessions of Congress and of the other UPU bodies (Brussels 1952);
- i conclusion of an International Savings Agreement Service (see item w below); creation of the Consultative Committee for Postal Studies (Ottawa 1957) (see item m below);
- j general revision of the Convention and its division into four distinct Acts: Constitution, General Regulations, Convention and Detailed Regulations (Vienna 1964);
- k the institution of a new language system providing inter alia for the provision of the Union's publications in other languages than the official one, at the request and at the expense of a member country or group of member countries (Vienna 1964) (see item p below);
- l confirmation of the UPU's participation in various technical assistance programmes and inclusion of that activity in the UPU Constitution (Vienna 1964);
- m creation of the Consultative Council for Postal Studies in place of the Consultative Committee for Postal Studies and its Management Council (Tokyo 1969);
- n transfer to Congress of the power to elect the Director-General and Deputy Director-General of the International Bureau (Lausanne 1974);
- o new services within the framework of the Giro Agreement (Lausanne 1974);
- p official publication of UPU documents in French, Arabic, English and Spanish at the Union's expense (Lausanne 1974); agreement by the Union to bear the costs of publication, the costs of translation into languages other than French being borne by the language groups;
- q introduction of a further four languages, Chinese, German, Portuguese and Russian, for the official publication of Union documents with a limited subsidy (Rio de Janeiro 1979 and Hamburg 1984);
- r incorporation of the provisions of the Insured Letters Agreement in the Convention and its Detailed Regulations (Rio de Janeiro 1979);
- s 50 percent increase in basic rates, the possibility being left to countries to adapt their rates better to their production costs (Rio de Janeiro 1979 and Hamburg 1984);

- t aligning the Union financing system on that of the other UN specialized agencies; from 1980, member countries pay their contributions in advance and Switzerland no longer has to provide the necessary advances of funds (Rio de Janeiro 1979);
- u introduction alongside the gold franc of "Special Drawing Rights" (SDR) as a reference currency in international settlements (Rio de Janeiro 1979) (see item w below);
- v adoption of two basic rates for calculating "terminal dues": 8 gold francs per kg for letter-post items (not including printed papers sent in special bags) and 2 gold francs per kg for printed papers sent in special bags (Hamburg 1984);
- w abolition of the Collection of Bills Agreement, the International Savings Service Agreement and the Subscriptions to Newspapers and Periodicals Agreement; abolition of the gold franc as monetary unit of the Union; transfer to the Executive Council of legislative powers as regards the Detailed Regulations (Washington 1989);
- x introduction of a separate rate for LC and AO in relations between two administrations with an annual volume of traffic of more than 150 tonnes (Washington 1989);
- y adoption of the Washington General Action Plan;
- z reform of the Union based on the following four main components:
  - restructuring of the organization (creation of the CA and the POC in particular);
  - strategic planning;
  - programme budgeting;
  - recast of the Acts of the UPU (Seoul 1994);
- aa adoption of the Seoul Postal Strategy (Seoul resolution C 95/1994);
- bb adoption of English as second working language of the International Bureau and creation of a French language group (Seoul 1994).

Apart from the ordinary or extraordinary Congresses, the Constitution used to provide for *Administrative Conferences* for the consideration of purely technical questions. The Union has availed itself of this possibility only three times, namely:

- the 1880 Paris Conference, which led to the conclusion of a Special Convention concerning Postal Parcels;
- the 1890 Brussels Conference, which was entrusted with the drawing up of a draft Subscriptions to Newspapers and Periodicals Agreement; and
- the 1927 Hague Conference, which laid down the first airmail provisions.

There are two reasons why Administrative Conferences did not meet with much success: firstly, most of the questions for which they had been created were henceforth dealt with by the Executive Council or the Consultative Council for Postal Studies; secondly, the Detailed Regulations of the Convention and of the Agreements which could have been revised at such Conferences were revised at Congresses at the same time as the treaties to which they related. The 1984 Hamburg Congress did away with the possibility of holding Administrative Conferences, and with Special Committees, for the same reasons.

### *B The Council of Administration (CA)*

This body, originally called the Executive and Liaison Committee (ELC), was created by the 1947 Paris Congress for two reasons. One, external to the UPU, is that the UN made the creation of this body a condition for the admission of the UPU as a specialized agency; the other is that the need was increasingly felt for a body that could replace the Special Committees previously set up on an occasional basis for the study of special problems.

It became the Executive Council at the 1964 Vienna Congress. Its present title dates from the 1994 Seoul Congress. Its role essentially is to oversee all Union activities and to study questions regarding government policies.

### *C The Postal Operations Council (POC)*

At its inception, the ELC was instructed to deal with technical questions of all kinds, of interest to the international postal service. In this field it has to its credit the establishment within the International Bureau of a service for technical studies and for the exchange of information of all kinds, as well as the publication of several studies in the "Collection of Postal Studies". But as the technical problems became increasingly numerous and more complicated and the administrations became increasingly concerned with their solution, it soon became necessary to entrust these tasks to a special body of the Union.

At its May 1955 session, the ELC considered a proposal for the setting up of a permanent Special Committee for technical studies, which would devote itself to studies in the field of postal mechanization. Before taking a decision, the ELC instructed the Secretary-General to draw up a report on the various aspects of the problem. The report was discussed at the 1956 session, which expressed its desire that information on the most up-to-date experiences should be generally disseminated and that the most extensive data should be given on all questions likely to assist the progress and improvement of the postal service. As regards the body to be created, there were two general tendencies in the ELC: that a Special Committee within the meaning of article 16 of the Convention (Brussels 1952) should be set up, and that a Subcommittee of the ELC should be created. Finally, the ELC appointed, for the period up to the Ottawa Congress, a Subcommittee for Technical Studies.

The Subcommittee for Technical Studies met in November 1956 at Rome and in March 1957 at Lausanne. It recommended that the ELC should set up a Consultative Committee for Postal Studies and should submit to it, firstly, the proposals submitted jointly by its members on their behalf to the Ottawa Congress by the administration of the Netherlands, and secondly a list of subjects for studies which the Ottawa Congress could entrust to this new organ. During its 1957 session, the ELC made a detailed examination of the question, and the results of its deliberations took the form of a recommendation, a resolution and two amendments to the proposals of the Netherlands mentioned above.

In addition to the proposals of the ELC and the Netherlands, the 1957 Ottawa Congress considered various proposals for a new body to which the various questions would be entrusted for study. A Special Committee was set up (the Committee for the Technical and Economic Studies Programme) to study all these proposals. The results of its work (among which should be particularly noted

the draft resolution on the convening of the constituent plenary assembly of the CCPS, and the proposals to be inserted into the UPU Acts) were approved by Congress.

The 1964 Vienna Congress coordinated the functioning of the bodies of the UPU. By a special provision of its Rules of Procedure, it decided that the CCPS should meet at the same time as Congress, that it should be one of the Committees of Congress and that the latter should elect the members of its Management Council. These measures for immediate application were subsequently made definitive. Moreover, Congress ratified the creation of the Steering Committee of the Management Council, a body which the latter had thought appropriate for preparing and directing the work; it authorized the Management Council to formulate proposals to Congress subject to the approval either of the EC or of the CCPS, according to the nature of the propositions; finally it decided definitively on publication of the "Comprehensive report on the work of the Management Council", which this Council had considered should be submitted to the Vienna Congress, basing itself on the procedure followed by the EC.

The CCPS, set up by the 1957 Ottawa Congress, was a semi-fictitious body; in fact the permanent and active body was its Management Council. Under the General Regulations, article 104, paragraph 4 (Vienna 1964), the CCPS was supposed to meet at places and on dates fixed by Congresses and to function like a Congress Committee. In fact the CCPS only acted as Committee 3 of the 1964 Vienna and 1969 Tokyo Congresses and played no effective part in the period between Congresses.

To avoid confusion between the CCPS as a permanent body and as a Congress Committee, the 1969 Tokyo Congress abolished the Consultative Committee for Postal Studies and replaced its Management Council by a Consultative Council for Postal Studies. The new Consultative Council for Postal Studies, also called hereinafter "CCPS", thus became a body of the Union (see Constitution, article 13) whose activities are described in the General Regulations, articles 104 and 105. In this body's present description, the 1994 Seoul Congress emphasized that operational and especially commercial questions would occupy a prominent place in the new Council.

#### *D The International Bureau (IB)*

The International Bureau was created by article 15 of the 1874 Berne Treaty. The actual installation of the International Bureau took place on 15 September 1875. The International Bureau is the only really permanent body of the Union, whose headquarters are at Berne. It serves as an instrument of liaison, information and consultation for administrations. Since the 1994 Seoul Congress, it has been called upon to play an expanded role that goes well beyond its traditional secretariat and administrative support functions with the Councils and with Union member countries. On the other hand, it is not qualified to intervene in relations between postal administrations and their customers. For the functions of the International Bureau, see the comments under article 110 of the General Regulations.

The International Bureau may also be called upon to give its opinion on the interpretation of the Acts of the Union, whether in cases of dispute between postal administrations or not. It may even be appointed as sole arbitrator in disputes

between two administrations. In such cases the arbitration decision is binding on the parties involved.

### **VIII Language system of the UPU**

Since the creation of the UPU it has been a principle that French is the official language of the Union. This principle was applied to the Acts and the documentation of the Union and in Congress discussions and the work of the International Bureau. At the 1920 Madrid Congress, however, the question was raised of using Spanish and English as additional official languages, either for Congress discussions or for the documentation to be published by the International Bureau. The problem then developed differently as regards the languages used in discussions and those used for documentation. As from the 1924 Stockholm Congress and up to and including the 1947 Paris Congress, the Congress Rules of Procedure provided, in exceptional cases, for the possibility of delegations using interpreters designated by themselves to speak in French on their behalf. The 1952 Brussels Congress, while retaining French as the sole official language of the UPU, authorized simultaneous interpretation of its discussions into French, English, Russian and Spanish, and, in exceptional cases, permitted delegations to use an interpreter designated by themselves to put forward observations or proposals in French or in one of the other admissible languages. As from this Congress it was judged advisable, in view of the measures necessary before conferences to ensure the smooth working of the new system (installing technical equipment, engaging highly qualified interpreters, etc), to insert into the actual Convention binding provisions concerning the language system of the Union, in order to solve the language problem, not merely for future Congresses, but also for the meetings of other bodies of the Union.

The question of the languages to be used for the Acts and documentation of the Union was the subject of various proposals at the 1947 Paris Congress, the 1952 Brussels Congress and the 1957 Ottawa Congress. These proposals were not adopted. The 1964 Vienna Congress, after debating, at great length, decided to uphold the policy that French should be the Union's official language, while agreeing that the documentation of the Union may, at the request of the interested parties, and in accordance with the procedure laid down in General Regulations, article 108, be supplied in other languages.

While keeping French as the Union's sole official language, the 1974 Lausanne Congress also admitted Arabic, English and Spanish for Union documentation, in accordance with the system laid down in the General Regulations, article 108.

The 1979 Rio de Janeiro Congress, in turn, admitted the official publication of Union documentation in Chinese, German, Portuguese and Russian but limited to 50 000 Swiss francs a year for each language group the relevant costs to be borne by the Union (see General Regulations, article 108, paragraphs 1 and 6, and resolution C 106/1979). The 1984 Hamburg Congress, by resolution C 63/1984, increased this amount to 150 000 Swiss francs.

While confirming French as the Union's official language, the 1994 Seoul Congress accepted English as the second working language of the International Bureau alongside French and decided the creation of a French language group.

## IX Technical assistance

Direct technical assistance granted to each other by member countries of the UPU is very important and includes assistance by experts, the provision of study and training facilities, the exchange of background material, information, and the results of experiments and tests, etc.

UPU multilateral technical cooperation is essentially carried out under the United Nations Development Programme (UNDP), set up by resolution 2029 (XX) (22 November 1965) of the UN General Assembly, which came into effect on 1 January 1966.

This programme is the result of the amalgamation of the UN Special Fund and the UN Expanded Programme of Technical Assistance (EPTA).

By its resolution 2688 (XXV) of 11 December 1970, the UN General Assembly laid down the main foundations of radical changes in the UNDP, aimed at improving and increasing its assistance capacity and that of the organizations participating in the Programme.

Technical assistance provided under the UNDP includes experts' and consultants' missions to beneficiary countries, the granting to their nationals of fellowships for study and further training, the organization of training courses and study cycles, and the supply of training and operational equipment.

The UPU became a participating organization in EPTA/UNDP by virtue of ECOSOC resolution 902 (XXXIV) of 2 August 1962. However, its multilateral technical assistance activities under the aegis of the UN actually began 10 years before by the provision of assistance to the UN whenever this was requested for the consideration of postal projects, then managed direct by the UN, and the recruitment of certain experts.

Since then, the UPU has become increasingly involved in the other UN technical cooperation programmes and it concluded an agreement in 1966 with the UNDP on the implementation of Special Fund Component projects.

The 1984 Hamburg Congress established priorities specific to each region receiving postal technical assistance and five priority fields of action at world level. That Congress aimed at obtaining an increase in the UPU budgetary credits allocated to technical assistance, continuing efforts to promote the strengthening of technical cooperation among developing countries, adopting a special programme for the least developed countries and implementing a specific technical assistance action with regard to international payments.

The 1989 Washington Congress also decided to strengthen and develop technical cooperation thereby assisting administrations to implement the Washington General Action Plan (WGAP).

For its part, the 1994 Seoul Congress adopted a series of resolutions dealing with:

- UPU technical assistance priorities and action principles (C 16/1994);
- strengthening UPU presence in the field (C 21/1994);
- financing of UPU technical assistance activities (C 22/1994);
- UPU environmental protection policy (C 34/1994);
- technical cooperation among developing countries (TCDC) (C 63/1994);
- UPU action for the least developed countries (LDCs) (C 64/1994);
- development of human resources and training (C 79/1994);
- PDAG work plan 1995–1999 (C 80/1994);



- establishment of an institute of higher postal studies under UPU auspices (C 81/1994).

The idea that the UNDP should remain the principal source of finance for technical assistance activities has been retained since the 1969 Tokyo Congress (see Seoul resolution C 22/1994).

Operational activities have gained a new dimension since the 1969 Tokyo Congress, mainly because there has been an effective start on the training centres, multi-national or national, set up with the financial help of the UNDP.

Moreover, pursuing its activities started before the 1969 Tokyo Congress with regard to further training of senior staff, the UPU is continuing to organize symposia and study cycles, whether using its own resources or calling on the UNDP for assistance.

In view of the increase in requests for missions in very specialized fields and in order to obtain greater efficiency in the missions, the 1974 Lausanne Congress authorized the use of the credits earmarked for recruiting specialists to finance short consultants' missions (up to two or three months) to be carried out by officials made available to the UPU by administrations in order to undertake highly specialized technical work in countries so desiring.

The 1979 Rio de Janeiro Congress authorized the more flexible utilization of budgetary credits relating to UPU consultants' missions so that they could be used for financing fellowships and equipment connected in principle with the consultants' missions.

In addition, the UPU prepares and administers projects common to several countries (regional and interregional projects) which it programmes in conjunction with the Restricted Postal Unions and the United Nations Regional Economic Commissions, so that the problems arising in a specific region (eg, setting up intercountry postal training schools) can be solved in the most rational and least expensive way.

The many changes which have occurred over the past few years have led the UPU to step up its activities and give technical cooperation a new dimension. For instance, alongside technical assistance in conjunction with the UNDP, the UPU finances short projects out of its regular budget and under the UPU Special Fund which is maintained by voluntary contributions from member countries (study cycles, training fellowships and the services of development consultants who make on-the-spot studies of various questions, in particular about training, management and operations, and advise postal administrations on the measures to be taken in these fields).

In addition to the aid likely to be obtained from the multilateral assistance bodies, the UPU also encourages and supports, to the extent of its ability, bilateral and multilateral assistance between postal administrations and also makes continued efforts to promote technical cooperation among developing countries (TCDC) in order to facilitate the mutual supply of assistance between such countries.

To translate into fact a principle of action decided successively by the 1974 Lausanne Congress, the 1979 Rio de Janeiro Congress and the 1984 Hamburg Congress concerning decentralization of UPU technical assistance activities, the 1989 Washington Congress adopted a resolution aimed at creating six Regional Advisers' posts with effect from January 1991. In resolution C 21, the Seoul Congress decided to bring to eight the number of Regional Adviser posts. These Regional Advisers are responsible for the following tasks, among others:



- project programming and design;
- project execution and follow-up;
- assistance to postal administrations in the postal operations field;
- promotional and consciousness-raising activities;
- activities of a general nature mainly for the purpose of informing the countries about major decisions taken within the UPU.

This form of UPU presence in the field will improve International Bureau activities and allow it to effectively help the administrations of the developing countries to cope with the major challenges facing the Post.

## **X. The finances of the Union**

Congress fixes the Union's maximum expenditure for each of the years following Congress. This expenditure may be exceeded only in the circumstances and according to the procedure laid down in article 125 of the General Regulations. Expenditure, including that relating to Congress, the Council of Administration, the Postal Operations Council and the International Bureau, is jointly borne by all member countries of the Union. The cost-sharing system provides for the division of members into eleven contribution classes paying from one-half to fifty units, as the case may be. In the case of the accession or admission of a member country, it chooses the class in which it is to be placed. Any member country may subsequently change its contribution class provided the change is notified to the International Bureau before the opening of Congress and provided the member country does not ask to be downgraded more than one class at a time. There are no restrictions on changes to a higher class.

The Union's budget is submitted every year for the consideration and approval of the Council of Administration. The Union's annual accounts are verified by the Federal Audit Office of the Swiss Confederation, which certifies their correctness. Until the 1979 Rio de Janeiro Congress, advances of funds were made by the Swiss Government. Since then, the UPU has adopted a system of self-financing similar to that of the UN and the specialized agencies.

## **XI. Relations with the UN and other international organizations**

The UN Charter signed at San Francisco on 26 June 1945 contains in its preamble the considerations which inspired its founders. In particular it states that the UN is resolved "to employ international machinery for the promotion of the economic and social advancement of all peoples". In accordance with this principle, the Charter contains a special chapter on international economic and social cooperation (chapter IX). The articles of this chapter which form the basis for the relations between the UPU and the UN are given below:

"Article 55

"With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for

the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a higher standards of living, full employment, and conditions of economic and social progress and development;
- b solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

“Article 56

“All members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in article 55.

“Article 57

“1 The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of article 63.

“2 Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

[“Article 17

...

“3 The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.”]

“Article 58

“The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

“Article 59

“The Organization shall, where appropriate, initiate negotiations among the States concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in article 55.

“Article 60

“Responsibility for the discharge of the functions of the Organization set forth in this chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in chapter X.

“Article 62

“1 The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters

to the General Assembly, to the members of the United Nations, and to the specialized agencies concerned.

"2 It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

"3 It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

"4 It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

#### "Article 63

"1 The Economic and Social Council may enter into agreements with any of the agencies referred to in article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

"2 It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to members of the United Nations.

#### "Article 64

"1 The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

"2 It may communicate its observations on these reports to the General Assembly.

#### "Article 70

"The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies."

Since the 1947 Paris Congress, the Union has been linked with the United Nations (UN) under an Agreement which is appended to the Constitution. This Agreement, approved by the UN General Assembly on the recommendation of the ECOSOC, was signed on 4 July 1947 and went into force at the same time as the Paris Convention on 1 July 1948. It was completed by the Supplementary Agreement dated 13 and 27 July 1949, applied as from 22 October 1949, which is also appended to the Constitution. Under these Agreements the UN recognizes the Universal Postal Union "as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purpose set forth therein".

Initially, contacts between the UN and the UPU were infrequent and of minor importance. They increased following the 1957 Ottawa Congress, particularly owing to the development of technical assistance and the alignment of the conditions of service of the International Bureau staff on the UN common system.

The various questions of interest to and dealt with by both the UN and the UPU are periodically discussed in the Reports on the work of the Union and the Comprehensive Reports on the activities of the CA (EC, ELC).

At the moment, UPU cooperation with the UN, including organizations with specialized agency status, covers many spheres of activity both global and technical in nature. This cooperation consists of several structures and levels.

As regards the UN proper, the UPU is particularly involved in the follow-up to many international conferences worldwide organized under UN auspices such as the Conference on Environment and Development, the Conference on Social Development and the Fourth Conference on Women. Moreover, social and economic activities are reflected in such UN structures as ECOSOC and UNCTAD.

The UPU is a member of the Administrative Committee on Coordination (CAC), the main coordination body within the UN system. This body comprises the Executive Heads of the UN specialized agencies, funds and programmes. At its annual meetings, it examines political, social and economic questions, and other matters of current interest.

The UPU maintains particularly close relations with many organizations operating in the communications sectors and related areas. These include such specialized agencies as UNESCO, WHO, ICAO and ITU, and such non-governmental international organizations as the ISO, IATA and WCO.

Greater emphasis is now being placed on cooperation with organizations representing the main consumers of international postal services as part of the organization's policy of closer relations with its customers in order to serve them better. The UPU has appropriate structures for this purpose, including the Publishers-UPU, WCO-UPU, ITU/T-UPU, Philately-UPU, Private Operators-UPU, etc, Contact Committees.

The United Nations postal administration was created in 1951.

At its October 1948 session, the ELC adopted a resolution which, as amended at the 1951 May-June session, reads as follows:

"The Secretary-General of the United Nations having officially informed the Universal Postal Union of the resolution adopted at the third session of the United Nations General Assembly, held in Paris, which approves in principle the idea of establishing a United Nations postal administration and to this end requesting the assistance of the Universal Postal Union, the Executive and Liaison Committee expressed the following opinion:

- "(1) The United Nations, without being a member of the Universal Postal Union, may form a separate postal administration belonging to the Universal Postal Union, represented as regards postal matters by a member country of the Universal Postal Union.
- "(2) The member country representing the postal administration of the United Nations shall at the appropriate time inform all the administrations of the Universal Postal Union of the establishment of this administration, through the intermediary of the International Bureau.
- "(3) In carrying out its postal operations the United Nations postal administration shall be bound to observe the provisions of the Convention and its Regulations (Summary Record of the May-June session, 1951, page 13)."

The UN General Assembly adopted several resolutions concerning the creation of a UN administration.

The UN administration went into operation on 24 October 1951 in pursuance of the Postal Agreement between the UN and the United States of America, concluded on 28 March 1951 (for text of the Agreement, see Documents of 1952 Brussels Congress, II 100–102). The provisions of the Agreement were amended as from 17 November 1952 by an exchange of letters between the Secretary-General of the UN and the United States of America, dated 7 November 1952 and 17 November 1952 respectively.

The 1952 Brussels Congress recognized the establishment of the UN administration in resolution C 2/1952.

At its 14th session the ECOSOC in turn adopted a resolution (part B) 451 (XIV) of 28 July 1952 worded as follows:

“The Economic and Social Council,

“Noting with satisfaction that the Administrative Committee on Coordination has taken the view that it would be advantageous for the United Nations and the specialized agencies to make common arrangements with regard to postal matters,

“Noting also the resolution on United Nations and specialized agencies postal affairs adopted by the 13th Congress of the Universal Postal Union and, specifically, the recommendation therein that any further postal activity proposed by the United Nations or by a specialized agency should be the subject of consultation with the Universal Postal Union through its Congress or Executive and Liaison Committee, and that after such consultation any agreement should be concluded only after favourable recommendation by the General Assembly of the United Nations,

“Requests the specialized agencies to submit any proposals which may be made by them concerning postal operations to the Secretary-General of the United Nations for consultation with the Universal Postal Union through its competent organs, and for subsequent consideration by the General Assembly.”

Moreover, in expectation of an agreement between the Swiss PTT and the UN concerning the use of UN postage stamps by the UN Office at Geneva, the EC adopted resolution CE 8/1968 in which, after reaffirming the sovereign right of administrations in the issue of postage stamps (Convention, article 9), it declared its confidence in the administrations of the UN and Switzerland with regard to the implementation of the envisaged agreement, it being understood that this agreement:

- should be restricted in its application exclusively to the UN Office at Geneva, as part of the UN Secretariat;
- should in no way constitute a precedent for similar requests which might be made by the specialized agencies, regional offices or other bodies of the UN, or, more generally, by any services of the UN other than the UN Secretariat in New York and at Geneva.

Despite this latter condition, in connection with the issue of UN postage stamps in Austrian currency for use by the part of the UN Secretariat installed in Vienna, the EC passed resolution CE 8/1978 similar, with appropriate changes, to resolution CE 8/1968.

The issue of special postage stamps at the request of the UN and the specialized agencies was considered by the ELC. The latter thought that the UPU should not get involved in the question of special issues, since this was an internal matter for each country. This view was upheld by the 1964 Vienna Congress, which rejected a draft recommendation calling on administrations to issue from time to time

postage stamps mentioning the activities of a UN specialized agency. However, under the UN-UPU Agreement, suggestions regarding special or commemorative issues originating with the UN and its specialized agencies are brought to the attention of administrations by International Bureau circular.

## **XII. Conclusion**

This necessarily brief survey will give the reader an overall picture of the Union's main features and of the successive stages in its development.

Throughout its long history the Union has steadfastly pursued the objectives set for it by its founders. The decisions of its principal bodies have always been characterized by intelligent moderation, and it has constantly expanded its field of activities. It continues its noble mission throughout the world for the greater benefit of international cooperation between peoples and individuals.

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## Abbreviations

(The abbreviations listed below are mainly used in the commentary)

### A. Common abbreviations

ACC	Administrative Committee on Coordination (UN)
Add Prot	Additional Protocol to the Constitution of the UPU
adm(s) or administration(s)	postal administration(s)
Agr	Agreement
AI	advice of entry (Giro)
AICEP	Association of Postal and Telecommunications Operators of Portuguese-Speaking Countries and Territories
AO	articles or items other than LC in the classification system based on contents
APPC	Arab Permanent Postal Commission
APPU	Asian-Pacific Postal Union
APTU	African Postal and Telecommunications Union
APU	African Postal Union
AR	advice of delivery
arbit	arbitration
art(s)	article(s)
BPU	Baltic Postal Union
c	centime
CA	Council of Administration
CAPTAC	Conference of Posts and Telecommunications Administrations of Central Africa
CCAQ	Consultative Committee (of the ACC) on Administrative Questions
CCC	Customs Co-operation Council
CCPS	Consultative Council for Postal Studies (until 1994)
CCSQ	Consultative Committee (of the ACC) on Substantive Questions
CEPT	European Conference of Postal and Telecommunications Administrations
cf	confer (= compare)
circ(s)	circular(s)
cm	centimetre
COD	Cash-on-Delivery Agreement
col	column
comm	commentary
Comm	Committee
Compendium	Compendium of Information (Convention, Agreements, etc) published by the International Bureau

## Abbreviations

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Conf(s)	Conference(s)
Const or Constitution	Constitution of the Universal Postal Union
Conv or Convention	Universal Postal Convention
CPU	Caribbean Postal Union
CSFPE	European Postal Financial Services Commission
dm	decimetre
Doc(s)	Document(s) (of Congresses, Conferences, Executive Council, etc)
doc	document
EC	Executive Council (up to 1994)
ECOSOC	United Nations Economic and Social Council
EDI	Electronic Data Interchange
eg	for example
ELC	Executive and Liaison Committee (up to 1964)
et seq	and those that follow
FAO	United Nations Food and Agriculture Organization
Fin Prot	Final Protocol (to the respective Act)
fr	franc
g	gramme
g fr	gold franc
Gen Ass	General Assembly
Gen Regs	General Regulations
Giro	Giro Agreement
h	hour
IAEA	International Atomic Energy Agency
IATA	International Air Transport Association
IB	International Bureau
IBRS	International Business Reply Service
ICAO	International Civil Aviation Organization
ICS	International Chamber of Shipping
ICSC	International Civil Service Commission
id	idem
IDA	International Development Association
IFC	International Finance Corporation
ILO	International Labour Organisation
IMF	International Monetary Fund
IMO	International Maritime Organization
ISO	International Organization for Standardization
ITU	International Telecommunication Union
JIU	Joint Inspection Unit
kg	kilogramme
km	kilometre
lb (16 oz)	pound avoirdupois (453.59 grammes)
LC	letters and postcards
LDCs	Least Developed Countries
m	metre
max	maximum
min	minimum

mm	millimetre
mn	minute (of time)
Money Orders	Money Orders Agreement
No(s)	number(s)
NPU	Nordic Postal Union
oz	ounce (28.3465 grammes) (one-sixteenth of the pound avoirdupois)
p, pp	page(s)
PAPU	Pan-African Postal Union
para	paragraph
Parcels	Postal Parcels Agreement
Periodical	<i>Union Postale</i> (quarterly publication of the International Bureau)
POC	Postal Operations Council
POSTEUROP	Association of European Public Postal Operators
prop(s)	proposal(s)
Prot or Protocol	Final Protocol (to the respective Act)
prov(s)	provision(s)
PUASP	Postal Union of the Americas, Spain and Portugal
RCPT	Regional Community for Posts and Telecommunications
RE or Det Regs	Detailed Regulations
Rep	Report on the work of the Union (Management Report until 1952), published by the International Bureau
Rules of Proc	Rules of Procedure
s	second (time)
S.A.L.	Surface airlifted mail
SDR	Special Drawing Right
sea mile	1852 metres
Subcomm	Subcommittee
subpara	subparagraph
SWAPU	South and West Asia Postal Union
t	tonne (1000 kilogrammes)
TCDC	Technical Cooperation among Developing Countries
t-km	tonne-kilometre or kilometric tonne (unit used in connection with conveyance)
T.m.	sea transit
T.t.	land transit
tech asst	technical assistance
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UPU or Union	Universal Postal Union
vol	volume
WCO	World Customs Organization

## Abbreviations

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WGAP	Washington General Action Plan
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization

### **B. Abbreviations relating to forms**

(These abbreviations are always followed by the serial number of the form)

AV	Airmail (Washington 1989)
C	Convention (Washington 1989)
CN	Convention (Seoul 1994)
CP	Parcels
MP	Money Orders
R	COD
VD	Insured letters (Washington 1989)
VP	Giro

## General list of UPU member countries and of territories included in the Union

(Position at 1 May 1999)

	Date of entry into the UPU as member country	Contribution units	Geographical group	Party to the 1994 Seoul Agreement (P) or only to the 1989 Washington Agreement (P*)			
				CP	MP	VP	R
Afghanistan	01.04.1928	0.5	IV	P*	–	–	–
Albania	01.03.1922	1	III	P	P	P	P
Algeria	01.10.1907	5	V	P	P	P	P
Angola	03.03.1977	0.5	V	P	–	–	–
Antigua and Barbuda	20.01.1994	1	I	P*	P*	P*	P*
Argentina	01.04.1878	5	I	P	P	P	P
Armenia	14.09.1992	1	II	P	P	P	P
Australia	01.10.1907	20	IV	P	–	–	–
– Norfolk Island							
Austria	01.07.1875	5	III	P	P	P	P
Azerbaijan	01.04.1993	0.5 <sup>1</sup>	II	P*	–	–	–
Bahamas	24.04.1974	1	I	P	–	–	–
Bahrain	21.12.1973	1	IV	P	–	–	–
Bangladesh	07.02.1973	5	IV	P	P	–	–
Barbados	11.11.1967	1	I	P	–	–	–
Belarus	13.05.1947	1	II	P	–	–	–
Belgium	01.07.1875	15	III	P	P	P	P
Belize	01.10.1982	1	I	P	–	–	–
Benin	27.04.1961	0.5	V	P	P	P	P
Bhutan	07.03.1969	0.5	IV	P	–	–	–
Bolivia	01.04.1886	1	I	P	P	P	P
Bosnia and Herzegovina	01.07.1892/ 26.01.1993	1	II	P	P	P	P
Botswana	12.01.1968	1	V	P	–	–	–
Brazil	01.07.1877	20	I	P	P	–	P
Brunei Darussalam	15.01.1985	1	IV	P*	–	–	–
Bulgaria (Rep)	01.07.1879	3	II	P	P	P	–
Burkina Faso	29.03.1963	0.5	V	P	P	P	P
Burundi	06.04.1963	0.5	V	P	P	P	P
Cambodia	21.12.1951	1	IV	P	P	P	P
Cameroon	26.07.1960	1	V	P	P	P	P
Canada	01.07.1878	40	I	P	–	–	–
Cape Verde	30.09.1976	0.5	V	P	P	P	P
Central African Rep	28.06.1961	0.5	V	P	P	P	P
Chad	23.06.1961	0.5	V	P	P	P	–
Chile	01.04.1881	3	I	P	P	P	P

<sup>1</sup> For 1998 and 1999.

# General list of UPU member countries

	Date of entry into the UPU as member country	Contribution units	Geographical group	Party to the 1994 Seoul Agreement (P) or only to the 1989 Washington Agreement (P*)			
				CP	MP	VP	R
China (People's Rep)	01.03.1914	25	IV	P	P	P	P
– Hongkong, China							
Colombia	01.07.1881	3	I	P	–	–	–
Comoros	29.07.1976	0.5	V	P*	P*	P*	P*
Congo (Rep)	05.07.1961	1	V	P	P	P	P
Costa Rica	01.01.1883	1	I	P	–	–	–
Côte d'Ivoire (Rep)	23.05.1961	3	V	P	P	P	P
Croatia	24.12.1921/ 20.07.1992	1	III	P	P	P	P
Cuba	04.10.1902	1	I	P	–	–	–
Cyprus	23.11.1961	1	III	P	P	P	P
Czech Rep	18.05.1920/ 18.03.1993	5	II	P	P	–	P
Dem People's Rep of Korea	01.01.1900/ 06.06.1974	3 <sup>1</sup>	IV	P*	–	–	–
Dem Rep of the Congo	01.01.1886	3	V	P	P	P	P
Denmark	01.07.1875	10	III	P	P	P	P
– Farøe Islands							
– Greenland							
Djibouti	06.06.1978	0.5	V	P	P	–	–
Dominica	31.01.1980	1	I	–	–	–	–
Dominican Republic	01.10.1880	1	I	P	–	–	–
Ecuador	01.07.1880	1	I	P	P	P	P
Egypt	01.07.1875	5	V	P	P	P	P
El Salvador	01.04.1879	1	I	P*	P*	–	–
Equatorial Guinea	24.07.1970	0.5	V	P	P	P	P
Eritrea	19.08.1993	0.5	V	P	–	–	–
Estonia	07.07.1922/ 30.04.1992	1	II	P	–	–	–
Ethiopia	01.11.1908	0.5	V	P	–	–	–
Fiji	18.06.1971	1	IV	P	P	–	P
Finland (including the Åland Islands)	12.02.1918	10	III	P	P	P	P
France	01.01.1876	50	III	P	P	P	P
– French Overseas Departments:							
– – French Guiana							
– – Guadeloupe (including St Barthélemy and St Martin)							
– – Martinique							
– – Réunion							
– Territorial Community of Mayotte							
– Territorial Community of St Pierre and Miquelon							
– French Overseas Territories coming within the Union's jurisdiction by virtue of article 23 of the Constitution:							
– – French Polynesia (including Clipperton Island)							

<sup>1</sup> One unit as from 2000.



	Date of entry into the UPU as member country	Contribution units	Geographical group	Party to the 1994 Seoul Agreement (P) or only to the 1989 Washington Agreement (P*)	CP	MP	VP	R
- - French Southern and Antarctic Territories (St Paul and Amsterdam Islands, Crozet Islands, Kerguelen Islands, Terre Adélie)								
- - New Caledonia								
- - Wallis and Futuna Islands								
- - Scattered islands (Bassas da India, Europa, Juan de Nova, Glorieuses, Tromelin)								
Gabon	17.07.1961	1	V	P	P	P	P	
Gambia	09.10.1974	0.5	V	-	-	-	-	
Georgia	01.04.1993	1	II	P*	-	-	-	
Germany	01.07.1875	50	III	P	P	P	P	
Ghana	10.10.1957	3	V	P	P	-	P	
Great Britain:	01.07.1875	50	III	P	-	P	P	
- United Kingdom of Great Britain and Northern Ireland								
- Guernsey								
- Jersey								
- Isle of Man								
Overseas Territories (United Kingdom of Great Britain and Northern Ireland):	01.04.1877	5 <sup>1</sup>	IV	P	-	P	P	
- Anguilla								
- Ascension								
- Bermuda								
- British Indian Ocean Territory								
- British Virgin Islands								
- Cayman Islands								
- Falkland Islands (Malvinas)								
- Gibraltar								
- Montserrat								
- Pitcairn, Henderson, Ducie and Oeno (Islands)								
- South Georgia and the South Sandwich Islands								
- St Helena								
- St Helena (dependencies) (Islands)								
- Tristan da Cunha								
- Turks and Caicos Islands								
Greece	01.07.1875	3	III	P	P	P	P	

<sup>1</sup> Because of the resumption of the exercise of sovereignty over Hong Kong by the People's Republic of China on 1 July 1997, the following provisional solution has been adopted up to the next Congress:

- the Government of the Hong Kong Special Administrative Region continues to pay on a voluntary basis a sum equivalent to one contribution unit;
- the Government of the United Kingdom of Great Britain and Northern Ireland pays 4 units instead of 5 for the British Overseas Territories.

# General list of UPU member countries

	Date of entry into the UPU as member country	Contribution units	Geographical group	Party to the 1994 Seoul Agreement (P) or only to the 1989 Washington Agreement (P*)			
				CP	MP	VP	R
Grenada	30.01.1978	1	I	P	P	-	-
Guatemala	01.08.1881	3	I	P*	-	-	-
Guinea	06.05.1959	0.5	V	P	P	P	P
Guinea-Bissau	30.05.1974	0.5	V	-	-	-	-
Guyana	22.03.1967	1	I	P	P	P	P
Haiti	01.07.1881	0.5	I	P*	P*	-	-
Honduras (Rep)	01.04.1879	1	I	P	-	-	-
Hungary (Rep)	01.07.1875	5	II	P	P	P	P
Iceland	15.11.1919	1	III	P	P	P	P
India	01.07.1876	25	IV	P	-	-	-
Indonesia	01.05.1877	10	IV	P	P	P	P
Iran (Islamic Rep)	01.09.1877	5	IV	P	P	P	P
Iraq	22.04.1929	3	IV	P*	-	-	-
Ireland	06.09.1923	5	III	P	-	-	-
Israel	24.12.1949	3	IV	P	-	-	-
Italy	01.07.1875	25	III	P	P	P	P
Jamaica	29.08.1963	1	I	-	-	-	-
Japan	01.06.1877	50	IV	P	P	P	-
Jordan	16.05.1947	1	IV	P	P	-	-
Kazakstan	27.08.1992	1	II	P	-	-	-
Kenya	27.10.1964	3	V	P	-	-	-
Kiribati	14.08.1984	0.5	IV	P*	-	-	-
Korea (Rep)	01.01.1900	15	IV	P	P	P	P
Kuwait	16.02.1960	10	IV	P	P	-	-
Kyrgyzstan	26.01.1993	1	II	P	P	-	-
Lao People's Dem Rep	20.05.1952	0.5	IV	P	-	-	-
Latvia	01.10.1921/ 17.06.1992	1	II	P	-	-	-
Lebanon	12.05.1931/ 15.05.1946	1	IV	P	P	-	-
Lesotho	06.09.1967	0.5	V	P	-	-	-
Liberia	01.04.1879	1	V	P	P	-	-
Libyan Jamahiriya	04.06.1952	5	V	P	P	P	P
Liechtenstein	13.04.1962	1	III	P	P	P	P
Lithuania	01.01.1922/ 10.01.1992	1	II	P*	-	-	-
Luxembourg	01.07.1875	3	III	P	P	P	P
Madagascar	02.11.1961	1	V	P	P	P	-
Malawi	25.10.1966	0.5	V	P	-	-	-
Malaysia	17.01.1958	3	IV	P	-	-	-
Maldives	15.08.1967	1	IV	P	P	-	-
Mali	21.04.1961	0.5	V	P	P	P	P
Malta	21.05.1965	1	III	P	-	-	-
Mauritania	22.03.1967	1	V	P	P	P	P
Mauritius	29.08.1969	1	V	P	-	-	-
Mexico	01.04.1879	10	I	P	P	-	-
Moldova	16.11.1992	1	II	P	P	P	P
Monaco	12.10.1955	1	III	P	P	P	P
Mongolia	24.08.1963	1	IV	P	-	-	-
Morocco	01.10.1920	5	V	P	P	P	P

	Date of entry into the UPU as member country	Contribution units	Geographical group	Party to the 1994 Seoul Agreement (P) or only to the 1989 Washington Agreement (P*)			
				CP	MP	VP	R
Mozambique	11.10.1978	0.5	V	P	P	P	P
Myanmar	04.10.1949	1	IV	P	-	-	-
Namibia	30.04.1992	1	V	P	P	P	P
Nauru	17.04.1969	1	IV	P	-	-	P
Nepal	11.10.1956	1	IV	P	-	-	-
Netherlands	01.07.1875	15	III	P	P	P	P
Netherlands Antilles and Aruba	01.05.1877	1	I	P	P	P	P
- Netherlands Antilles (Bonaire, Curaçao, Saba, St Eustatius, St Maarten)							
- Aruba							
New Zealand (including the Ross Dependency)	01.10.1907	10	IV	P	-	-	-
- Cook Islands							
- Niue							
- Tokelau							
Nicaragua	01.05.1882	1	I	-	-	-	-
Niger	12.06.1961	1	V	P	P	P	P
Nigeria	10.07.1961	10	V	P	P	-	-
Norway	01.07.1875	10	III	P	P	P	P
Oman	17.08.1971	1	IV	P	-	-	-
Pakistan	10.11.1947	15	IV	P	-	-	-
Panama (Rep)	11.06.1904	1	I	P	P	P	P
Papua New Guinea	04.06.1976	1	IV	P	P	P	P
Paraguay	01.07.1881	1	I	P	P	P	P
Peru	01.04.1879	1 <sup>1</sup>	I	P	P	P	P
Philippines	01.01.1922	1	IV	P	P	P	P
Poland (Rep)	01.05.1919	5	II	P	P	-	-
Portugal	01.07.1875	5	III	P	P	-	P
- Macao							
Qatar	31.01.1969	3	IV	P	P	-	-
Romania	01.07.1875	3	II	P	P	P	P
Russian Federation	01.07.1875	25	II	P	-	-	-
Rwanda	06.04.1963	0.5	V	P*	P*	P*	-
Saint Christopher (St Kitts) and Nevis	11.01.1988	1	I	P*	P*	P*	P*
Saint Lucia	10.07.1980	1	I	P	P	-	-
Saint Vincent and the Grenadines	03.02.1981	1	I	P	P	P	-
Samoa	09.08.1989	0.5	IV	P	P	-	-
San Marino	01.07.1915	1	III	P	P	P	P
Sao Tomé and Príncipe	22.08.1977	0.5	V	-	-	-	-
Saudi Arabia	01.01.1927	25	IV	P	-	-	-
Senegal	14.06.1961	1	V	P	P	P	P
Seychelles	07.10.1977	1	V	P	-	-	-
Sierra Leone	29.01.1962	0.5	V	P	P	-	-
Singapore	08.01.1966	1	IV	P	P	P	-

<sup>1</sup> For 1998–2007.

# General list of UPU member countries

	Date of entry into the UPU as member country	Contribution units	Geographical group	Party to the 1994 Seoul Agreement (P) or only to the 1989 Washington Agreement (P*)			
				CP	MP	VP	R
Slovakia	18.05.1920/ 18.03.1993	3	II	P	P	P	P
Slovenia	24.12.1921/ 27.08.1992	1	III	P*	P*	P*	P*
Solomon Islands	04.05.1984	0.5	IV	P	P	-	-
Somalia	01.04.1959	0.5	V	P*	P*	P*	P*
South Africa	01.01.1893/ 22.08.1994	10	V	-	-	-	-
Spain	01.07.1875	25	III	P	P	P	P
Sri Lanka	13.07.1949	3	IV	P	P	-	-
Sudan	27.07.1956	0.5	V	P	P	-	-
Suriname	01.05.1877/ 20.04.1976	1	I	P	P	P	P
Swaziland	07.11.1969	1	V	P	-	-	-
Sweden	01.07.1875	15	III	P	P	P	P
Switzerland	01.07.1875	15	III	P	P	P	P
Syrian Arab Rep	12.05.1931/ 15.05.1946	1	IV	P	P	P	P
Tajikistan	09.06.1994	1	II	P	-	-	-
Tanzania (United Rep)	29.03.1963	0.5	V	P	P	P	P
Thailand	01.07.1885	3	IV	P	P	-	P
the former Yugoslav Republic of Macedonia	12.07.1993	1	II	P	P	P	P
Togo	21.03.1962	0.5	V	P	P	P	P
Tonga (including Niuafu'ou)	26.01.1972	1	IV	P	-	-	-
Trinidad and Tobago	15.06.1963	1	I	P	-	-	-
Tunisia	01.07.1888	5	V	P	P	P	P
Turkey	01.07.1875	5	III	P	P	P	P
Turkmenistan	26.01.1993	1	II	P	-	-	-
Tuvalu	03.02.1981	0.5	IV	-	-	-	-
Uganda	13.02.1964	0.5	V	P	P	P	P
Ukraine	13.05.1947	5	II	P	-	-	-
United Arab Emirates	30.03.1973	1	IV	P	P	P	P
United States of America	01.07.1875	50	I	P	P	-	-
- Territories of the United States of America coming within the Union's jurisdiction by virtue of article 23 of the Constitution:							
- - Guam, Puerto Rico, Samoa, Virgin Islands of the United States of America							
- - Trust Territory of the Pacific Islands (Mariana Islands including Saipan and Tinian, but not the United States Possession of Guam)							
Uruguay	01.07.1880	3	I	P	P	P	-
Uzbekistan	24.02.1994	1	II	P	-	-	-
Vanuatu	16.07.1982	1	IV	P	P	-	-

# General list of UPU member countries

	Date of entry into the UPU as member country	Contribution units	Geographical group	Party to the 1994 Seoul Agreement (P) or only to the 1989 Washington Agreement (P*)			
				CP	MP	VP	R
Vatican	01.06.1929	1	III	P	P	P	P
Venezuela	01.01.1880	1	I	P	-	-	-
Viet Nam	20.10.1951	1	IV	P	P	-	-
Yemen	01.01.1930	0.5	IV	P	P	-	P
Yugoslavia <sup>1</sup>	01.07.1875/ 24.12.1921	3	II	P	P	P	P
Zambia	22.03.1967	3	V	P	P	P	P
Zimbabwe	31.07.1981	3	V	P	P	-	P

Number of member countries: 189

UN member countries whose situation with regard to the UPU has not yet been settled:

Andorra  
Marshall Islands  
Micronesia (Federated States of)  
Palau

Territory in a special situation:

East Timor

<sup>1</sup> In resolution CA 8/1998, the CA decided not to invite the Federal Republic of Yugoslavia to participate in the 1999 Beijing Congress pending its accession to the Universal Postal Union and not to invite it to any meeting until the issue of accession to membership in the UPU is resolved.



# Part II

## Constitution of the Universal Postal Union

(as amended by the 1969 Tokyo, 1974 Lausanne, 1984 Hamburg, 1989 Washington and 1994 Seoul Additional Protocols)

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# Constitution of the Universal Postal Union

## ■ Commentary

The Const of the UPU was adopted at the 1964 Vienna Congress. The organic provs of the Union were previously contained in the Conv, in which they preceded the provs relating to the postal service in the strict sense.

The present Const contains the amendments made by the 1969 Tokyo, 1974 Lausanne, 1984 Hamburg, 1989 Washington and 1994 Seoul Add Prots. For the complete text of these Add Prots, see 1969 Tokyo Congress, III 5–8, 1974 Lausanne Congress, III 23–25, 1984 Hamburg Congress, III 25–28, 1989 Washington Congress, III/1 27–32 and 1994 Seoul Congress, III 25–29.

The institution set up at Berne by the Treaty of 9 October 1874 was originally called "General Postal Union". Many countries joined it after 1874, and the 1878 Paris Congress changed its title to "Universal Postal Union".

## Preamble

With a view to developing communications between peoples by the efficient operation of the postal services, and to contributing to the attainment of the noble aims of international collaboration in the cultural, social and economic fields,

the plenipotentiaries of the Governments of the contracting countries have, subject to ratification, adopted this Constitution.

## ■ Commentary

According to international law, the preamble to a treaty is not a simple declaration. It may serve as a legal basis for the interpretation of the treaty; it indicates the spirit of the treaty and the way in which it is to be understood. The preamble is legally binding on the contracting countries, forms an integral part of the treaty and constitutes a solemn statement of the purpose and aims of the UPU. These aims are also defined in art 1.

## Section I

### Organic provisions

### Chapter I

#### General

#### Article 1

##### Scope and objectives of the Union

1 The countries adopting this Constitution shall comprise, under the title of the Universal Postal Union, a single postal territory for the reciprocal exchange of

letter-post items. Freedom of transit shall be guaranteed throughout the entire territory of the Union.

2 The aim of the Union shall be to secure the organization and improvement of the postal services and to promote in this sphere the development of international collaboration.

3 The Union shall take part, as far as possible, in postal technical assistance sought by its member countries.

#### ■ Commentary

1.1 The UPU founders wanted to admit as members not only sovereign States but also certain territorial and political entities that were not totally independent (in particular protectorates or colonies) and that did not have the status of sovereign State in the full sense of the term. That is why they chose the term "country" in order to embrace all the entities admitted as member countries of the UPU, for owing to the essentially geographical notion it expresses, it can be used to cover a group of politically heterogeneous entities. See also comm under arts 2 and 11.

The phrase "The countries ... shall comprise ... a single postal territory" was contained in the "Treaty setting up a General Postal Union" of 1874, to suggest the ideas of standardization and close cooperation which inspired the founders of the Union. The phrase is figurative rather than legal, for strictly speaking there is no single postal territory covering all the States and territories which compose the UPU. Nevertheless, this prov symbolizes the fact that letter-post items in the international service on the various territories of the contracting parties are subject to a postal law which, in its basic principles, is uniform. The idea of a single postal territory involves, moreover, an obligation upon all contracting parties to treat letter-post items in transit from other countries like their own items, without discrimination. The prov laid down in the Conv, art 1, whereby each adm is obliged always to forward by the quickest routes and most reliable means which it uses for its own items, closed mails and *à découvert* letter-post items transmitted to it by another adm, also emanates from this principle. Another of its consequences is the fact that the contracting parties cannot subject foreign letter-post items to fees or charges to which dispatches from their own users are not subject, nor make any other distinction between their own letter-post items and those from other countries to the detriment of the latter. However, it should not be assumed from this that transit countries must undertake the conveyance of letter-post items across their territories free of charge, since a large number of these countries would not benefit from reciprocal privileges, or at least equivalent privileges, granted by the countries of origin using their services.

On the other hand, the idea of a "single territory" does not preclude mutual agreements between countries regarding facilities. Accordingly, certain "Restricted Unions" and certain "Special Agreements" (art 8) derogate from the system of the UPU and thus detract from the notion of a "single territory", eg by providing for reduced rates, free transit, etc, within their reciprocal relationships (see art 8 and comm).

When the Const was being drafted at the 1964 Vienna Congress, the expanded ELC considered it necessary to indicate at the beginning of this basic Act of the Union the principle of freedom of transit, which is fundamental for the UPU. This principle does not mean that countries are obliged to open their frontiers to transport organized by another country of the UPU. It does not derogate from the right to a national postal monopoly; but it implies that intermediate adms are also obliged to have conveyed by their services, allocated to ordinary postal conveyance, correspondence which is passed on to them by another adm of the UPU.

1.2 The objectives of the Union also follow from the preamble.

1.3 In the Const, the principle of technical assistance has been framed in general terms so as to allow the executive bodies the necessary flexibility in the future use of all forms of assistance. Direct tech asst granted to each other by member countries of the UPU is very important and includes assistance by experts, the prov of study and training facilities, the exchange of background material, information, and the results of experiments, tests, etc.

UPU multilateral technical cooperation is essentially carried out under the UNDP (see part I, Historical outline, chapter IX).

### Article 2

#### Members of the Union

Member countries of the Union shall be:

- a countries which have membership status at the date on which the Constitution comes into force;
- b countries admitted to membership in accordance with article 11.

#### ■ Commentary

**2** Before the 1964 Vienna Congress, there was no art on the composition of the Union which was inferred from the List of Member Countries in the preamble to the Conv. The Vienna Congress decided to delete the List of Member Countries in the preamble to the Acts and to replace it by an art, as in the constitutions of other international organizations, containing the necessary legal conditions for considering a country a member of the UPU.

The List of Member Countries of the Union is now drawn up by the IB in accordance with Gen Regs, art 113, and is reproduced at the end of part I.

According to the customary practice in treaty law, the art on the composition of an international organization makes membership of it dependent on the performance of certain formal legal acts such as ratification of, or accession to, the constitution, or a specific admission procedure. While not wishing to depart from this practice, the 1964 Vienna Congress considered it better not to mention these legal formalities explicitly, but to transfer membership under the Ottawa regulations to the Vienna regulations, so as to ensure continuity between the “old-style” Union and the “new-style” Union. The text used confers membership upon those countries which had acquired that status under the previous Acts.

In support of this it should be pointed out that in the past the absence of formal ratification of the Acts of the UPU did not deprive countries of their membership or of their right to attend and vote at Congresses. It was considered that the Acts were “tacitly ratified” by the implementation of the new provs (see art 25, comm).

The term “country” comprises not only sovereign States which were member countries under the Ottawa Acts, but also non-self-governing territories to which earlier Congresses had granted the status of member countries, and which had, on that basis, the same rights and obligations as the other member countries (see art 1.1, comm).

The only territories still enjoying this position at the time when the 1994 Seoul Acts came into force, were:

- i The Overseas Territories for whose international relations the Government of the United Kingdom of Great Britain and Northern Ireland is responsible;
- ii The Netherlands Antilles and Aruba.

### Article 3

#### Jurisdiction of the Union (Const 2 and 23)

The Union shall have within its jurisdiction:

- a the territories of member countries;
- b post offices set up by member countries in territories not included in the Union;
- c territories which, without being members of the Union, are included in it because from the postal point of view they are dependent on member countries.

#### ■ Commentary

**3** The jurisdiction of the Union means the territorial area to which the Acts of the UPU apply. This area consists, first of all, of the territory of the member countries in the sense of art 2, as well as, where applicable, territories for whose international relations a member country is responsible (art 23); however, it extends beyond these limits in cases falling under b and c. To facilitate the establishment of postal relations

with all parts of the world, the adms of several member countries formerly undertook the organization of or responsibility for the postal service in certain areas where there was no local service or where the postal service was inadequate. This situation led the UPU to consider such offices and territories as within its jurisdiction.

Although there are virtually no more post offices established by member countries on the territory of another country, the 1984 Hamburg Congress kept this provision, but adopted the following interpretation: the term "post offices set up by member countries in territories not included in the Union" shall henceforth designate post offices established by member countries which are uncontrolled or jointly possessed, or internationalized by the international community.

Subpara c concerns territories whose relationship with the member country, on which they depend from the postal point of view, is different from those covered by art 23 (territories for whose international relations a member country is responsible).

## Article 4

### Exceptional relations

Postal administrations which provide a service with territories not included in the Union are bound to act as intermediaries for other administrations. The provisions of the Convention and its Detailed Regulations shall be applicable to such exceptional relations.

#### ■ Commentary

**4** The field of application of this art is at the limits of Union jurisdiction. This prov regulates the relations of member countries with countries or territories which are not part of the UPU within the meaning of art 3, but which maintain postal relations with a member country on the basis of a bilateral Agr.

A similar principle is applied in the parcels service (see Parcels, art 40). On the other hand, the obligation to act as intermediaries for the adms of other member countries was withdrawn by the 1924 Stockholm Congress in respect of the money order service and the giro service.

As there was a risk that the second sentence would be interpreted as requiring the application of the Conv and its Det Regs to the relations of a member country of the Union with a country or territory not included therein, the 1929 London Congress stated that in this case "only the intermediary country of the Union would be recognized and that this country would naturally have to abide by the provisions of the Convention".

## Article 5

### Seat of the Union

The seat of the Union and of its permanent organs shall be at Berne.

#### ■ Commentary

**5** The seat of the Union refers to the place considered as the centre of activities of the UPU.

For the "permanent organs", see art 13.

The legal status of the Union in Switzerland is governed by the Agr on the privileges and immunities of the UN. The docs relating thereto are reproduced in this binder under "Legal status of the UPU" (see part I, Historical outline, chapter VI, and part V).

## Article 6

### Official language of the Union (Gen Regs 107, 108)

The official language of the Union shall be French.

#### ■ Commentary

6 On the background to the language system of the UPU, see part I, Historical outline, chapter VIII.

The 1994 Seoul Congress instructed the CA to undertake a study on the efficiency of translation services within the Union (resolution C 74/1994) and a comprehensive study of the Union's language system aimed in particular at considering all the consequences of introducing other working languages at the International Bureau (resolution C 77/1994).

## Article 7

### Monetary unit

The monetary unit used in the Acts of the Union shall be the accounting unit of the International Monetary Fund (IMF).

#### ■ Commentary

7 Art amended by the 1989 Washington Add Prot.

For a long time, the g fr was the monetary unit of the UPU. In January 1976, the IMF approved the principle of demonetizing gold and that decision officially came into force on 1 April 1978. Since then, the member countries of that UN specialized agency may no longer make any reference to gold in fixing the value of their currency. As a result, the g fr could no longer fill in the same way the role that it previously played in international postal accounting, whether in the field of fixing charges and rates or in the preparation and settlement of accounts.

The 1989 Washington Congress abolished the g fr and replaced it with the IMF accounting unit. Only a few adms still use the g fr for preparing accounts, the totals of which are then converted into SDR for settlement.

## Article 8

### Restricted Unions. Special Agreements (Gen Regs 117)

1 Member countries, or their postal administrations if the legislation of those countries so permits, may establish Restricted Unions and make Special Agreements concerning the international postal service, provided always that they do not introduce provisions less favourable to the public than those provided for by the Acts to which the member countries concerned are parties.

2 Restricted Unions may send observers to Congresses, Conferences and meetings of the Union, to **the Council of Administration** and to the **Postal Operations Council**.

3 The Union may send observers to Congresses, Conferences and meetings of Restricted Unions.

#### ■ Commentary

8.1 Since its creation, the Union has given its members the possibility of setting up "Restricted Unions" and of concluding "Special Agreements" in order to facilitate cooperation and improve the postal service.

In order to constitute a “Restricted Union”, there must be at least three member countries. They, or their adms, must conclude a convention to deal with postal questions and draw up a number of provs regarding the organization and functioning of the said Union. In general, a Union is equipped with organs as mentioned in its constituent Act (periodical confs, headquarters or the designation of one member as Managing Adm). These Unions must also consider themselves to be Restricted Unions within the meaning of this art.

Special Agrs are Agrs concluded between certain UPU member countries or their adms with the sole aim of facilitating the functioning of the postal service. As a rule these are bilateral Agrs, but there is nothing to prevent a multilateral Agr being equally considered as a Special Agr.

The Restricted Unions which maintain relations with the UPU on the basis of art 8 are the following:

- i Association of Postal and Telecommunications Operators of Portuguese-Speaking Countries and Territories (AICEP), created in 1998. Members: Angola, Brazil, Cape Verde, Guinea-Bissau, Macao, Mozambique, Portugal and Sao Tome and Principe.
- ii Association of European Public Postal Operators (POSTEUROP), created in 1993. Members: Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria (Rep), Croatia, Cyprus, Czech Rep, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Guernsey/Jersey and Isle of Man, Hungary (Rep), Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Netherlands, Norway, Poland (Rep), Portugal, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and Ukraine.
- iii Arab Permanent Postal Commission (APPC), created in 1992, replaced the Arab Postal Union (UPA), which had been created in 1952. Members: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libyan Jamahiriya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Rep, Tunisia, United Arab Emirates and Yemen.
- iv European Postal Financial Services Commission (CSFPE), created in 1992. Members: Albania, Austria, Belgium, Bulgaria (Rep), Croatia, Cyprus, Czech Rep, Denmark, Finland, France, Germany, Great Britain, Greece, Hungary (Rep), Iceland, Ireland, Italy, Latvia, Luxembourg, Netherlands, Norway, Poland (Rep), Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and Yugoslavia.
- v Regional Community for Posts and Telecommunications (RCPT), created in 1991. Members: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkey, Turkmenistan, Ukraine and Uzbekistan.
- vi Conference of Posts and Telecommunications Administrations of Central Africa (CAPTAC)<sup>1</sup>, created in 1984.
- vii European Conference of Postal and Telecommunications Administrations (CEPT), created in 1959. Members: Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria (Rep), Croatia, Cyprus, Czech Rep, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary (Rep), Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Netherlands, Norway, Poland (Rep), Portugal, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and Vatican.
- viii African Posts and Telecommunications Union (APTU), created in 1975. This Restricted Union ceased operations in 1996.
- ix Pan African Postal Union (PAPU), created in 1980. Members: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Rep, Chad, Comoros, Congo (Rep), Côte d'Ivoire (Rep), Dem Rep of the Congo, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Libyan Jamahiriya, Madagascar, Malawi, Mozambique, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania (United Rep), Togo, Tunisia, Uganda, Zambia and Zimbabwe.
- x African Postal Union (APU), created in 1961. Members: Burundi, Dem Rep of the Congo, Egypt, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Somalia and Sudan.
- xi Baltic Postal Union (BPU), created in 1994. Members: Estonia, Latvia and Lithuania.
- xii Caribbean Postal Union (CPU), created in 1998. Members: Anguilla, Aruba, Barbados, Cayman Islands, Dominica, Dominican Republic, Grenada, Haiti, Netherlands Antilles, Saint Lucia, Suriname, Trinidad and Tobago, Turks and Caicos Islands, France, Great Britain and Netherlands.
- xiii Asian-Pacific Postal Union (APPU), created in 1961. Members: Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, China (People's Rep), India, Indonesia, Japan, Korea (Rep), Lao People's

<sup>1</sup> CAPTAC has been dissolved and replaced by a new structure, COPTAC, the status of which will be communicated later.

Dem Rep, Malaysia, Maldives, Nauru, Nepal, New Zealand, Pakistan, Papua New Guinea, Philippines, Singapore, Sri Lanka, Thailand and Viet Nam.

- xiv Postal Union of the Americas, Spain and Portugal (PUASP), created in 1911. Members: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras (Rep), Mexico, Netherlands Antilles and Aruba, Nicaragua, Panama (Rep), Paraguay, Peru, Portugal, Spain, Suriname, United States of America, Uruguay and Venezuela.
- xv Nordic Postal Union (NPU), created in 1919. Members: Denmark, Finland, Iceland, Norway and Sweden.
- xvi South and West Asia Postal Union (SWAPU), created in 1977 and reactivated in 1988. Members: Iran (Islamic Rep), Pakistan and Turkmenistan.

In addition to the Restricted Unions within the meaning of art 8, there are others which de facto fulfil the same conditions and pursue similar aims, but which for various reasons do not consider themselves (or are not considered to be) Restricted Unions within the meaning of the said art, eg the Conference of Postal and Telecommunications Administrations of the States of West Africa (CAPTEAO).

The general clause of art 8 clearly relates above all to the provs governing relations between adms and the users of the Post. On the other hand, as regards provs concerning relations between adms, the possibility of “contracting out” is also repeatedly mentioned in the various provs.

In particular, countries can agree on reduction of charges and transit charges.

### 8.2 Para amended by the 1969 Tokyo and 1994 Seoul Add Prots.

In order to promote cooperation between itself and the Restricted Unions, the UPU initially permitted the latter to send observers to Congresses, Confs and the EC, and later to the CCPS when that body was set up.

The 1964 Vienna Congress decided that observers from Restricted Unions might also attend Congress Comm meetings. The Unions may also take part in meetings of the Comms and Working Parties of the CA and POC (see CA and POC Rules of Proc, art 3).

The desirability of having recourse to the Restricted Unions in tech asst matters was raised at the 1974 Lausanne Congress. The latter adopted resolution C 38/1974 instructing the EC, the CCPS and the IB to take all appropriate steps to develop UPU–Restricted Union cooperation, particularly in the field of tech asst.

Subsequently, the 1979 Rio de Janeiro Congress instructed the EC to study and, where applicable, take practical measures in connection with:

- a the technical, financial and legal aspects of the problem presented by greater participation of the Restricted Unions in the various tech asst programmes;
- b the relations between the UPU, the Restricted Unions and the Regional Economic Commissions;
- c the safeguarding of the interests of adms which are not members of Restricted Unions.

On the basis of this resolution, the EC adopted resolution CE 6/1983 to establish the legal framework for such cooperation.

The 1984 Hamburg Congress, in its turn, sanctioned cooperation from the Restricted Unions in tech asst matters on the basis of the principles and procedures applied by the UNDP when it laid down the priorities and principles of UPU tech asst.

The 1989 Washington and 1994 Seoul Congresses adopted a series of resolutions on the subject of tech asst (see part I, Historical outline, chapter IX).

## Article 9

### Relations with the United Nations

The relations between the Union and the United Nations shall be governed by the Agreements whose texts are annexed to this Constitution.

#### ■ Commentary

9 See part I, Historical outline, chapter XI, and part V, UN–UPU Agreements.



## Article 10

### Relations with international organizations

In order to secure close cooperation in the international postal sphere, the Union may collaborate with international organizations having related interests and activities.

#### ■ Commentary

**10** By international organizations shall be understood above all intergovernmental international organizations, particularly the specialized agencies which are listed below:

International Labour Organisation (ILO);

Food and Agriculture Organization of the United Nations (FAO);

United Nations Educational, Scientific and Cultural Organization (UNESCO);

International Civil Aviation Organization (ICAO);

World Health Organization (WHO);

World Bank Group, consisting of:

– International Bank for Reconstruction and Development (IBRD);

– International Development Association (IDA);

– International Finance Corporation (IFC);

International Monetary Fund (IMF);

Universal Postal Union (UPU);

International Telecommunication Union (ITU);

World Meteorological Organization (WMO);

International Maritime Organization (IMO);

World Intellectual Property Organization (WIPO);

International Fund for Agricultural Development (IFAD);

United Nations Industrial Development Organization (UNIDO);

to which should be added the International Atomic Energy Agency (IAEA) and the World Trade Organization (WTO).

The Union also cooperates with some non-governmental organizations (eg IATA, ISO, WCO and such UN bodies as the UNDP and the UNDCP).

The activities of the UPU and the nature of its technical work are extremely varied. They raise problems which sometimes necessitate the cooperation of international organizations with common interests in these spheres. In general such problems are dealt with by the CA, which establishes the necessary contact through the IB. See on this point Gen Regs, art 102, para 6.19, and art 110, para 2.9. See also Gen Regs, art 102, comm.

As regards the participation of international organizations in Congresses, see Gen Regs, art 101, comm; for the invitation of intergovernmental organizations to Congresses, see Gen Regs, art 102, comm, and the Rules of Proc of Congresses.

For UPU representation at meetings of international organizations, see art 20, comm.

## Chapter II

### Accession or admission to the Union. Withdrawal from the Union

#### Article 11

##### Accession or admission to the Union. Procedure

**1** Any member of the United Nations may accede to the Union.

2 Any sovereign country which is not a member of the United Nations may apply for admission as a member country of the Union.

3 Accession or application for admission to the Union must entail a formal declaration of accession to the Constitution and to the obligatory Acts of the Union. It shall be addressed by the Government of the country concerned to the Director-General of the International Bureau, who shall notify the accession or consult the member countries on the application for admission, as the case may be.

4 A country which is not a member of the United Nations shall be deemed to be admitted as a member country if its application is approved by at least two thirds of the member countries of the Union. Member countries which have not replied within a period of four months shall be considered as having abstained.

5 Accession or admission to membership shall be notified by the Director-General of the International Bureau to the Governments of member countries. It shall take effect from the date of such notification.

■ **Commentary**

11 Art amended by the 1969 Tokyo and 1989 Washington Add Prots.

From its inception up to the 1947 Paris Congress, the UPU was an “open union”, ie any sovereign or quasi-sovereign country could become a member by means of a unilateral declaration of accession to the Conv. At the 1947 Paris Congress the UPU decided, in view of its new status as a specialized agency of the UN, to amend the former procedure by requesting that countries desirous of becoming members of the UPU submit an application to that effect and that all member countries be consulted, the application to be formally approved by two thirds of the member countries.

The 1964 Vienna Congress introduced, in addition to the above procedure, a simplified procedure for the members of the UN. The latter may accede to the UPU by a unilateral declaration; in such cases no consultation takes place with member countries.

**11.2** The word “sovereign” was introduced by the 1947 Paris Congress (see also art I, comm). In default of accession or admission as a member, the application of the Acts of the UPU in dependent territories is at all times possible on the basis of arts 3, c, or 23.

**11.3** By the formal declaration of accession to the Const and the compulsory Acts which must be included in the act of accession (para 1) or the application for admission (para 2), the aim was to prevent a country from acceding to the Const without also undertaking to apply the provs of the other compulsory Acts (see art 22).

Since the beginning of the Union, the Swiss Government had served as depositary of the Acts and, as such, was involved in the procedure of accession and admission to the UPU. The Swiss Government having asked to be relieved of this function, the 1989 Washington Congress decided to transfer that power to the Director-General of the IB.

**11.5** See comm 11.3 above.

For the financial obligations of new member countries, see art 21 and Gen Regs, art 125, para 7.

## Article 12

### Withdrawal from the Union. Procedure

1 Each member country may withdraw from the Union by notice of denunciation of the Constitution given by the Government of the country concerned to the Director-General of the International Bureau and by him to the Governments of member countries.

2 Withdrawal from the Union shall become effective one year after the day on which the notice of denunciation provided for in paragraph 1 is received by the Director-General of the International Bureau.

#### ■ Commentary

12 Art amended by the 1989 Washington Add Prot.

12.1 Like most international organizations, the Union grants its members the right of voluntary withdrawal. This follows denunciation of the Const.

On the other hand, there is no withdrawal within the meaning of this art when a country loses its membership through loss of its right to be regarded as subject to international law (when a State is annexed, merges with another or is dissolved).

Power transferred to the Director-General of the IB by the 1989 Washington Congress (see art 11, comm).

12.2 For the contributions of a member in process of withdrawal, see Gen Regs, art 125, para 7.

## Chapter III

### Organization of the Union

## Article 13

### Bodies of the Union

1 The Union's bodies shall be Congress, **the Council of Administration**, the **Postal Operations Council** and the International Bureau.

2 The Union's permanent bodies shall be **the Council of Administration**, the **Postal Operations Council** and the International Bureau.

#### ■ Commentary

13 Art amended by the 1969 Tokyo, 1984 Hamburg and 1994 Seoul Add Prots.

The 1994 Seoul Congress replaced the names "Executive Council" and "Consultative Council for Postal Studies" with "Council of Administration" and "Postal Operations Council", which better suit the new nature of their activities.

13.2 Art 5 also contains a reference to "permanent" bodies. The phrase "permanent bodies" gave rise to prolonged discussions since some held the view that only the IB had continuous activities and should be considered a permanent body. This opinion did not however prevail. It has, on the contrary, been recognized that the composition and activity of the CA and the POC are constant and are maintained throughout the interval between Congresses. In accordance with art 17, it is the CA which ensures the continuity of the work of the Union between Congresses.

## Article 14

### Congress (Gen Regs 101, 106)

- 1 Congress shall be the supreme body of the Union.
- 2 Congress shall consist of the representatives of member countries.

#### ■ Commentary

**14.1** Under the system preceding the 1964 Vienna Congress, the Union was legally renewed at each Congress, since the Conv in force was each time replaced by a new one. Now the UPU has a permanent legal basis, which means that Congress is no longer the general assembly which recreates the Union every five years, but an actual body of the Union in the same way as the CA and the POC. In order of importance, the Congress is the supreme body of the Union.

Congress exercises all the powers coming within the scope of the UPU and which have not been expressly entrusted to another body by the Acts of the Union. In the first place, it has to amend the Acts of the Union. In addition to this legislative activity, it has a certain competence in administrative matters (eg considering the Comprehensive reports on the work of the CA and the POC, fixing the annual expenditure ceiling for the next five-year period, approving the Strategic Plan, considering tech asst matters, electing the Director-General and the Deputy Director-General) (see Gen Regs, art 109). It may only take decisions compatible with the Acts in force. For example, it may not itself settle a dispute, which must be submitted to arbitration.

**14.2** By “representative” is meant “any person empowered to negotiate and sign (plenipotentiaries) or merely to negotiate (delegates) on behalf of a member country”. The power to negotiate includes that of participation in deliberations and the right to vote. Officials attached to delegations are not considered representatives. They may, however, vote on behalf of their country at Comm meetings if formally authorized to do so by the head of their delegation, in accordance with the Rules of Proc of Congresses.

## Article 15

### Extraordinary Congresses (Gen Regs 101)

An Extraordinary Congress may be convened at the request or with the consent of at least two thirds of the member countries of the Union.

#### ■ Commentary

**15** A single Extraordinary Congress was held at Berne in 1900 (2–5 July) on the occasion of the 25th anniversary of the foundation of the UPU. This Congress decided to erect the UPU monument at Berne.

The CA may, at the request of any member country, take the initiative in consulting member countries with a view to convening an Extraordinary Congress.

For the practical organization of such Congresses, see Gen Regs, art 101, paras 7 and 8.

## Article 16

### Administrative Conferences

(Deleted)

■ **Commentary**

**16** The 1984 Hamburg Congress decided to do away with the possibility of holding Administrative Confs. Administrative Confs were held to discuss certain questions of restricted scope:

- a at Berne in 1876 (17–27 January), on the question of the admission of British India and the Whole of the French Colonies as members of the UPU, and to establish maritime transit charges affecting distances greater than from Europe to the United States of America and Egypt;
- b in Paris in 1880 (9 October–3 November), to conclude a Special Conv specifically concerning the exchange of postal parcels; the delegates to this Conf had, however, plenipotentiary powers;
- c at The Hague in 1927 (1–10 September), to lay down provs in respect of airmail.

## Article 17

### **Council of Administration** (Gen Regs 102)

**1** Between Congresses **the Council of Administration (CA)** shall ensure the continuity of the work of the Union in accordance with the provisions of the Acts of the Union.

**2** Members of **the Council of Administration** shall carry out their functions in the name and in the interests of the Union.

■ **Commentary**

**17** Art amended by the 1994 Seoul Add Prot.

**17.1** The CA is regarded as a permanent body of the Union (see art 13).

The expression “between Congresses” may give rise to two interpretations (“until the next Congress meets” or “until the coming into force of the Acts of the next Congress”). To solve this problem, Congress on several occasions adopted a resolution bringing the amended provs relating to the two Councils into force as soon as it has adopted them.

**17.2** Ratification of the principle that members of the CA represent neither their country nor their respective geographical groupings and that individual interests must give way to the general interest.

## Article 18

### **Postal Operations Council** (Gen Regs 104, 105)

The **Postal Operations Council (POC)** shall be responsible for **operational, commercial, technical and** economic questions concerning the postal service.

■ **Commentary**

**18** Art amended by the 1969 Tokyo and 1994 Seoul Add Prots.

The POC is regarded as a permanent body of the Union (see art 13).

## Article 19

### **Special Committees**

(Deleted)

### ■ Commentary

19 The 1984 Hamburg Congress decided to do away with the possibility of convening Special Comms. The following Special Comms have been convened between Congresses:

- 1 Study Comm at Brussels 1890 (26 June–1 July), for the preparation of the Subscriptions to Newspapers Agr; members: the three adms which had submitted drafts.
- 2 Study Comm appointed by the 1920 Madrid Congress, for the improvement and simplification of the Acts as regards form and drafting.
- 3 Study Comm set up by the 1924 Stockholm Congress, to simplify and expedite the work of Congress.
- 4 Preparatory Comm, appointed by the 1929 London Congress and instructed to prepare for the Cairo Congress.
- 5 Moreover, a Technical Committee on Transit (TCT) was set up by the 1939 Buenos Aires Congress. It was instructed to inquire into the most equitable bases for the fixing of transit charges and to suggest the best possible methods of simplifying the calculation of the levies due for this purpose.

## Article 20

### International Bureau

A central office operating at the seat of the Union under the title of the International Bureau of the Universal Postal Union, directed by a Director-General and placed under the control of **the Council of Administration**, shall serve as an organ of **execution, support, liaison, information and consultation**.

### ■ Commentary

20 Art amended by the 1984 Hamburg and 1994 Seoul Add Prots.

When it was founded, the IB was placed under the general supervision of the Swiss Government which, in that capacity, laid down and periodically revised the Regulations governing the organization, functioning and control of the activities of the IB. This situation continued until 1972. Since that date, it is the EC that has been drawing up the Staff Regulations and the Financial Regulations of the Union. The 1979 Rio de Janeiro Congress, for its part, decided to stop using the services of the Swiss Government for maintaining the Union's finances and opted for a self-financing system similar to that of the other specialized agencies of the UN. The supervisory authority of the Swiss Government thus having been practically emptied of its substance, the 1984 Hamburg Congress amended art 20 by replacing "the general supervision of the Government of the Swiss Confederation" by "the control of the Executive Council".

The Swiss Government continues, however, to audit the Union's accounts free of charge (see Gen Regs, art 125, para 10).

The IB's contacts with the other international bodies were practically non-existent until the UPU became a UN specialized agency.

Then they developed gradually. The IB now takes part in many interagency meetings, especially within the UN framework (see art 10, comm, and UN-UPU Agrs). To that end, the Rules of Proc of the CA lay down that the Secretary-General of the Council is responsible for organizing, in the interval between sessions and in accordance with any instructions from the Council, representation of the Union at meetings of the UN, the specialized agencies, the Restricted Unions and other international organizations in which the Union is interested.

The 1994 Seoul Congress specified that the IB is also responsible for discharging all the tasks entrusted to it and for taking on the necessary support activities.

## Chapter IV

### Finances of the Union

#### Article 21

Expenditure of the Union. Contributions of member countries (Gen Regs 125, 126)

- 1 Each Congress shall fix the maximum amount which:
  - a the expenditure of the Union may reach annually;
  - b the expenditure relating to the organization of the next Congress may reach.
  
- 2 The maximum amount for expenditure referred to in paragraph 1 may be exceeded if circumstances so require, provided that the relevant provisions of the General Regulations are observed.
  
- 3 The expenses of the Union, including where applicable the expenditure envisaged in paragraph 2, shall be jointly borne by the member countries of the Union. For this purpose, each member country shall choose the contribution class in which it intends to be included. The contribution classes shall be laid down in the General Regulations.
  
- 4 In the case of accession or admission to the Union under article 11, the country concerned shall freely choose the contribution class into which it wishes to be placed for the purpose of apportioning the expenses of the Union.

#### ■ Commentary

**21.1** Congress fixes a “financial ceiling” (corresponding to the net expenditure) for each year of the period from the entry into force of the Acts concluded at one Congress to the entry into force of the Acts of the following Congress (generally for a period of five years).

A separate “financial ceiling” is fixed for the expenditure relating to the next Congress as defined in Gen Regs, art 125, para 2, it being understood that this expenditure is charged to the regular budget, of which it forms a separate chapter.

**21.2** The ceiling of the Union's expenditure may be exceeded in certain circumstances in accordance with the rules laid down in Gen Regs, art 125, paras 2bis to 6. This prov was introduced by the 1964 Vienna Congress with regard to paragraphs 3 to 6 and by the 1994 Seoul Congress with regard to paragraph 2bis, in order to deal with situations created by new and unforeseen circumstances entailing unavoidable expenditure.

**21.3** The annual expenditure of the Union and that relating to the meeting of Congress is apportioned globally between all members of the Union. This principle does not apply to the cost of translation into a language other than the official one and the cost of simultaneous interpretation services (Gen Regs, art 108, paras 6, 7 and 12).

The 1974 Lausanne Congress abolished the power previously held by Congress to classify member countries in the different contribution classes and confirmed the principle of free choice of contribution class (see also Gen Regs, art 126).

**21.4** In confirming the principle of free choice of contribution class in case of accession or admission to the Union, the 1989 Washington Congress simply ratified the practice followed thus far.

## Section II

### Acts of the Union

#### Chapter I

##### General

###### Article 22

###### Acts of the Union

1 The Constitution shall be the basic Act of the Union. It shall contain the organic rules of the Union.

2 The General Regulations shall embody those provisions which ensure the application of the Constitution and the working of the Union. They shall be binding on all member countries.

3 The Universal Postal Convention and its Detailed Regulations shall embody the rules applicable throughout the international postal service and the provisions concerning the letter-post services. These Acts shall be binding on all member countries.

4 The Agreements of the Union, and their Detailed Regulations, shall regulate the services other than those of the letter post between those member countries which are parties to them. They shall be binding on those countries only.

5 The Detailed Regulations, which shall contain the rules of application necessary for the implementation of the Convention and of the Agreements, shall be drawn up by the **Postal Operations Council**, bearing in mind the decisions taken by Congress.

6 The Final Protocols annexed to the Acts of the Union referred to in paragraphs 3, 4 and 5 shall contain the reservations to those Acts.

###### ■ Commentary

22 For the structure of the Acts, see part I, Historical outline, chapter III.

**22.1** The 1964 Vienna Congress established the Const to ensure the permanence of the Union by a stable and permanent Act, analogous to the Acts of other international organizations. The Const is not subject to renewal at each Congress as were the other Acts of the Union hitherto.

The changes made in the Const were the subject of the First Add Prot (Tokyo 1969), the Second Add Prot (Lausanne 1974), the Third Add Prot (Hamburg 1984), the Fourth Add Prot (Washington 1989) and the Fifth Add Prot (Seoul 1994) respectively.



To ensure the stability of the Const, only essential and lasting organic provs were included and it was thus necessary to create a new parallel Act, the Gen Regs, renewable at each Congress, for the provs which are to ensure the application of the Const and the operation of the Union.

**22.2** The Gen Regs, the Conv and its Det Regs were declared "Acts binding on all member countries" so as to maintain the situation which existed prior to the 1964 Vienna Congress. At that time all member countries were obliged to accept not only all the comprehensive provs governing the organization and the operation of the Union, but also the general regulations on the international postal service and those on the letter post, all of which were incorporated in a single Act. Because of this binding character, the title "Convention" has been retained for the provs governing the letter post. In this way the Act can be more easily distinguished from the Agrs, which are optional.

The internationally binding character of the Gen Regs, the Conv and its Det Regs, does not exempt member countries from the obligation to see that the Acts are given national approval in accordance with constitutional regulations, in pursuance of art 25, para 4 (see art 25, comm).

**22.4** The Agrs which regulate services other than letter-post services are:

- i Postal Parcels Agr;
- ii Money Orders Agr;
- iii Giro Agr;
- iv Cash-on-Delivery Agr.

These Agrs were also the subject of a special edition, the Manuals, with commentaries by the IB.

Accession to the Agrs is optional for UPU member countries.

**22.5** Until the 1989 Washington Congress the Det Regs of the Conv and of the Agrs were laid down by the representatives of the adms, whereas the Const, Gen Regs, Conv and Agrs are adopted by the plenipotentiaries of member countries. This distinction, which goes back to the inception of the Union (1874 Berne Treaty, art 13), was established to prevent Congress from being unnecessarily burdened by having to consider questions of a purely technical and secondary nature and so that these provs could be revised at Administrative Confs by the postal experts. However, the Congresses introduced the practice, from the beginning of the Union, of revising the Det Regs themselves and of submitting them for signature together with the other UPU Acts. To remedy this situation, the 1989 Washington Congress transferred to the EC, and the 1994 Seoul Congress to the POC, the authority to draw up and revise the Det Regs. This distinction in the legal character of the UPU Acts means that the UPU does not demand ratification or approval of the Det Regs. In many countries, therefore, the Det Regs are not included in the ratification procedure to which the other Acts are subject.

**22.6** Paragraph 6 obliges countries wishing to have the benefit of a reservation to present the latter in the form of a prop, and to have it confirmed by Congress or the POC with a view to its inclusion in the Prot to the Act concerned.

The 1974 Lausanne Congress confirmed this practice by adopting resolution C 32/1974.

As regards general practice on reservations and the UPU's practice, see the study done for the 1974 Lausanne Congress (Congress – Doc 6).

Unilateral declarations, by means of which member countries react to a given political situation or set forth their relations with a given State, are not properly speaking reservations. They do not refer to the application of a prov of the Acts, but arise from political considerations external to the UPU. They are consequently not subject to any particular procedure and may be presented at any time.

### Article 23

Application of the Acts of the Union to territories for whose international relations a member country is responsible

1 Any country may declare at any time that its acceptance of the Acts of the Union includes all the territories for whose international relations it is responsible, or certain of them only.

2 The declaration provided for in paragraph 1 must be addressed to the Director-General of the International Bureau.

3 Any member country may at any time address to the Director-General of the International Bureau a notification of its intention to denounce the application of those Acts of the Union in respect of which it has made the declaration provided for in paragraph 1. Such notification shall take effect one year after the date of its receipt by the Director-General of the International Bureau.

4 The declarations and notifications provided for in paragraphs 1 and 3 shall be communicated to member countries by the Director-General of the International Bureau.

5 Paragraphs 1 to 4 shall not apply to territories having the status of a member of the Union and for whose international relations a member country is responsible.

#### ■ Commentary

23 The territories in question are those which do not form part of the "Wholes" of territories on which the Union has conferred the status of member country and which are bound by the Acts of the Union in accordance with the same formalities as the other member countries (ratification, approval, accession).

This art was added at the 1934 Cairo Congress in order to introduce a UPU procedure similar to that commonly used in other international treaties concerning non-self-governing territories.

23.1 The declaration in question can be made either on admission to the Union, or when the Congress Acts are signed, ratified or otherwise approved, on accession to them or subsequently.

### Article 24

National legislation

The provisions of the Acts of the Union shall not derogate from the legislation of any member country in respect of anything which is not expressly provided for by those Acts.

#### ■ Commentary

24 In accordance with a generally accepted principle in law and the courts, a rule established by treaty takes precedence over the national legislation of the contracting States. Consequently, in so far as the UPU Acts have regulated a question, such regulation shall take precedence over any national legislation which conflicts with it.

As long as a country has not actually withdrawn from the UPU (see art 12), its internal legislation cannot derogate from the binding provs of the UPU Acts to which it has acceded.

In particular, regulations governing postal items which remain within the boundaries of the country of origin are reserved for national legislation.  
Moreover, the provs of internal legislation have supplementary application in respect of international postal service items, either when such application is expressly stipulated in the UPU Acts or when the questions which might be involved have been left open in the Acts of the UPU.

## Chapter II

### Acceptance and denunciation of the Acts of the Union

#### Article 25

Signature, authentication, ratification and other forms of approval of the Acts of the Union

1 The Acts of the Union arising from the Congress shall be signed by the plenipotentiaries of the member countries.

2 The Detailed Regulations shall be authenticated by the Chairman and the Secretary-General of the **Postal Operations Council**.

3 The Constitution shall be ratified as soon as possible by the signatory countries.

4 Approval of the Acts of the Union other than the Constitution shall be governed by the constitutional regulations of each signatory country.

5 When a country does not ratify the Constitution or does not approve the other Acts which it has signed, the Constitution and other Acts shall be no less valid for the other countries that have ratified or approved them.

#### ■ Commentary

**25** The legal significance of the signature apposed by the plenipotentiaries may differ according to the Act under consideration and the constitutional provs of the member country. It may:

- either definitively bind the country concerned, if internal legislation so permits; this possibility must depend on the powers vested in the plenipotentiaries; it does not, however, apply to the Const and the Add Prot, since the UPU requires ratification;
- or be followed by ratification or by some other form of approval; in the absence of any specific clause in the plenipotentiaries' powers, preference is given to formal approval of the treaties by the national authorities.

Ratification is a formality by which a State definitively binds itself with regard to a treaty. It is generally carried out by the supreme executive authority of a State and leads to the drawing up of a specific diplomatic act called "instrument of ratification".

Ratification is a very formal act. It is this that distinguishes it from other forms of approval, which follow a simpler procedure, not necessarily involving the supreme authority. Naturally the internal legislation must determine the latter procedure.

In the past, most of the member countries had not ratified the Acts of the Union by the time they came into force, although they applied them. To settle disputes arising in such circumstances the principle of “tacit ratification” was admitted, based on the effective application of the provs contained in the new Acts of the Union (see 1897 Washington Congress and 1934 Cairo Congress). This principle still applies, with, however, two minor adjustments:

- i because of changes introduced into the procedure of approval of the Acts by art 25, the principle of “tacit approval” is a more correct term than the principle of “tacit ratification”;
- ii as regards the Conv and the Gen Regs, this principle has lost part of its value, since the Acts have been declared binding under art 22, and all member countries are bound by the provs of the Const.

### Article 26

#### Notification of ratifications and other forms of approval of the Acts of the Union

The instruments of ratification of the Constitution and the Additional Protocols thereto and, where appropriate, of approval of the other Acts of the Union shall be deposited as soon as possible with the Director-General of the International Bureau who shall notify the Governments of the member countries of their deposit.

#### ■ Commentary

26 Before the 1964 Vienna Congress, the host country to the Congress acted as depositary of the Acts of the Union; this meant officially recording the instruments of ratification and subsequently notifying – through diplomatic channels – the member countries of the Union of the ratifications thus recorded. The 1964 Vienna Congress considered it preferable to entrust to one and the same authority the task of dealing with all diplomatic notifications connected with the Acts of the UPU. The Swiss Confederation was chosen for this purpose, as Berne was the seat of the UPU and the Swiss Confederation was already responsible for the procedure of admission and accession to the Union. The 1989 Washington Congress transferred that power to the Director-General of the IB (see art 11, comm). Depositing the instrument of ratification or of approval is decisive in determining the date on which these formalities shall come into effect.

### Article 27

#### Accession to the Agreements

1 Member countries may, at any time, accede to one or more of the Agreements provided for in article 22, paragraph 4.

2 Accession of member countries to the Agreements shall be notified in accordance with article 11, paragraph 3.

#### ■ Commentary

27 Accession is a unilateral legal act by which a member country which has not signed an Agr may become a party to one or other of them. This may be done at any time, whereas accession to the Const and to the compulsory Acts must necessarily take place either at the time of admission or accession to the Union in pursuance of art 11, para 3.

This notification must be addressed to the Director-General of the IB. Accession becomes effective on notification, since the prov refers to art 11, para 3, and by analogy to the provs of para 5 of the same art.

Accession to an Agr implies accession to its Prot and Det Regs.

## Article 28

### Denunciation of an Agreement

Each member country may cease being a party to one or more of the Agreements, under the conditions laid down in article 12.

#### ■ Commentary

**28** Art 12 is applicable as regards the procedure to be followed and the date on which denunciation takes effect.

## Chapter III

### Amendment of the Acts of the Union

## Article 29

### Presentation of proposals (Gen Regs 120, 121)

1 The postal administration of a member country shall have the right to present, either to Congress or between Congresses, proposals concerning the Acts of the Union to which its country is a party.

2 However, proposals concerning the Constitution and the General Regulations may be submitted only to Congress.

#### ■ Commentary

**29.1** For the right of the CA and the POC to present props to Congress, see Gen Regs, art 102, para 6.23, and art 104, para 9.6.

**29.2** Until the 1964 Vienna Congress, props concerning the organization and functioning of the Union could be amended between Congresses, in which case the props dealing with these props had to be approved by unanimous vote; this proved impracticable, however.

## Article 30

### Amendment of the Constitution

1 To be adopted, proposals submitted to Congress and relating to this Constitution must be approved by at least two thirds of the member countries of the Union.

2 Amendments adopted by a Congress shall form the subject of an additional protocol and, unless that Congress decides otherwise, shall enter into force at the same time as the Acts renewed in the course of the same Congress. They shall be ratified as soon as possible by member countries and the instruments of such ratification shall be dealt with in accordance with the procedure laid down in article 26.

■ **Commentary**

**30.2** The amendments so far made to the Const are contained in the Add Prot, Tokyo 1969, the Second Add Prot, Lausanne 1974, the Third Add Prot, Hamburg 1984, the Fourth Add Prot, Washington 1989 and the Fifth Add Prot, Seoul 1994. The text of the present Const was updated on the basis of these five Prots.

**Article 31**

**Amendment of the General Regulations, the Convention and the Agreements**

1 The General Regulations, the Convention and the Agreements shall define the conditions to be fulfilled for the approval of proposals which concern them.

2 The Acts referred to in paragraph 1 shall enter into force simultaneously and shall have the same duration. As from the day fixed by Congress for the entry into force of these Acts, the corresponding Acts of the preceding Congress shall be abrogated.

■ **Commentary**

**31.1** The conditions for the amendment of the Acts in Congress are to some extent graded in accordance with the importance of the Act in question:

- |           |  |
|-----------|--|
| Const:    | A two-thirds majority of the member countries of the Union (art 30); two thirds of the latter must be present when the vote is taken (Rules of Proc of Congresses).  |
| Gen Regs: | A majority of the member countries represented at the Congress; two thirds of the member countries of the Union present at the time of voting (Gen Regs, art 129).   |
| Conv:     | A majority of the member countries present and voting; half of the member countries represented at Congress must be present at the time of voting (Conv, art 59).  |
| Agr:      | A majority of the member countries parties to the Agr, present and voting; half of these member countries represented at Congress must be present at the time of voting (Parcels, art 42.1, Money Orders, art 13.3.1, Giro, art 18.3.1, COD, art 9.2.1). |

The conditions for amending the Acts between Congresses are stricter (Conv, art 59.3, Parcels, art 42.3, Money Orders, art 13.3.3, Giro, art 18.3.3, COD, art 9.2.3).

**31.2** Para 2 takes account of the following considerations:

- i The very numerous amendments made to the Acts of the Union during Congresses resulted in the practice of the UPU renewing the Acts as a whole at each Congress.
- ii From a practical point of view it is important that all the amendments made by a Congress should go into force simultaneously and independently of approval by national legislation. This requirement of a practical nature conforms, moreover, to the spirit of art 1, para 1, according to which the countries which have adopted the Const form a single territory for the reciprocal exchange of letter-post items. Moreover, since the aim of the revision is the improvement of the postal services (art 1, para 2), it is most important that the new provs, once established, should be implemented promptly.

These two considerations notwithstanding, the contracting parties must be allowed sufficient time to take the essential practical and legislative measures and to carry out the procedure of approving the Acts.

## Chapter IV

### Settlement of disputes

#### Article 32

#### Arbitration (Gen Regs 128)

In the event of a dispute between two or more postal administrations of member countries concerning the interpretation of the Acts of the Union or the responsibility imposed on a postal administration by the application of those Acts, the question at issue shall be settled by arbitration.

#### ■ Commentary

**32** Any dispute existing or arising at international level between two parties may be solved by various means, notably by negotiation, inquiry, mediation, conciliation, arbitration or judicial settlement (see UN Charter, art 33).

The Union, while not excluding any means likely to lead by common consent to a solution to disputes between two adms, has to this end specifically established two procedures within the framework of the Acts, namely:

- a agreement to seek the opinion of the IB (Gen Regs, art 114, para 2); this opinion is not, however, binding on the parties;
- b recourse to the arbitration procedure laid down in arts 32 of the Const and 128 of the Gen Regs (either unilaterally or by common consent); in this case, the arbitration award is binding on the parties.

However, this is possible only in the case of disputes between adms, it being understood that such disputes may originate in complaints made by customers. Disagreements between customers and adms must, on the other hand, be laid before the legal authorities of the country of the adm sued, if they cannot be settled in any other way. If the arbitration procedure between the adms ends before the proceedings instituted by the claimant against the adm of origin, the judge will, according to legal doctrine, not be bound by the arbitrators' findings or award; he will, of course, consider them carefully, but he will judge them independently before adopting them. An arbitrator will do the same if the case between the sender and the adm of origin ends before the arbitration procedure.

There is no right of appeal against an arbitration award, whether decided by majority vote of the arbitrators or by a single arbitrator; it is binding on the adms which are parties to the dispute.

Twenty-eight arbitration awards were pronounced in the following cases:

- 1 *Internal legislation. Inviolability of sealed letters* (Periodical 1877, p 215 et seq).
- 2 *Various transit questions. Special Agreements* (1896 Rep, p 6).
- 3 *Payment in gold coins* (1897 Rep, pp 7 and 8).
- 4 *Liability* (1910 Rep, pp 6 and 7).
- 5 *Liability for COD items* (1913 Rep, pp 7 et seq).
- 6 *Transit by quickest route* (1913 Rep, pp 10 et seq).
- 7 *"Force majeure" exemption clause* (1920 Rep, pp 6 et seq).
- 8 *Transit by Simplon-Orient Express* (1923 Rep, pp 9 et seq; Periodical 1923, pp 145 et seq).
- 9 *Liability in the case of prohibited articles* (1924 Rep, pp 9 et seq; Periodical 1925, pp 33 et seq).
- 10 *Liability* (1925 Rep, pp 12 et seq; Periodical 1926, pp 26 et seq).
- 11 *Sea transit* (1925 Rep, pp 13 et seq; Periodical 1926, pp 50 et seq).
- 12 *Conversion rates for money orders* (1926 Rep, pp 8 et seq; Periodical 1926, p 149).
- 13 *Declaration of value smaller than the actual value* (1927 Rep, pp 8 et seq; Periodical 1927, p 93).
- 14 *Liability* (1927 Rep, pp 11 et seq; Periodical 1927, pp 373 et seq).
- 15 *Liability* (1929 Rep, pp 12 et seq; Periodical 1929, pp 278 et seq).
- 16 *"Franc effectif" (gold-based franc)* (1930 Rep, pp 8 et seq; Periodical 1930, pp 381 et seq).
- 17 *Liability* (1931 Rep, pp 10 et seq; Periodical 1931, pp 91 et seq).
- 18 *Liability* (1931 Rep, pp 14 et seq; Periodical 1932, p 141).
- 19 *Liability* (1932 Rep, pp 8 et seq; Periodical 1932, pp 201 et seq).
- 20 *Liability* (1932 Rep, pp 18 et seq; Periodical 1933, pp 1 et seq).

- 21 *Transit statistics* (1933 Rep, pp 8 et seq).
- 22 *Liability* (1934 Rep, pp 8 et seq; Periodical 1934, pp 273 et seq).
- 23 *Liability* (1935 Rep, pp 8 et seq; Periodical 1935, pp 43 et seq).
- 24 *Compensation in respect of sea conveyance* (1945 Rep, pp 7 et seq; Periodical 1946, pp 10 et seq).
- 25 *Liability* (1948 Rep, pp 14–20).
- 26 *Setting off debts. Legal succession* (1956 Rep, pp 24–28; Periodical 1956, pp 90A–93A).
- 27 *Liability* (1966 Rep, pp 62–67).
- 28 *Conversion rate for an account expressed in g fr* (1981 Rep, pp 94–97).

## Section III

### Final provisions

#### Article 33

##### Coming into operation and duration of the Constitution

This Constitution shall come into operation on 1 January 1966 and shall remain in force for an indefinite period.

In witness whereof, the plenipotentiaries of the Governments of the contracting countries have signed this Constitution in a single original which shall be deposited in the archives of the Government of the country in which the seat of the Union is situated. A copy thereof shall be delivered to each party by the Government of the country in which Congress is held.

Done at Vienna, 10 July 1964.

#### ■ Commentary

**33** In accordance with the practice followed by the Union since its foundation, Congress fixes the date on which the Acts enter into force, irrespective of the number and dates of the ratifications deposited by the signatory countries. This procedure differs from the traditional practice still used, but less frequently than before, under which the treaties enter into force after a certain number of signatory countries have ratified them. The UPU also discarded very quickly the procedure of exchanging instruments of ratification, which was widely practised previously and which the UPU used at the outset before introducing the procedure of depositing the instruments with the Government which organized the Congress. It should also be stated that despite the delays in ratification and approval, the Acts of the Union have always been applied by all the member countries from the date of their entry into force.

Previous to the 1964 Vienna Congress, the function of depositary of the Acts of a Congress was assumed by the country in which Congress was held. Since the Const is a permanent Act and to avoid Acts which are simultaneously in force being deposited with Governments of different countries, the function of depositary for all the Acts of the Union was entrusted to the Government of the country in which the UPU's headquarters are situated, namely the Government of the Swiss Confederation, before being transferred to the Director-General of the IB by the 1989 Washington Congress.



# Additional Protocols to the Constitution of the Universal Postal Union

## ■ Commentary

Since the UPU Const was adopted at the 1964 Vienna Congress, it has been amended successively by the 1969 Tokyo, 1974 Lausanne, 1984 Hamburg, 1989 Washington and 1994 Seoul Congresses. The amendments have been incorporated in the text of the Const as given in this binder. However, it was considered useful to reproduce arts VIII and IX of the Fifth Add Prot, Seoul 1994, which are not incorporated in the Const, but are still valid.

## Fifth Additional Protocol to the Constitution of the Universal Postal Union (Seoul 1994)

(Extract)

### Contents

Art	
I (art 8 amended)	Restricted Unions, Special Agreements
II (art 13 amended)	Bodies of the Union
III (art 17 amended)	<b>Council of Administration</b>
IV (art 18 amended)	<b>Postal Operations Council</b>
V (art 20 amended)	International Bureau
VI (art 22 amended)	Acts of the Union
VII (art 25 amended)	Signature, authentication, ratification and other forms of approval of the Acts of the Union
VIII	Accession to the Additional Protocol and to the other Acts of the Union
IX	Entry into force and duration of the Additional Protocol to the Constitution of the Universal Postal Union

The plenipotentiaries of the Governments of the member countries of the Universal Postal Union, met in Congress at Seoul, in view of article 30, paragraph 2, of the Constitution of the Universal Postal Union concluded at Vienna on 10 July 1964, have adopted, subject to ratification, the following amendments to that Constitution.

...

#### Article VIII

##### Accession to the Additional Protocol and to the other Acts of the Union

- 1 Member countries which have not signed the present Protocol may accede to it at any time.
- 2 Member countries which are party to the Acts renewed by Congress but which have not signed them shall accede thereto as soon as possible.
- 3 Instruments of accession relating to the cases set forth in paragraphs 1 and 2 shall be sent to the Director-General of the International Bureau, who shall notify the Governments of the member countries of their deposit.

#### Article IX

##### Entry into force and duration of the Additional Protocol to the Constitution of the Universal Postal Union

This Additional Protocol shall come into force on 1 January 1996 and shall remain in force for an indefinite period.

In witness whereof the plenipotentiaries of the Governments of the member countries have drawn up this Additional Protocol, which shall have the same force and the same validity as if its provisions were inserted in the text of the Constitution itself, and they have signed it in a single original which shall be deposited with the Director-General of the International Bureau. A copy thereof shall be delivered to each party by the Government of the country in which Congress is held.

Done at Seoul, 14 September 1994.

# Declarations made on signature of the Acts of the 1994 Seoul Congress

I

*On behalf of the Argentine Republic:*

"Argentina reiterates the reservation made on ratification of the Constitution of the Universal Postal Union signed in Vienna, Austria, on 10 July 1964, by which the Argentine Government expressly stated that article 23 of the Constitution neither referred to nor included the Islas Malvinas, South Georgia, the South Sandwich Islands or Argentine Antarctica. The Argentine Republic therefore reaffirms its sovereignty over those territories which form an integral part of its national territory. It also recalls that the United Nations General Assembly adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which the existence of a dispute about sovereignty is recognized and in which the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland are requested to enter into negotiations with a view to settling the dispute and finding a peaceful and final solution to the problems outstanding between the two countries, including all questions concerning the future of the Islas Malvinas, in accordance with the Charter of the United Nations.

"Similarly, the Argentine Republic points out that the provision contained in article 30, paragraph 1, of the Universal Postal Convention on the circulation of postage stamps valid in the country of origin will not be considered obligatory for the Republic where any such postage stamps distort Argentina's geographic and legal reality, without prejudice to the application of paragraph 15 of the joint Argentine-British Declaration of 1 July 1971 on communications and movement between Argentina's continental territory and the Islas Malvinas, approved by exchange of letters between the two Governments on 5 August 1971."

(Congress – Doc 101)

II

*On behalf of Belgium, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal and Spain:*

"The delegations of the member countries of the European Community will apply the Acts adopted by this Congress in accordance with their obligations pursuant to the Treaty establishing the European Community."

(Congress – Doc 101/Add 1)

III

*On behalf of Austria, Finland, Iceland, Norway and Sweden:*

"The delegations of Austria, Finland, Iceland, Norway and Sweden will apply the Acts adopted by this Congress in accordance with their obligations pursuant to the agreement establishing the European Economic Area."

(Congress – Doc 101/Add 2)

IV

*On behalf of the People's Democratic Republic of Algeria, the State of Bahrain, the Republic of Indonesia, the Republic of Iraq, the Islamic Republic of Iran, Kuwait, the Lebanese Republic, the Socialist People's Libyan Arab Jamahiriya, Malaysia, the Islamic Republic of Mauritania, the Islamic Republic of Pakistan, the State of Qatar, the Kingdom of Saudi Arabia, the Republic of Sudan, the Syrian Arab Republic, the Republic of Tunisia, the United Arab Emirates and the Republic of Yemen:*

"The above-mentioned delegations,

"Considering  
the fourth Geneva Convention (1949) relative to the Protection of Civilian Persons in Time of War,

"Recalling  
that Zionism exhibits all the characteristics of imperialism owing to the fact that it is a constant source of conflict and of war with the (adjacent) countries of the Middle East,

"Noting  
that, by its basic philosophy, Zionism practises an avowed expansionism because it is occupying territories recognized de facto and de jure as belonging to free and independent countries which are members of the international community,

"Aware  
that the Palestinian people are suffering the horrors of the conditions of occupation which are imposed on them and that, as a consequence, their defence is a just cause as it is designed to restore their human and social rights and their right to self-determination and to construct their own independent State on the territory of Palestine,

"Considering  
that Israel is the spearhead of this philosophy of imperialism, expansionism and racism,

*"Confirm*

their declaration to No IX made at the 1964 Vienna Congress, their declaration No III made at the 1969 Tokyo Congress, their declaration No III made at the 1974 Lausanne Congress, their declaration No V made at the 1979 Rio de Janeiro Congress, their declaration No XXVII made at the 1984 Hamburg Congress and their declaration No III made at the 1989 Washington Congress

*"And reaffirm*

that their signature to all the Acts of the Universal Postal Union (1994 Seoul Congress) as well as any subsequent ratification of those Acts by their respective Governments are not valid vis-à-vis the member inscribed under the name of Israel and in no way imply its recognition."

(Congress – Doc 101/Add 3/Rev 2)

## V

*On behalf of France:*

"France expresses its disagreement with the decision taken by the 21st Universal Postal Congress concerning the creation of a French language group. It does not recognize the legal validity of this decision from the viewpoint of the letter and the spirit of the Constitution of the Universal Postal Union.

"It therefore does not consider itself bound by any commitment implied by the creation of this group.

"Furthermore, it deeply regrets that this particularly sensitive question has been hastily dealt with, without prior in-depth study or any legal opinion, and without the effort to find the consensus that is essential to giving a ruling on a matter of this importance under proper conditions."

(Congress – Doc 101/Add 4)

VI

*On behalf of Israel:*

A

"The delegation of Israel to the 21st Congress of the Universal Postal Union rejects unreservedly and in their entirety, all declarations or reservations made by certain member countries of the Union at the Union's 15th Congress (Vienna 1964), 16th Congress (Tokyo 1969), 17th Congress (Lausanne 1974), 18th Congress (Rio de Janeiro 1979), 19th Congress (Hamburg 1984), 20th Congress (Washington 1989) and 21st Congress (Seoul 1994), purporting to disregard Israel's rights of membership in the UPU, as incompatible with the status of the State of Israel as a member of the UN and the UPU. Further, these declarations were made with the intention of not applying the provisions of the Acts of the UPU, and therefore contravene the letter and spirit of the Constitution, Convention and Agreements. "The delegation of Israel accordingly considers these declarations and reservations as illegal and null and void."

(Congress – Doc 101/Add 5)

B

"In accordance with the letter and spirit of the UPU Constitution, the delegation of Israel considers that the Congress resolution on postal relations on the Korean peninsula is mandatory in universal postal relations."

(Congress – Doc 101/Add 6)

VII

*On behalf of the United Kingdom of Great Britain and Northern Ireland:*

"The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt as to United Kingdom sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the British Antarctic Territory. In this context attention is drawn to article IV of the Antarctic Treaty to which both the United Kingdom and Argentina are parties.

"The United Kingdom Government therefore does not accept the declaration of the Argentine Republic claiming to contest United Kingdom sovereignty over the above-mentioned territories, nor does it accept the declaration of the Argentine Republic concerning article 30, paragraph 1, of the Universal Postal Convention (Congress – Doc 101).

“As regards other matters mentioned in the declaration of the Argentine Republic, the position of the United Kingdom Government is reserved.”

(Congress – Doc 101/Add 7)

## VIII

*Declaration by the delegation of the former Yugoslav Republic of Macedonia:*

“The governmental delegation of the Republic of Macedonia accepts the Final Acts adopted by the 21st UPU Congress held in Seoul from 22 August to 14 September 1994 subject to their official ratification by the Republic of Macedonia.”

(Congress – Doc 101/Add 8)





# Part III

## General Regulations of the Universal Postal Union

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# General Regulations of the Universal Postal Union

The undersigned plenipotentiaries of the Governments of member countries of the Union, having regard to article 22, paragraph 2, of the Constitution of the Universal Postal Union, concluded at Vienna on 10 July 1964, have, by common consent, and subject to article 25, paragraph 4, of the Constitution, drawn up in these General Regulations the following provisions securing the application of the Constitution and the functioning of the Union.

## Chapter I

### Functioning of the Union's bodies

#### Article 101

Organization and convening of Congresses and Extraordinary Congresses  
(Const 14, 15)

1 The representatives of member countries shall meet in Congress not later than five years after the date on which the Acts of the preceding Congress come into operation.

2 Each member country shall arrange for its representation at Congress by one or more plenipotentiaries furnished by their Government with the necessary powers. It may, if need be, arrange to be represented by the delegation of another member country. Nevertheless it shall be understood that a delegation may represent only one member country other than its own.

3 In debates, each country shall be entitled to one vote.

4 In principle, each Congress shall designate the country in which the next Congress will be held. If that designation proves inapplicable, **the Council of Administration** shall be authorized to designate the country where Congress is to meet, after consultation with the latter country.

5 After consultation with the International Bureau, the host Government shall fix the definitive date and the precise locality of Congress. In principle one year before that date the host Government shall send an invitation to the Government of each member country of the Union. This invitation may be sent direct or through the intermediary of another Government or through the Director-General of the International Bureau. The host Government shall also be responsible for notifying the decisions taken by Congress to all the Governments of member countries.

6 When a Congress has to be convened without a host Government, the International Bureau, with the agreement of the **Council of Administration** and after consultation with the Government of the Swiss Confederation, shall take the necessary steps to convene and organize the Congress in the country in which the seat of the Union is situated. In this event the International Bureau shall perform the functions of the host Government.

7 The meeting place of an Extraordinary Congress shall be fixed, after consultation with the International Bureau, by the member countries which have initiated that Congress.

8 Paragraphs 2 to 6 shall be applicable by analogy to Extraordinary Congresses.

■ **Commentary**

**101** For the list of Congresses, see part I, Historical outline, chapter VII.

The essential task of Congress is to revise or supplement the Acts, with the exception of the Det Regs whose revision falls to the POC. In addition:

- a it appoints the members of the CA (art 102, para 3) and of the POC (art 104, para 2);
- b it elects the Director-General and the Deputy Director-General of the IB (art 109, para 1);
- c it fixes the ceiling for the annual expenditure of the Union (art 125, para 1) and the expenditure relating to the meeting of the next Congress (art 125, para 2);
- d it considers the comprehensive reports on the activities of the CA and POC submitted by them to Congress (arts 103, para 2, and 105, para 3);
- e it draws up the general programme of the Union's work for the following five-year period (see Washington Congress resolution C 91/1989);
- f it decides the studies to be carried out by the CA (art 102, para 6.21);
- g it examines and adopts the POC work programme (art 104, para 11);
- h it draws up the strategic plan;
- i it adopts the decisions and the resolutions concerning the operation of the various bodies of the Union;
- j it fixes the ways and means of applying certain provs of the Acts of the Union;
- k it may give its interpretation (authentic interpretation) or its opinion on the application of provs of the Acts of the Union, or on a question of common interest;
- l it takes certain decisions of principle on the subject of the administration of the IB;
- m it takes certain decisions of principle on the subject of technical cooperation.

As regards the legal scope of the opinions, interpretations and formal opinions, the 1952 Brussels Congress passed the following resolution: "Having been asked to state its views on the scope of the opinions, interpretations and formal opinions relating to the Acts of the Union, adopted by various Congresses and referred to in the minutes of the meetings, the 1952 Brussels Congress expressed the opinion that they do not have the same legal value as the Acts to which they apply. The purpose of these opinions, interpretations, etc, is to facilitate, where necessary, the interpretation of the Convention and the Agreements."

Apart from these interpretations which arise from the minutes, there are the authentic interpretations of the Acts of the Union which are the subject of a formal prop. These interpretations have the same validity as the Acts to which they relate; they are adopted by a majority of the member countries present and voting, unless Congress decides otherwise by a majority of the member countries present and voting (Rules of Proc of Congresses, art 20, para 2).

**101.2** Until the 1947 Paris Congress, the principle of non-admission to UPU meetings of bodies not forming part of the postal services had always prevailed. See also Const, art 20, comm. The first observers which were admitted at that time were the UN, ICAO and IATA. It should be noted that, since the 1964 Vienna Congress, it has been the responsibility of the CA to designate those international inter-governmental organizations which should be invited to be represented at a Congress. This responsibility was extended to cover non-governmental organizations by the 1984 Hamburg Congress (see art 102, para 6.19).

A number of international organizations are now regarded as *de jure* observers at Congress, because their representation stems from a prov or a resolution. They are:

- the representatives of the UN (UN–UPU Agreement);
- the representatives of the Restricted Unions (Const, art 8, para 2);
- the representatives of the OAU and of the League of Arab States (resolutions C 92/1974 of the Lausanne Congress and C 7/1979 of the Rio de Janeiro Congress);
- the national liberation movements (Lausanne Congress resolution C 3/1974).

“Government” signifies here the highest authority having the power to negotiate and conclude treaties and conventions, namely the executive power representing the State. In fact, the delegates’ credentials are signed by the Head of State, the Head of Government or the Minister for Foreign Affairs, as provided in the Rules of Proc of Congresses.

The situation of delegates whose credentials are lacking or are not in order is regulated in the Rules of Proc of Congresses.

**101.3** A Federal State or a Confederation of States with a central government, even if composed of several States which have preserved a certain autonomy or sovereignty, may not claim several votes.

**101.4** The next Congress will be held in China (People’s Rep) in 1999.

This para was added by the 1964 Vienna Congress. Under the former Acts, Congress alone was empowered to designate the host country of the next Congress. This excessively strict practice caused serious difficulties in the organization of the 15th Congress. As the host country designated by the Ottawa Congress declined the office, the ELC had no alternative but to ask the Swiss Government to consult the member countries of the UPU through diplomatic channels, in order to approve the candidature of a new host country. India in turn having had to decline, a second diplomatic consultation resulted in the designation of Austria, which thus became the host country of the 15th Congress. The present procedure, while enabling Congress to designate the host country of the next Congress, allows the CA to settle this question itself if, as a result of special or unforeseen circumstances, the host country designated is unable to meet its obligations.

**101.5** This para, added by the 1964 Vienna Congress, is in fact the official sanctioning of the practice followed until then as regards invitations to be sent to member countries in respect of the next Congress. Moreover, it seemed exaggerated to fix the definite date and exact place of the Congress five years in advance. Henceforth, both will only become definite at the moment of the official convocation of the member countries by the Government of the host country.

As regards notification of the resolutions and decisions of Congress other than those amending the Acts, the 1974 Lausanne Congress adopted resolution C 1/1974. The decisions concerned are given at the end of vol III of the Congress Docs and in the same form were sent to the governments of the member countries of the Union with the final Acts in the volume “Decisions of Congress”.

Diplomatic difficulties between countries should not influence or prevent an invitation – either sent direct or through the intermediary of another country – or the country concerned from being represented at a Congress.

## Article 102

Composition, functioning and meetings of **the Council of Administration** (Const 17)

**1**        **The Council of Administration** shall consist of **forty-one** members who shall exercise their functions during the period between two successive Congresses.

**2**        The chairmanship shall devolve by right on the host country of Congress. If that country waives this right, it shall become a *de jure* member and, as a result, the geographical group to which it belongs shall have at its disposal an additional

seat, to which the restrictive provisions of paragraph 3 shall not apply. In that case, **the Council of Administration** shall elect to the chairmanship one of the member countries belonging to the geographical group of the host country.

3        **The forty other members of the Council of Administration** shall be elected by Congress on the basis of an equitable geographical distribution. At least a half of the membership shall be renewed at each Congress; no member may be chosen by three successive Congresses.

4        **Each member of the Council of Administration shall appoint its representative, who shall be competent in postal matters.**

5        The office of member of **the Council of Administration** shall be unpaid. The operational expenses of this Council shall be borne by the Union.

6        **The Council of Administration** shall have the following functions:

- 6.1        **to supervise** the activities of the Union between Congresses, **ensuring compliance with the decisions of Congress, studying questions with respect to governmental policies on postal issues, and taking account of international regulatory developments such as those relating to trade in services and to competition;**
- 6.2        **to consider and approve, within the framework of its competence,** any action considered necessary to safeguard and enhance the quality of and to modernize the international postal service;
- 6.3        to promote, coordinate and supervise all forms of postal technical assistance within the framework of international technical cooperation;
- 6.4        to consider and approve the annual budget and accounts of the Union;
- 6.5        to authorize the ceiling of expenditure to be exceeded, if circumstances so require, in accordance with article **125**, paragraphs **2bis**, 3, 4 and 5;
- 6.6        to lay down the Financial Regulations of the UPU;
- 6.7        to lay down the rules governing the Reserve Fund;
- 6.8        **to lay down the rules governing the Special Fund;**
- 6.9        to lay down the rules governing the Special Activities Fund;
- 6.10       **to lay down the rules governing the Voluntary Fund;**
- 6.11       to provide control over the activities of the International Bureau;
- 6.12       to authorize election of a lower contribution class, if it is so requested, in accordance with the conditions set out in article **126**, paragraph 6;
- 6.13       to lay down the Staff Regulations and the conditions of service of the elected officials;
- 6.14       **to create or abolish International Bureau posts taking into account the restrictions imposed by the expenditure ceiling fixed;**
- 6.15       to appoint or promote officials to the grade of Assistant Director-General (D 2);
- 6.16       to lay down the Regulations of the Social Fund;
- 6.17       to approve the annual report on the work of the Union prepared by the International Bureau and where appropriate to furnish observations on it;
- 6.18       to decide on the contacts to be established with postal administrations in order to carry out its functions;

- 6.19** after consulting the **Postal Operations Council**, to decide on the contacts to be established with the organizations which are not de jure observers, to consider and approve the reports by the International Bureau on UPU relations with other international bodies and to take the decisions which it considers appropriate on the conduct of such relations and the action to be taken on them; to designate in due course the intergovernmental and non-governmental international organizations which should be invited to be represented at a Congress and to instruct the Director-General to issue the necessary invitations;
- 6.20** to establish principles, as may be considered necessary, for the **Postal Operations Council** to take into account in its study of questions with major financial repercussions (charges, terminal dues, transit charges, basic airmail conveyance rates and the posting abroad of letter-post items), to follow closely the study of these questions, and to review and approve, for conformity with the aforementioned principles, **Postal Operations Council** proposals relating to these questions;
- 6.21** to study, at the request of Congress, the **Postal Operations Council** or postal administrations, administrative, legislative and legal problems concerning the Union or the international postal service; it shall be for the **Council of Administration** to decide, in the above-mentioned fields, whether it is expedient to undertake the studies requested by postal administrations between Congresses;
- 6.22** to approve the recommendations of the **Postal Operations Council** for the amendment, between two Congresses and in accordance with the procedure laid down in the Universal Postal Convention, of the postage charges for letter-post items;
- 6.23** to formulate proposals which shall be submitted for the approval either of Congress or of postal administrations in accordance with article 122;
- 6.24** to approve, within the framework of its competence, the recommendations of the **Postal Operations Council** for the adoption, if necessary, of regulations or of a new procedure until such time as Congress takes a decision in the matter;
- 6.25** to consider the annual report prepared by the **Postal Operations Council** and any proposals submitted by the Council;
- 6.26** to submit subjects for study to the **Postal Operations Council** for examination in accordance with article 104, paragraph 9.17;
- 6.27** to designate the country where the next Congress is to be held in the case provided for in article 101, paragraph 4;
- 6.28** to determine in due course and after consulting the **Postal Operations Council**, the number of Committees required to carry out the work of Congress and to specify their functions;
- 6.29** to designate, after consulting the **Postal Operations Council** and subject to the approval of Congress, the member countries prepared:
- to assume the vice-chairmanships of Congress and the chairmanships and vice-chairmanships of the Committees, taking as much account as possible of the equitable geographical distribution of the member countries; and
  - to sit on the restricted Committees of Congress;

**6.30** to decide whether minutes of meetings of a Committee of Congress should be replaced by reports;

**6.31** to review and approve the draft **Strategic Plan** for presentation to Congress developed by the **Postal Operations Council** with the support of the **International Bureau**; to review and approve annual revisions of the Plan approved by Congress on the basis of recommendations from the **Postal Operations Council**, and to consult with the **Postal Operations Council** on the development and annual updating of the Plan.

7 In appointing officials to grade D 2, **the Council of Administration** shall consider the professional qualifications of the candidates recommended by the postal administrations of the member countries of which the candidates are nationals, ensuring that the posts of Assistant Director-General are as far as possible filled by candidates from different regions and from regions other than those from which the Director-General and Deputy Director-General originate, bearing in mind the paramount consideration of the efficiency of the International Bureau, while giving due weight to the Bureau's internal promotion arrangements.

8 At its first meeting, which shall be convened by the Chairman of Congress, **the Council of Administration** shall elect four Vice-Chairmen from among its members and draw up its Rules of Procedure.

9 On convocation by its Chairman, **the Council of Administration** shall meet in principle once a year, at Union headquarters.

**10** **The Chairman, the Vice-Chairmen, the Committee Chairmen and the Chairman of the Strategic Planning Working Party of the Council of Administration shall form the Management Committee. This Committee shall prepare and direct the work of each session of the Council of Administration and take on all the tasks which the latter decides to assign to it or the need for which arises in the course of the strategic planning process.**

**11** The representative of each of the members of **the Council of Administration** participating in its meetings, except for meetings which take place during Congress, shall be entitled to reimbursement of the cost of either an economy class return air ticket or first class return rail ticket, or expenses incurred for travel by any other means subject to the condition that the amount does not exceed the price of the economy class return ticket. **The same entitlement shall be granted to each member of its Committees, Working Parties or other bodies when these meet outside Congress and the sessions of the Council.**

**12** The Chairman of the **Postal Operations Council** shall represent that body at meetings of **the Council of Administration** on the agenda of which there are questions of interest to the body which he directs.

**13** To ensure effective liaison between the work of the two bodies, **the Postal Operations Council** may designate representatives to attend **Council of Administration** meetings as observers.



**14** The postal administration of the country in which **the Council of Administration** meets shall be invited to take part in the meetings in the capacity of observer, if that country is not a member of **the Council of Administration**.

**15** **The Council of Administration** may invite any international body, **any representative of an association or enterprise**, or any qualified person whom it wishes to associate with its work to its meetings, without the right to vote. It may also invite, under the same conditions, one or more postal administrations of member countries concerned with questions on its agenda.

**16** **The members of the Council of Administration** shall take an active part in its work. Member countries not belonging to the **Council of Administration** may, at their request, cooperate in the studies undertaken, subject to such conditions as the **Council** may establish to ensure the efficiency and effectiveness of its work. They may also be invited to chair Working Parties when their experience or expertise justifies it. The participation of member countries not belonging to the **Council of Administration** shall be carried out without additional expense for the Union.

#### ■ Commentary

**102** The provs concerning the CA come into effect immediately, in conformity with Seoul Congress resolution C 41/1994.

**102.1** Regarding the interpretation of the phrase “during the period between two successive Congresses”, see Const, art 17, para 1.

Before the 1974 Lausanne Congress, the EC elected its Chairman itself at the constituent meeting from among the EC members appointed by Congress. Traditionally, this chairmanship was allocated to the host country of Congress. By inserting the prov in para 2, the 1974 Lausanne Congress has ratified this tradition and, as a result, the host country of Congress becomes a de jure member of the CA, either as Chairman or as a member if the chairmanship is waived, and it has no need to apply to become a member of that body.

The 1979 Rio de Janeiro Congress replaced the expression “geographical region” by “geographical group”. It was considered that the expressions “geographical region” and “geographical group” were synonymous but that the expression “geographical group” was older in usage and was also used in art 112.

**102.2** At its May 1953 session, the ELC interpreted this prov as meaning that the chairmanship is given to a country, not to a specific person. This idea is confirmed in para 2 of this art.

Because of the constant increase in the number of member countries of the UPU, most Congresses have raised the number of ELC and then EC and CA members. Since the creation of this body, the progression of its membership has been as follows:

	<i>Number of CA (or EC or ELC) members</i>	<i>Number of UPU member countries</i>
Paris 1947	19	88
Brussels 1952	20	94
Ottawa 1957	20	96
Vienna 1964	27	125
Tokyo 1969	31	142
Lausanne 1974	40	153
Seoul 1994	41	189

For the composition of the Council since 1947, see the CA and POC Practical Guides.

**102.3** For the election of members of the CA, the 1994 Seoul Congress distributed the seats of that Council (apart from the seat reserved for the host country) in the following manner:

- 1 Western hemisphere = 8 seats;
- 2 Eastern Europe and Northern Asia = 5 seats;
- 3 Western Europe = 6 seats;
- 4 Southern Asia and Oceania = 10 seats + Chairman;
- 5 Africa = 11 seats.

(Resolution C 19/1994)

The distribution of the CA members elected by the Seoul Congress is as follows (the figures in parentheses show the geographical group to which the country belongs):

Argentina (1)	Finland (3)	Kazakstan (2)	Tanzania (United Rep) (5)
Bangladesh (4)	France (3)	Kenya (5)	Thailand (4)
Barbados (1)	Gabon (5)	Korea (Rep) (4)	Tunisia (5)
Bulgaria (Rep) (2)	Germany (3)	Kuwait (4)	Ukraine (2)
Burkina Faso (5)	Ghana (5)	Mexico (1)	United Arab Emirates (4)
Chile (1)	Great Britain (3)	Netherlands (3)	United States
China (People's Rep) (4)	India (4)	Russian Federation (2)	of America (1)
Congo (Rep) (5)	Indonesia (4)	Saudi Arabia (4)	Uruguay (1)
Côte d'Ivoire (Rep) (5)	Iran (Islamic Rep) (4)	Slovakia (2)	Venezuela (1)
Cuba (1)	Italy (3)	South Africa (5)	Zimbabwe (5)
Egypt (5)	Jordan (4)		

Sixteen of the 41 member countries of the CA elected by the Seoul Congress were members of the 1989 Washington EC, 25 are new.

Not included in this concept of successive periods is the period during which a member country holds the chairmanship of the CA as organizer of the preceding Congress, or becomes a de jure member of the CA for the same reason.

**102.4** The provs of this para do not apply to meetings held during Congress, because some countries elected to the CA are represented at Congress by members of the diplomatic corps.

**102.6** To carry out the tasks assigned to it by the 1994 Seoul Congress or resulting from this art, the CA set up the following ten Comms at its 1994 constituent meeting:

- Comm 1 (General Matters and Structure of the Union);
- Comm 2 (Finance);
- Comm 3 (Human Resource Management);
- Comm 4 (Services and Standards – Questions of Policy and Principle);
- Comm 5 (Technical Cooperation);
- Comm 6 (Seoul Postal Strategy).

**102.6.2** This clause is designed to enable the CA to respond better and more quickly to customers' changing needs and to adapt the Union to present commercial and technical requirements.

**102.6.3** The 1994 Seoul Congress, by resolution C 16/1994, laid down the priorities and principles of tech asst, while entrusting the CA and the IB with their application (see Const, art 1, comm).

**102.6.9** The Special Activities Fund, which is maintained partly by the Union budget and partly by voluntary contributions from adms, was created to finance the work undertaken within the framework of the "permanent project to safeguard and enhance the quality of and to modernize the international postal service", as well as to enable urgent or unforeseen tasks to be executed.

**102.6.11** As well as being controlled by the EC, the IB was – up to the 1984 Hamburg Congress – placed under the general supervision of the Government of the Swiss Confederation. The delimitation of functions between the Swiss authorities and the ELC/EC developed progressively from 1947 onwards until the total abolition of the supervisory authority in 1984.

**102.6.13** The IB Staff Regulations, revised, have been in force since 1 January 1973. Regarding the conditions of service of elected officials, see art 109, para 1, comm.

**102.6.15** The 1979 Rio de Janeiro Congress confined this competence of the CA to the grade of Assistant Director-General (D 2), at the same time strengthening it by deleting the words “on the proposal of the Director-General of the International Bureau”. At the same time, it specified that the CA’s competence covered both “appointments” (recruitments) and “promotions” to grade D 2. For more details, see art 110, para 1.

**102.6.19** In order to solve certain problems, the UPU sometimes needs the assistance of other international bodies which agree to cooperate with it in Joint Comms. This is the case with the WCO–UPU (World Customs Organization) Contact Comm, which deals with customs treatment of postal items or the IATA–UPU (International Air Transport Association–UPU) Contact Comm for the study of airmail problems.

For relations with the other UN specialized agencies, see Const, art 9.

Nevertheless, the CA should ensure that the bodies it invites to Congress have wide international responsibilities. Thus, in the United Nations framework, these invitations are sent only to the specialized agencies.

**102.6.24** The clause introduced by the 1984 Hamburg Congress made it possible to deal with certain situations. By widening its scope and not limiting it to exceptional circumstances, the 1989 Washington Congress made this clause more flexible to allow the UPU to adopt new procedures and thus to adapt quickly enough to technological developments and customer needs.

**102.7** The 1979 Rio de Janeiro Congress introduced for the first time a clear distinction between “appointments” and “promotions” (or between “appoint” and “promote”) in order to bring the terminology of the Gen Regs into line with that of the UN common system, which has also been used in the IB Staff Regulations. The word “appoint” in the meaning of para 7 therefore refers only to appointments (recruitments).

**102.8** At its constituent meeting on 12 September 1994 at Seoul, the CA appointed Congo (Rep), Cuba, Jordan and Ukraine as Vice-Chairmen.

The Rules of Proc adopted by the CA are given in this binder (see CA Rules of Proc).

**102.9** As regards the possibility of occasionally meeting elsewhere than at the seat of the Union, it is necessary to safeguard the interests of the Union by planning the meetings to take place wherever it is considered economically most reasonable.

At the conclusion of the study that the 1984 Hamburg Congress had instructed it to conduct, the EC did not think it advisable to adopt sanctions against members of the EC and CCPS that did not participate regularly in the meetings of these bodies. It nevertheless recommended the Restricted Unions to draw the attention of member countries which were candidates for seats on the Councils to the obligations which would arise in the event of their election to these bodies (decision CE 21/1985).

**102.11** Effective participation in CA meetings is a *sine qua non* for repayment of travelling expenses. In addition, these expenses are not reimbursed when the CA meeting is held during Congress, as participation in Congress is the primary reason for the delegates’ travel.

Up to the 1974 Lausanne Congress, the representatives of EC member countries were entitled to reimbursement of the price of a first-class return air ticket. In amending this prov, the 1974 Lausanne Congress wished both to reduce Union expenditure on Council members’ travel and to regulate reimbursement of expenses for travel other than by air.

**102.13** This para gives in particular the POC Chairman, who already had the right to represent that body at CA meetings on the agenda of which there were questions concerning the POC (para 12 of the present art), the possibility of also attending other meetings like the other representatives designated by the POC.

## Article 103

Documentation on the activities of **the Council of Administration** (Gen Regs 102)

1 **After each session, the Council of Administration shall inform the member countries of the Union and the Restricted Unions about its activities by sending them, inter alia, a summary record and its resolutions and decisions.**

2 **The Council of Administration** shall make to Congress a comprehensive report on its work and send it to postal administrations at least two months before the opening of Congress.

### ■ Commentary

**103.1** The resolutions and decisions of the CA are published each year with the summary record. The IB has also published a Compendium containing the resolutions and decisions still applicable at the end of the 1994 Seoul Congress (1947–1995) (see also art 105, comm).

## Article 104

Composition, functioning and meetings of the **Postal Operations Council** (Const 18)

1 The **Postal Operations Council** shall consist of **forty** members who shall exercise their functions during the period between successive Congresses.

2 The members of the **Postal Operations Council** shall be elected by **Congress on the basis of qualified geographical distribution. Twenty-four seats shall be reserved for developing countries and sixteen seats for developed countries. At least half of the members shall be renewed at each Congress.**

3 The representative of each of the members of the **Postal Operations Council** shall be appointed by the postal administration of his country. This representative shall be a qualified official of the postal administration.

4 The operational expenses of the **Postal Operations Council** shall be borne by the Union. Its members shall not receive any payment. Travelling and living expenses incurred by representatives of administrations participating in the **Postal Operations Council** shall be borne by those administrations. However, the representative of each of the countries considered to be disadvantaged according to the lists established by the United Nations shall, except for meetings which take place during Congress, be entitled to reimbursement of the price of an economy class return air ticket or first class return rail ticket, or expenses incurred for travel by any other means, subject to the condition that the amount does not exceed the price of the economy class return air ticket.

5. At its first meeting, which shall be convened and opened by the Chairman of Congress, the **Postal Operations Council** shall choose from among its members a Chairman, a Vice-Chairman, the Committee Chairmen **and the Chairman of the Strategic Planning Working Party.**

- 6 The **Postal Operations** Council shall draw up its Rules of Procedure.
- 7 In principle, the **Postal Operations** Council shall meet every year at Union headquarters. The date and place of the meeting shall be fixed by its Chairman in agreement with the Chairman of the **Council of Administration** and the Director-General of the International Bureau.
- 8 The Chairman, the Vice-Chairman, the Committee Chairmen **and the Chairman of the Strategic Planning Working Party** of the **Postal Operations** Council shall form the **Management** Committee. This Committee shall prepare and direct the work of each meeting of the **Postal Operations** Council and take on all the tasks which the latter decides to assign to it **or the need for which arises in the course of the strategic planning process.**
- 9 The functions of the **Postal Operations** Council shall be the following:
- 9.1 to **conduct** the study of the most important **operational, commercial, technical, economic and technical cooperation** problems which are of interest to postal administrations of all member countries, **including questions with major financial repercussions (charges, terminal dues, transit charges, airmail conveyance rates, parcel-post rates, and the posting abroad of letter-post items),** and to prepare **information, opinions and recommendations for action** on them;
  - 9.2 to **revise the Detailed Regulations of the Union within six months following the end of the Congress unless the latter decides otherwise; in case of urgent necessity, the Postal Operations Council may also amend the said Regulations at other sessions; in both cases, the Operations Council shall be subject to Council of Administration guidance on matters of fundamental policy and principle;**
  - 9.3 to **coordinate practical measures for the development and improvement of international postal services;**
  - 9.4 to **take, subject to Council of Administration approval within the framework of the latter's competence, any action considered necessary to safeguard and enhance the quality of and to modernize the international postal service;**
  - 9.5 to **revise and amend, between two Congresses, in accordance with the procedure laid down in the Universal Postal Convention, and subject to Council of Administration approval, the postage charges for letter-post items;**
  - 9.6 to **formulate proposals which shall be submitted for the approval either of Congress or of postal administrations in accordance with article 122; the approval of the Council of Administration is required when these proposals concern questions within the latter's competence;**
  - 9.7 to **examine, at the request of the postal administration of a member country, any proposal which that administration forwards to the International Bureau under article 121, to prepare observations on it and to instruct the International Bureau to annex these observations to the**

proposal before submitting it for approval to the postal administrations of member countries;

- 9.8 to recommend, if necessary, and where appropriate after approval by the Council of Administration and consultation of all the postal administrations, the adoption of regulations or of a new procedure until such time as Congress takes a decision in the matter;
- 9.9 to prepare and issue, in the form of recommendations to postal administrations, standards for technological, operational and other processes within its competence where uniformity of practice is essential; it shall similarly issue, as required, amendments to standards it has already set;
- 9.10 to develop, with the support of the International Bureau and in consultation with and with the approval of the Council of Administration, the draft Strategic Plan for consideration by Congress, and to revise the Plan approved by Congress on an annual basis, also with the support of the International Bureau and the approval of the Council of Administration;
- 9.11 to approve those parts of the annual report on the work of the Union prepared by the International Bureau which concern the responsibilities and functions of the Postal Operations Council;
- 9.12 to decide on the contacts to be established with postal administrations in order to carry out its functions;
- 9.13 to study teaching and vocational training problems of interest to the new and developing countries;
- 9.14 to take the necessary steps to study and publicize the experiments and progress made by certain countries in the technical, operational, economic and vocational training fields of interest to the postal services;
- 9.15 to study the present position and needs of the postal services in the new and developing countries and to prepare appropriate recommendations on ways and means of improving the postal services in those countries;
- 9.16 to take, in consultation with the Council of Administration, appropriate steps in the sphere of technical cooperation with all member countries of the Union and in particular with the new and developing countries;
- 9.17 to examine any other questions submitted to it by a member of the Postal Operations Council, by the Council of Administration or by any administration of a member country.

10 The members of the **Postal Operations Council** shall take an active part in its work. The **postal administrations of member countries** not belonging to the **Postal Operations Council** may, at their request, cooperate in the studies undertaken, **subject to such conditions as the Council may establish to ensure the efficiency and effectiveness of its work.** Such postal administrations may also be requested to chair Working Parties where their expertise or experience justify it.

11 The **Postal Operations Council** shall, at its last session before Congress, prepare for submission to Congress the draft basic work programme of the next Council, taking into account **the draft Strategic Plan as well as** the requests of member countries of the Union and of **the Council of Administration** and the

International Bureau. This basic programme, which shall include a limited number of studies on topical subjects of common interest, shall be subject to review annually in the light of new realities and priorities.

**12** In order to ensure effective liaison between the work of the two bodies, the **Council of Administration may designate representatives to attend Postal Operations Council meetings as observers.**

**13** The **Postal Operations Council** may invite the following to take part in its meetings without the right to vote:

- 13.1** any international body or any qualified person whom it wishes to associate with its work;
- 13.2** postal administrations of member countries not belonging to the **Postal Operations Council**;
- 13.3** **any association or enterprise that it wishes to consult with respect to its work.**

#### ■ Commentary

**104** The provs relating to the POC come into immediate effect in accordance with Seoul Congress resolution C 41/1994.

**104.2** The 1994 Seoul Congress decided to bring to 40 the number of members of the POC and elected the following countries: Argentina, Australia, Belgium, Brazil, Cameroon, Canada, China (People's Rep), Cuba, Egypt, Ethiopia, France, Germany, Great Britain, Greece, Hungary (Rep), India, Indonesia, Italy, Japan, Jordan, Kenya, Korea (Rep), Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Portugal, Romania, Russian Federation, Sierra Leone, Singapore, South Africa, Spain, Switzerland, Thailand, United States of America, Zambia

To establish a balance between industrialized countries and developing countries on the CCPS, the 1974 Lausanne Congress introduced the principle of "as wide a geographical distribution as possible" for the election of CCPS members, with half of the seats normally being reserved for developing countries. The 1994 Seoul Congress adopted the principle of "qualified" geographical distribution, with 24 seats reserved for developing countries and 16 seats for developed countries. The Seoul Congress also decided that 60 percent of the CA seats allocated to each geographical group would be reserved for the same group in the POC (res C 30/1994). Moreover, the Congress introduced a system of mandatory rotation of POC members. For the composition of the Council since 1957, see the CA and POC Practical Guides.

**104.3** In view of the separation of regulatory functions and operational and commercial functions in certain member countries, the 1994 Seoul Congress adopted the principle by which these countries would have the option of designating officials representing the regulatory function and the operational and commercial function to sit on the POC, since the operational and commercial function plays a predominant role in that body.

These provisions do not apply to meetings held during Congress because certain countries elected members of the POC are represented at Congress by members of the diplomatic corps.

**104.4** The idea of reimbursing representatives of disadvantaged countries the price of the airline ticket was introduced by the 1974 Lausanne Congress and supplemented by the 1979 Rio de Janeiro Congress to make it easier for developing countries to attend CCPS meetings. It applies to POC members among the countries considered to be the least developed by the UN as defined in footnote 1 of Rio de Janeiro Congress resolution C 37/1979 and Hamburg Congress resolution C 38/1984. On the basis of Washington Congress resolution C 6/1989 and Seoul Congress resolution C 16/1994, the list of beneficiary countries is as follows:

*I. Least developed countries (48).* Afghanistan, Angola, Bangladesh, Benin, Bhutan, Botswana, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, Comoros, Dem Rep of the Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Lao People's Dem Rep, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, Samoa, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, Sudan, Tanzania (United Rep), Togo, Tuvalu, Uganda, Vanuatu, Yemen, Zambia.

*II. Island countries or landlocked countries (not including the least developed countries) (16).* Bolivia, Cuba, Dominican Republic, Fiji, Grenada, Indonesia, Jamaica, Mongolia, Papua New Guinea, Paraguay, Philippines, Saint Vincent and the Grenadines, Sri Lanka, Swaziland, Tonga (including Niuafo'ou), Zimbabwe.

*III. Countries considered by the UNDP as least developed.* Nicaragua, Senegal.

**104.5** Pursuant to Seoul Congress resolution C 28/1994, the POC defined its structure during its constituent meeting of 12 September 1994: the Management Committee (made up of the POC Chairman and Vice-Chairman, Committee Chairmen and Chairman of the POC Strategic Planning Working Party); Comm 1 (Letter Post); Comm 2 (Parcel Post); Comm 3 (Postal Financial Services); Comm 4 (Development of Rapid/Time-Certain Services); Comm 5 (Quality of Service); Comm 6 (Marketing); Comm 7 (Telematics Development); Comm 8 (Modernization); Comm 9 (Postal Development and Seoul Postal Strategy).

**104.9** The POC is the focal point for the operational, commercial and policy implementation aspects of all services, mandatory and operational. It assumes responsibility for changes in the Detailed Regulations and also for questions with major financial repercussions (subject to CA approval). It is responsible for adopting technical standards, developing the strategic plan and addressing practical implementation issues.

### Article 105

Documentation on the activities of the **Postal Operations Council** (Gen Regs 104)

**1** After each session, the **Postal Operations Council** shall inform the member countries of the Union and the Restricted Unions about its activities by sending them, *inter alia*, a summary record and its resolutions and decisions.

**2** The **Postal Operations Council** shall prepare for the **Council of Administration** an annual report on its work.

**3** The **Postal Operations Council** shall prepare for Congress a comprehensive report on its work and send it to postal administrations of member countries at least two months before the opening of Congress.

#### ■ Commentary

**105** The EC and the COPS had undertaken studies on the production of documents, which remains a problem of prime importance in view of their volume and the requirement for them to be presented in a modern format that makes for easy reading. The Seoul Congress allowed the new bodies (CA and POC) greater freedom as to how they inform Union members about their activities.

### Article 106

Rules of Procedure of Congresses (Const 14)

**1** For the organization of its work and the conduct of its debates, Congress shall apply the Rules of Procedure of Congresses which are annexed to these General Regulations.



2 Each Congress may amend these rules under the conditions laid down in the Rules of Procedure themselves.

■ **Commentary**

**106** A Congress may amend its Rules of Proc at any time on the terms laid down in the Rules of Proc of Congresses.

## **Article 107**

### **Working languages of the International Bureau**

**The working languages of the International Bureau shall be French and English.**

■ **Commentary**

**107** New article created by the 1994 Seoul Congress for the purpose of making English a working language of the IB in addition to French, the official language of the Union and considered hitherto to be the only working language of the IB. The 1994 Seoul Congress also instructed the CA to consider all the consequences, including the financial ones, of introducing other working languages (resolution C 77/1994). See also part I, Historical outline, chapter VIII.

## **Article 108**

**Languages used for documentation, for debates and for official correspondence**

1 For the documentation of the Union, the French, English, Arabic and Spanish languages shall be used. The Chinese, German, Portuguese and Russian languages shall also be used provided that only the most important basic documentation is produced in these languages. Other languages may also be used on condition that **the member countries which have made the request shall bear all of the costs involved.**

2 The member country or countries which have requested a language other than the official language constitute a language group. **The member countries using the official language shall constitute the French Language Group.**

3 Documentation shall be published by the International Bureau in the official language and in the languages of the **other** duly constituted language groups, either directly or through the intermediary of the regional offices of those groups in conformity with the procedures agreed with the International Bureau. Publication in the different languages shall be effected in accordance with a common standard.

4 Documentation published directly by the International Bureau shall, **as far as possible**, be distributed simultaneously in the different languages requested.

5 Correspondence between the postal administrations and the International Bureau and between the latter and outside entities may be exchanged in any language for which the International Bureau has available a translation service.

6 The costs of translation into any **language, including** those resulting from the application of paragraph 5, shall be borne by the language group which has asked for that language. The **French Language Group** shall bear the cost of translation into the official language of documents and correspondence received in Arabic, English and Spanish. **All** other costs involved in the supply of documents **shall be borne by the Union**. The ceiling of the costs to be borne by the Union for the production of documents in Chinese, German, Portuguese and Russian shall be fixed by a Congress resolution.

7 The costs to be borne by a language group shall be divided among the members of that group in proportion to their contributions to the expenses of the Union. These costs may be divided among the members of the language group according to another system, provided that the countries concerned agree to it and inform the International Bureau of their decision through the intermediary of the spokesman of the group.

8 The International Bureau shall give effect to any change in the choice of language requested by a member country after a period which shall not exceed two years.

9 For the discussions at meetings of the Union's bodies, the French, English, Spanish and Russian languages shall be admissible, by means of a system of interpretation – with or without electronic equipment – the choice being left to the judgment of the organizers of the meeting after consultation with the Director-General of the International Bureau and the member countries concerned.

10 Other languages shall likewise be admissible for the discussions and meetings mentioned in paragraph 9.

11 Delegations using other languages shall arrange for simultaneous interpretation into one of the languages mentioned in paragraph 9, either by the system indicated in the same paragraph, when the necessary technical modifications can be made, or by individual interpreters.

12 The costs of the interpretation services shall be shared among the member countries using the same language in proportion to their contributions to the expenses of the Union. However, the costs of installing and maintaining the technical equipment shall be borne by the Union.

13 Postal administrations may come to an understanding about the language to be used for official correspondence in their relations with one another. In the absence of such an understanding the language to be used shall be French.

#### ■ Commentary

**108** Following the 1984 Hamburg Congress, the EC undertook a study of a purely editorial nature with a view to defining the terms "documentation", "document" and "publication" used in the Acts of the Union. It adopted as a reference criterion the definitions given in art 19 of the IB's "In-house Rules", the text of which is as follows:

*"Documents and publications"*

- 1 The Union's documentation is made up of documents and publications.
- 2 Any text prepared for a meeting of a Union body and, in general, any other written or printed paper not intended for sale is considered to be a "document".
- 3 Texts not reproduced in the form of brochures of books (loose-leaf binders) and available for sale are "publications".

**108.1** The first provs governing the translation of docs and publications were introduced after prolonged discussion at the 1964 Vienna Congress (see Const, art 6). The difficulties encountered by Congress in this connection made it impossible for the latter to lay down the detailed procedure for the new language system. That is why the EC was instructed to undertake certain studies and to take certain additional decisions in accordance with resolution C 19/1964.

The study of practical and economic methods of translating docs and publications by the IB was carried out jointly with that relating to the distribution of the Union's documentation. Following these studies the EC took decision CE 7/1966, introducing a new language system.

After prolonged discussions, the 1974 Lausanne Congress promulgated for the publication of documentation the new language system set out in paras 1 to 6.

The main changes compared with the previous language system lie in the fact that art 108, para 1, stipulates that Union documentation is published in French, English, Arabic and Spanish, while, under the old system, documentation was provided in any language at the expense of the beneficiaries. In addition, the Arabic, English and Spanish Language Groups no longer stand the cost of translation into their language, since all the costs relating to the production and supply of documentation are borne by the Union.

The 1979 Rio de Janeiro Congress admitted Chinese, German, Portuguese and Russian for the publication of the Union's basic documentation, on the understanding that the Union's contribution must not exceed a common ceiling for the four groups (see para 6, end) (resolution C 106/1979). The 1984 Hamburg Congress increased the subsidy paid to the aforementioned four groups to 150 000 Swiss fr (resolution C 63/1984).

The use of other languages is linked to the condition that it entail no additional expense for the Union; this means that member countries wishing to have documentation published in a language other than those listed in para 1 would have to pay all the costs involved, ie the translation, production and supply costs.

**108.2** The 1994 Seoul Congress decided to set up a French language group. Previously, member countries using the official language did not constitute a language group. As a result, they did not have to pay the cost of translation into that language, such costs being borne by the Union.

**108.4** The expression "as far as possible" was added by the 1994 Seoul Congress; it applies not only to those languages which are not translated at Berne, but also to documentation printed at Berne, unless, as the result of exceptional circumstances, a translation cannot be completed fast enough and might therefore excessively delay the distribution of the other versions. In such cases, it is in the interest of adms to be able to obtain the official version of urgent texts as soon as possible.

**108.6** For the interpretation and application of para 6, the CA adopted the following resolution CA 11/1997:

"The Council of Administration, considering that it is in the interests of member countries as a whole to find a simple formula for setting the amount to be paid by member countries using the official language, noting that most of these countries have already paid the same amount by unit for 1996 and 1997 as the countries using the second International Bureau working language, considering that payment of the same amount per unit by the two groups is fair and compatible with article 108, para 6, of the General Regulations, sets the amount per unit to be paid by all member countries using the official language at the same amount as that which will be billed to the member countries of the English Language Group for the period remaining up to the entry into force of the Acts of the Beijing Congress."

With regard to billing for contributions, the IB specified that the following are assumed to use the official language, countries that:

- a do not belong to any of the seven language groups constituted (Arabic, Chinese, English, German, Portuguese, Russian, Spanish);
- b are members of one of these language groups but wish to receive more than one copy of Union documentation in the official language.

The other costs paid by the Union include, in particular, the word processing, desktop publishing, reproduction and dispatch costs relating to the French, English, Arabic and Spanish versions of IB correspondence, documents and publications, as well as all the administrative costs (management, premises, etc) of the translation services operating in connection with the IB in these languages.

**108.9** Until the 1952 Brussels Congress, each meeting (Congress, Conf, Comm) itself fixed, by a prov in its Rules of Proc, the language system applicable to its debates. Since Brussels, the provs relative to this have been included in the Acts of the Union.

**108.12** Until the 1969 Tokyo Congress, the cost of the interpreting services at EC and CCPS sessions was apportioned among the members of the language groups, whether they were represented at those sessions or not. The EC amended its Rules of Proc at its 1971 session so as not to make members of language groups pay for interpreting costs when their language is not used at a meeting, provided, however, that the IB has not undertaken any commitment in this connection. On the EC's recommendation, the CCPS amended its Rules of Proc to the same effect at its 1972 session.

Before the 1964 Vienna Congress, the cost of installing and maintaining the technical equipment was borne by the Union for French, English, Russian and Spanish only. The new prov applies to all languages for which a country or group of countries requests simultaneous interpretation.

**108.13** The 1947 Paris Congress established for the first time a prov covering the language to be used for official correspondence between adms (1947 Paris Conv, art 33, para 4).

The 1934 Cairo Congress specified that an adm may refuse to accept letters in any language other than French if no agreement has been reached.

## Chapter II

### International Bureau

#### ■ Commentary

This chapter concerns the management and staff of the IB; it also summarizes the main functions and powers of the IB. Art 110, in particular, forms to some extent a synthesis of all these competences which are detailed.

The actual operation of the IB is also the subject of the following provs, which are not given in this binder:

- Staff Regulations, which is drawn up by the CA in accordance with art 102, para 6.13;
- Staff Rules, which comprise executory provs of the Staff Regulations and which are the responsibility of the Director-General;
- service conditions of the Director-General and the Deputy Director-General, which are adopted by the CA in accordance with art 102, para 6.13; in this connection, see also resolutions C 51/1979 and C 52/1979 of the Rio de Janeiro Congress concerning the service conditions and the retirement pensions of the elected officials;
- administrative instructions concerning IB staff and administration, which the Director-General draws up as the need arises;
- Regulations of the UPU Provident Scheme, which are adopted by the Management Board with the approval of the Supervisory Authority of the Foundation;
- Social Fund for the staff of the IB of the UPU, which is maintained by payments made by the Swiss adm to the IB on the sale of official UPU stamps, the regulations of which are drawn up by the CA in accordance with art 102, para 6.16;
- Financial Regulations, which are drawn up by the CA in accordance with art 102, para 6.6;
- Rules on financial administration, accounting organization and control, which are adopted by the Director-General under the provs of the Financial Regulations;
- a Reserve Fund, which serves to stabilize member countries' contributions; the provs governing its maintenance and use are laid down by the CA in accordance with art 102, para 6.7 (see art 124, para 11);
- Special Activities Fund maintained partly by the Union budget and partly by voluntary contributions from adms, in accordance with art 102, para 6.9.

**Article 109****Election of the Director-General and Deputy Director-General of the International Bureau**

1 The Director-General and the Deputy Director-General of the International Bureau shall be elected by Congress for the period between two successive Congresses, the minimum duration of their term of office being five years. Their term of office shall be renewable once only. Unless Congress decides otherwise, the date on which they take up their duties shall be fixed at 1 January of the year following that in which Congress is held.

2 At least seven months before the opening of Congress, the Director-General of the International Bureau shall send a memorandum to the Governments of member countries inviting them to submit their applications, if any, for the posts of Director-General and Deputy Director-General and indicating at the same time whether the Director-General and Deputy Director-General in office are interested in a renewal of their initial term of office. The applications, accompanied by a curriculum vitae, must reach the International Bureau at least two months before the opening of Congress. The candidates must be nationals of the member countries which put them forward. The International Bureau shall prepare the election documents for Congress. The election of the Director-General and that of the Deputy Director-General shall take place by secret ballot, the first election being for the post of Director-General.

3 If the post of Director-General falls vacant, the Deputy Director-General shall take over the functions of Director-General until the expiry of the latter's term of office; he shall be eligible for election to that post and shall automatically be accepted as a candidate, provided that his initial term of office as Deputy Director-General has not already been renewed once by the preceding Congress and that he declares his interest in being considered as a candidate for the post of Director-General.

4 If the posts of Director-General and Deputy Director-General fall vacant at the same time, **the Council of Administration** shall elect, on the basis of the applications received following notification of the vacancies, a Deputy Director-General for the period extending up to the next Congress. With regard to the submission of applications, paragraph 2 shall apply by analogy.

5 If the post of Deputy Director-General falls vacant, **the Council of Administration** shall, on the proposal of the Director-General, instruct one of the Assistant Directors-General at the International Bureau to take over the functions of Deputy Director-General until the following Congress.

**■ Commentary**

**109** Up to the 1974 Lausanne Congress, the Director-General (DG) was appointed by the EC, while the Deputy Director-General (DDG) was appointed by the Director-General, such appointment then being submitted for the approval of the EC. There was no limit to their terms of office. In practice, they were appointed on a permanent basis like the other IB officials. The 1974 Lausanne Congress decided to have these two senior officials elected by Congress and to limit the duration of their term of office.

In reply to a question from a delegation in 1979 Rio de Janeiro Congress Comm 4, the IB expressed the opinion that a DDG who had completed a first five-year term of office, could be elected only once to the post of DG, so that he was therefore not eligible for re-election to that new post. That interpretation was based on the spirit of art 108, para 1, second sentence, which intended that the period of service completed as an elected official should in no case exceed ten years, whether the person concerned had acted solely as DDG or DG or the two in succession.

While sharing that view, Comm 4 did not consider it necessary to amend the above prov to that effect, since it felt the existing wording was sufficiently clear.

The service conditions of elected officials (DG and DDG) are currently governed by Rio de Janeiro resolutions C 51/1979 and C 52/1979 and by resolution CE 1/1977.

**109.2** A written declaration by the DG or DDG stating his interest in having his term of office renewed shall be considered sufficient.

Following consideration of the question on what conditions an ADG might apply for the vacant post of DG or DDG, the EC decided in 1983 that the procedure laid down in art 109 applied to all applications, including those by IB officials (decision CE 8/1983).

**109.5** It is a matter of provisionally filling without delay the vacant post of DDG to ensure the continuity of the work and avoid difficulties during the absence of the DG. The ADG appointed by the CA retains his D 2 grade; he simply performs the duties of DDG ad interim without being appointed to that grade. Accordingly, paras 2 and 3 of art 109 are not applicable to him; this interpretation was confirmed by the EC in 1982 when a DDG was appointed ad interim (decision CE 10/1982).

## Article 110

### Duties of the Director-General

1 The Director-General shall organize, administer and direct the International Bureau, of which he is the legal representative. He shall be empowered to classify posts in grades G 1 to D 1 and to appoint and promote officials in those grades. For appointments in grades P 1 to D 1, he shall consider the professional qualifications of the candidates recommended by the postal administrations of the member countries of which the candidates are nationals **or in which they exercise their professional activities**, taking into account equitable geographical distribution with respect to continents and languages together with all other relevant considerations, while giving due weight to the Bureau's internal promotion arrangements. **However, in the case of posts requiring special qualifications, the Director-General may seek applications from outside.** He shall also consider, **for the appointment of a new official**, that, in principle, persons occupying grade D 2, D 1 and P 5 posts must be nationals of different member countries of the Union. **For the promotion of an official of the International Bureau to grades D 1 and P 5, he shall not be bound to apply that principle. Moreover, the requirements of equitable geographical and language distribution shall rank behind merit in the recruitment process.** The Director-General shall inform the **Council of Administration** once a year, in the Report on the work of the Union, of appointments and promotions in grades P 4 to D 1.

2 The Director-General shall have the following duties:

2.1 to act as depositary of the Acts of the Union and as intermediary in the procedure of accession and admission to and withdrawal from the Union;

- 2.2 to notify all administrations of the Detailed Regulations drawn up or revised by the **Postal Operations Council**;
- 2.3 to prepare the draft annual budget of the Union at the lowest possible level consistent with the requirements of the Union and to submit it in due course to the **Council of Administration** for consideration; to communicate the budget to the member countries of the Union after approval by the **Council of Administration and to execute it**;
- 2.4 to execute the specific activities requested by the bodies of the Union and those assigned to him by the Acts;
- 2.5 to take action to achieve the objectives set by the bodies of the Union, within the framework of the established policy and the funds available;
- 2.6 to submit suggestions and proposals to the Council of Administration or to the Postal Operations Council;
- 2.7 to prepare, for the Postal Operations Council and on the basis of directives issued by the latter, the draft Strategic Plan to be submitted to Congress and the draft annual revision;
- 2.8 to ensure the representation of the Union;
- 2.9 to act as an intermediary in relations between:
  - the UPU and the Restricted Unions;
  - the UPU and the United Nations;
  - the UPU and the international organizations whose activities are of interest to the Union;
  - **the UPU and the international organizations or the associations or enterprises that the bodies of the Union wish to consult or associate with their work**;
- 2.10 to assume the duties of Secretary-General of the bodies of the Union and supervise in this capacity and taking into account the special provisions of these General Regulations, in particular:
  - the preparation and organization of the work of the Union's bodies;
  - the preparation, production and distribution of documents, reports and minutes;
  - the functioning of the secretariat at meetings of the Union's bodies;
- 2.11 to attend the meetings of the bodies of the Union and take part in the discussions without the right to vote, with the possibility of being represented.

#### ■ Commentary

**110.1** The powers of the Director-General with regard to the administration of the IB in the staff and financial fields are set out in the IB Staff Regulations and in the UPU Financial Regulations drawn up by the CA.

The 1979 Rio de Janeiro Congress introduced for the first time, in arts 102 and 108, a clear distinction between “appointments” and “promotions” (or between “appoint” and “promote”), in order to bring the terminology of the Gen Regs into line with that of the UN common system; this terminology has also been taken over by the IB Staff Regulations. Under this terminology, “appointment” means the recruitment of an external applicant as an international civil servant, while “promotion” is an administrative act by which a serving official moves to a higher grade.

Until the 1964 Vienna Congress, the EC appointed, on the prop of the Swiss Government, all the senior staff, including the Director-General. Since that Congress, senior staff and officials in the 1st, 2nd and

3rd classes (corresponding to the present grades of P 4, P 3 and P 2) have been appointed by the Director-General, such appointments then having to be approved by the EC.

At the 1974 Lausanne Congress, the responsibility for appointing the Director-General and the Deputy Director-General was assigned to Congress. That Congress also abolished EC approval for appointments made by the Director-General of officials in grades P 4, P 3 and P 2. The 1979 Rio de Janeiro Congress extended to grades D 1 (Senior Counsellor) and P 5 (Counsellor) the Director-General's power to appoint and promote IB officials without EC approval. At the same time, it reinforced, at art 102, para 6.15, the EC's powers as regards appointments and promotions to grade D 2 (Assistant Director-General), by deleting from the former subpara iii, the words "on the proposal of the Director-General of the International Bureau".

The 1964 Vienna Congress recommended that the Director-General of the IB should advise all UPU member countries by circ of posts that are vacant in the IB and are not filled by promotion within the Bureau, with a view to nominating candidates. Adms should be informed of all vacancies concerning posts from Senior category to Third Secretary. The qualifications required for each vacant post, such as experience, education, etc, should accompany each announcement. The provs governing recruitment (including the procedure for announcing vacant posts), appointments and promotions are now contained in the IB Staff Regulations drawn up by the CA. Under those provs, vacant posts at the IB must be filled either by external recruitment (appointments) or by transfer or promotion within the IB. Without prejudice to the recruitment of fresh talent at all grades, full account must be taken in making appointments to vacant posts of the qualifications and experience which persons already in the service of the Union may possess. The Director-General notifies, by circ let, adms of vacant posts in grades D 2 to P 1, which are not filled from within the IB, with a view to proposing candidates. In considering applications received from outside, the cases of the IB officials in the grade immediately below the vacant post must also be automatically reviewed. An Appointment and Promotion Comm is responsible for advising the Director-General in all cases of appointments and promotions to vacant posts (up to grade D 1).

The principle of equitable geographical distribution applies to vacant posts in the Senior (grades D 2, D 1 and P 5) and Professional categories (grades P 4 to P 1), whereas vacant posts in the General Service category (grades G 7 to G 1) are normally filled through local recruitment. Because of the limited number of posts subject to geographical distribution (59 posts in 1994) compared with the total number of member countries (189 in 1994), the UPU does not have, for international appointments, a system of "country quotas", but it understands the principle of equitable geographical distribution in a "continental" sense (ie, in a sense which refers to the five geographical groups acknowledged in the UPU).

**110.2** When the EC was instructed to prepare an art on the functions and powers of the IB, the question arose as to whether a distinction should be made between the powers of the IB as a body of the Union and those of the Director-General. Fearing that such a distinction would lead to confusion with regard to responsibility, the EC decided that the Director-General would be made solely responsible in the eyes of the member countries, on the understanding that to exercise his authority he would have at his disposal the necessary means, viz the IB. Art 110 was conceived in this sense. However, in various arts in the Acts, the distinction between the functions of the Director-General and those of the IB has been kept; these functions are as follows:

### **a Duties assigned to the Director-General**

#### *Constitution*

- 1 Notify accession to the Union or consult member countries about requests for admission to the Union (art 11, paras 3 and 5).
- 2 Communicate denunciation of the Const to the governments of member countries (art 12, para 1).
- 3 Direct the IB (art 20).
- 4 Communicate to member countries the declarations and notifications provided for in art 23, paras 1 and 3 (art 23, para 4).
- 5 Notify the governments of member countries of the deposit of the instruments of ratification and of approval of the Acts (art 26).
- 6 Notify accession to the Agreements (art 27, para 2).
- 7 Communicate to the governments of member countries the denunciation of an Agreement (art 28).



*General Regulations*

- 8 Where appropriate, serve as intermediary for the sending of invitations to Congress sent by the host government to member countries (art 101, paras 5, 7 and 8).
- 9 Send the necessary invitations to the intergovernmental and non-governmental international organizations which the CA has chosen to be represented at a Congress (art 102, para 6.19).
- 10 Give his agreement to the date and place fixed for the POC meeting (art 104, para 7).
- 11 Give his opinion to the organizers of meetings of Union bodies on the choice of the system of interpretation to be used for debates (art 108, para 9).
- 12 Send a memorandum to the governments of member countries about applications for the posts of DG and DDG, collect applications and prepare the necessary documentation for Congress (art 109, para 2).
- 13 Propose to the CA, if the post of Deputy Director-General falls vacant, one of the Assistant Directors-General to take over the functions of the Deputy Director-General until the following Congress (art 109, para 5).
- 14 Organize, administer and direct the IB and be its legal representative (art 110, para 1).
- 15 Classify the posts in grades G 1 to D 1, appoint and promote officials in those grades and make known once a year appointments and promotions in grades P 4 to D 1 (art 110, para 1).
- 16 Act as depositary of the Acts of the Union and as intermediary in the procedure of accession and admission to and withdrawal from the Union (art 110, para 2.1).
- 17 Notify all adms of the Det Regs drawn up or revised by the POC (art 110, para 2.2).
- 18 Prepare the annual draft budget of the Union at the lowest possible level consistent with the requirements of the Union and submit it in due course to the CA for consideration. Communicate the budget to the member countries of the Union after approval by the CA and execute it (art 110, para 2.3).
- 19 Execute the specific activities requested by the bodies of the Union and those assigned to him by the Acts (art 110, para 2.4).
- 20 Take action to achieve the objectives set by the bodies of the Union, within the framework of the established policy and the funds available (art 110, para 2.5).
- 21 Submit suggestions and proposals to the CA or to the POC (art 110, para 2.6).
- 22 Prepare, for the POC and on the basis of directives issued by the latter, the draft Strategic Plan to be submitted to Congress and the draft annual revision (art 110, para 2.7).
- 23 Ensure the representation of the Union (art 110, para 2.8).
- 24 Act as intermediary in relations between the UPU and the Restricted Unions, the UPU and the UN, the UPU and the international organizations whose activities are of interest to the Union, the UPU and the international organizations or the associations or enterprises that the bodies of the Union wish to consult or associate with their work (art 110, para 2.9).
- 25 Assume the duties of Secretary-General of the bodies of the Union, in this capacity supervising in particular the preparation and organization of the work of the Union's bodies, the preparation, production and distribution of docs, reports and minutes, and the functioning of the Secretariat at meetings of the Union's bodies (art 110, para 2.10).
- 26 Attend meetings of bodies of the Union and take part in the discussions without the right to vote, with the possibility of being represented at them (art 110, para 2.11).
- 27 Assume responsibility for the Secretariat of Union bodies which is provided by the IB (art 112).
- 28 Authorize, in case of extreme urgency, the ceiling fixed for major, unforeseen repairs to the IB building to be exceeded, but by not more than 125 000 Swiss fr per annum (art 125, para 5).

**b Duties assigned to the International Bureau***Constitution*

- 1 Serve as an organ of execution, support, liaison, information and consultation (art 20).

*General Regulations*

- 2 Consult with the host Government before the latter fixes the definitive date and the precise locality of Congress (art 101, para 5).
- 3 With the agreement of the CA and after consultation with the Government of the Swiss Confederation, take the necessary steps to convene and organize the Congress in which the seat of the Union is situated when a Congress has to be convened without a host Government. In this event, perform the functions of the host Government (art 101, para 6).

- 4 Consult with the member countries which have initiated an Extraordinary Congress before they fix the meeting place of that Congress; if appropriate, take the necessary steps to convene and organize the Congress and perform the functions of the host Government (art 101, paras 7 and 8).
- 5 Annex to every prop drawn up by virtue of art 120, before submitting it for approval to the adms of member countries, any observations prepared by the POC at the request of the adm making the prop (art 104, para 9.7).
- 6 Prepare requests for the basic work programme of the next POC to be submitted to Congress (art 104, para 11).
- 7 Publish documentation in the official language and in the languages of the other language groups set up, either direct or through the intermediary of the regional offices of these groups, in accordance with the system agreed with those regional offices (art 108, para 3).
- 8 Distribute, as far as possible, simultaneously in the different languages requested the documentation which it publishes direct (art 108, para 4).
- 9 Exchange correspondence with postal adms in any language for which it has a translation service (art 108, para 5).
- 10 Give effect to any change in the choice of language requested by a member country after a period which shall not exceed two years (art 108, para 8).
- 11 Provide, under the responsibility of the Director-General, the Secretariat of the Union's bodies. Send all the docs published on the occasion of each session to the postal adms of the members of that body, to the adms of countries which, while not members of the body, cooperate in the studies undertaken, to the Restricted Unions and to adms of other member countries which ask for them (art 112).
- 12 Prepare and keep up to date the List of Member Countries of the Union, showing therein their contribution class, their geographical group and their position with respect to the Acts of the Union (art 113).
- 13 Be at all times at the disposal of the CA, the POC and adms for the purpose of supplying them with any necessary information on questions relating to the service (art 114, para 1).
- 14 Among other things, collect, collate, publish and distribute all kinds of information of interest to the international postal service; at the request of the parties involved give an opinion on questions in dispute; act on requests for interpretation and amendment of the Acts of the Union and, in general, carry out such studies and editorial or documentary work as are assigned to it by those Acts or as may be referred to it in the interest of the Union (art 114, para 2).
- 15 Conduct inquiries requested by adms to obtain the views of other adms on a particular question (art 114, para 3).
- 16 Act as a clearing house in the settlement of accounts of all kinds relating to the international postal service between adms requesting this facility (art 114, para 4).
- 17 Develop postal tech asst in all its forms within the framework of international technical cooperation (art 115).
- 18 Arrange the manufacture of international reply coupons and supply them at cost to adms ordering them (art 116).
- 19 See that the Acts of the Restricted Unions and special Agrs do not include conditions less favourable to the public than those which are provided for in the Acts of the Union, and inform adms of the existence of such Unions and Agrs. Notify the CA of any irregularity discovered by virtue of this prov (art 117, para 2).
- 20 Publish, with the aid of the docs made available to it, a periodical in Arabic, Chinese, English, French, German, Russian and Spanish (art 118).
- 21 Make an annual rep on the work of the Union, which shall be sent, after approval by the CA and the POC to adms, the Restricted Unions and the UN (art 119).
- 22 Act as intermediary for sending to other adms the props referred to in the Gen Regs, art 121, para 1 (art 121, para 2).
- 23 Notify by circ every prop submitted under art 121, para 1, adms being allowed two months to consider the prop and forward any observations to the IB. Collect the replies and communicate them to the adms, inviting them to vote for or against the prop (art 122, para 1).
- 24 Communicate to the governments of member countries amendments made to the Conv, Agrs and their Fin Prots (art 123, para 1).
- 25 Communicate to adms amendments made by the POC to the Det Regs and their Fin Prots as well as the interpretations referred to in art 59.3.3.2 of the Conv and in the corresponding provs of the Agrs (art 123, para 2).
- 26 Inform Congress of any subsequent changes in contribution class notified by member countries before the opening of Congress (art 126, para 4).

- 27 If one of the adms party to the case does not act on a prop for arbit within a period of six months, it shall, if so requested, call upon the defaulting adm to appoint an arbitrator or itself appoint one ex officio (art 128, para 2).
- 28 Act as single arbitrator in arbit proceedings, if the parties to the case agree to appoint it (art 128, para 3).
- 29 In order to settle the matter in the event of a tie, appoint an adm from among those not proposed by the arbitrators, when the latter fail to agree on the choice of another adm also not involved in the dispute (art 128, para 5).

*Rules of Procedure of Congresses*

- 30 Reach agreement with the adm of the host country of the Congress to suggest the person to be appointed as Doyen of Congress (art 6, para 1).
- 31 Take account of any observations, received from delegates of member countries within 40 days of the dispatch of minutes or reports of the last meetings which it has not been possible to approve in Congress or Comm but which have been approved by the respective Chairmen of those meetings (art 23, para 5).
- 32 Correct in the minutes or reports of meetings of Congress and Comms any clerical errors which were not brought to light when the minutes or reports were approved (art 23, para 6).
- 33 Correct in the final Acts and in decisions other than Acts clerical errors which have not come to light during their study, the numbering of arts and paras and references (art 24, paras 5 and 6).

The references to the other Acts (Conv, Agrs, Det Regs) are not reproduced.

## Article 111

### Duties of the Deputy Director-General

1 The Deputy Director-General shall assist the Director-General and shall be responsible to him.

2 If the Director-General is absent or prevented from discharging his duties, the Deputy Director-General shall exercise his functions. The same shall apply in the case of a vacancy in the post of Director-General as mentioned in article 109, paragraph 3.

## Article 112

### Secretariat of the Union's bodies (Const 14, 15, 17, 18)

The secretariat of the Union's bodies shall be provided by the International Bureau under the responsibility of the Director-General. It shall send all the documents published on the occasion of each session to the postal administrations of the members of the body, to the postal administrations of countries which, while not members of the body, cooperate in the studies undertaken, to the Restricted Unions and to postal administrations of other member countries which ask for them.

#### ■ Commentary

112 To delimit the duties of the host country and the IB as regards the organization of Congress, the IB Director-General concluded a special agreement with the organizing adms of the Congresses.

This prov implies that the secretariat must not only send all the docs published before a session but also those distributed during or shortly after a session, particularly Comm reports and minutes.

## Article 113

### List of member countries (Const 2)

The International Bureau shall prepare and keep up to date the list of member countries of the Union showing therein their contribution class, their geographical group and their position with respect to the Acts of the Union.

#### ■ Commentary

**113** This list has been prepared partly because of the 1964 Vienna Congress decision not to list Union member countries in the preamble to the Const as previously done in the preamble to the Conv, and partly because of art 113 of the Det Regs of the 1957 Ottawa Conv, which classified the countries according to the apportionment of UPU expenses. The list is declaratory. It is published once a year as an annex to the Rep. See also Part I, General List of UPU Member Countries and of Territories included in the Union.

## Article 114

Information. Opinions. Requests for interpretation and amendment of the Acts. Inquiries. Role in the settlement of accounts (Const 20; Gen Regs 121, 122, 123)

1 The International Bureau shall be at all times at the disposal of the **Council of Administration**, the **Postal Operations Council** and postal administrations for the purpose of supplying them with any necessary information on questions relating to the service.

2 In particular it shall collect, collate, publish and distribute all kinds of information of interest to the international postal service, give an opinion, at the request of the parties involved, on questions in dispute, act on requests for interpretation and amendment of the Acts of the Union and, in general, carry out such studies and editorial or documentary work as are assigned to it by those Acts or as may be referred to it in the interest of the Union.

3 It shall also conduct inquiries requested by postal administrations to obtain the views of other administrations on a particular question. The result of an inquiry shall not have the status of a vote and shall not be formally binding.

4 It shall act as a clearing house in the settlement of accounts of all kinds relating to the international postal service between postal administrations requesting this facility.

#### ■ Commentary

**114.1** In fact, the IB provides the CA, the POC and adms with information not only on questions relating to the postal service but also on questions of any kind which may interest them and which it is in a position to give or obtain.

**114.2** As early as 1878 the question arose as to the interpretation to be placed on the words "at the request of the parties to the case". After careful consideration and in agreement with the Supervisory Authority, the IB concluded that in any formal dispute, namely, as soon as it was no longer a mere question of difference of appraisal of quite secondary importance, it was only authorized to express an opinion if requested to do so by or on behalf of the various adms directly concerned in the dispute, and not merely by one of them. It has, since then, always adopted this practice, tacitly approved by the adms as a whole. In addition to questions in dispute, the IB has also often been called on to give an opinion on non-litigious questions. A certain number of opinions (both on questions in dispute and on non-litigious questions) are

referred to in the comms relating to the arts of the Acts. Opinions on non-litigious questions are also published annually in the Repts. For arbitrations in which the IB may act as sole arbitrator, see art 128, paras 2 and 5.

The IB has no power to intervene in the relations between adms and their customers, for example, in cases of claims or searches for postal items in the international service, etc. In such cases, the IB always refers the complaint to the adms concerned.

**114.4** On the basis of the results of an EC study on international accounting, the 1994 Seoul Congress instructed the IB to make known the advantages of the general liquidation account and to encourage administrations to make use of it, and to do its best to improve the system. It also adopted direct billing with AV 5 and CP 16 accounts and instructed the POC to monitor and assess the operation of the new system within three years of the entry into force of the Seoul Acts and, if necessary, to take any action considered necessary for the ongoing adjustment of the accounting systems in question (see resolutions C 83/1994 and C 84/1994, recommendation C 82/1994 and decision C 86/1994 of the Seoul Congress).

At the moment, the IB effects offsetting in respect of:

- a transit charges and terminal dues;
- b international reply coupons.

## Article 115

### Technical cooperation (Const 1)

The International Bureau shall develop postal technical assistance in all its forms within the framework of international technical cooperation.

#### ■ Commentary

**115** See Part I, Historical outline, chapter IX.

Apart from its role in bilateral assistance, the IB acts as an intermediary between adms and the UN services dealing with the preparation, implementation and evaluation of the various tech asst programmes.

## Article 116

### Forms supplied by the International Bureau (Const 20)

The International Bureau shall be responsible for arranging the manufacture of **international** reply coupons and for supplying them, at cost, to postal administrations ordering them.

#### ■ Commentary

**116** The cost is fixed by the IB and communicated to the adms by circ.

The provs of the regulations concerning international reply coupons are set out in Conv, art 15.

## Article 117

### Acts of Restricted Unions and Special Agreements (Const 8)

1 Two copies of the Acts of Restricted Unions and of Special Agreements concluded under article 8 of the Constitution shall be sent to the International Bureau by the offices of such Unions, or failing that, by one of the contracting parties.

2 The International Bureau shall see that the Acts of Restricted Unions and Special Agreements do not include conditions less favourable to the public than those which are provided for in the Acts of the Union and shall inform postal administrations of the existence of such Unions and Agreements. The International Bureau shall notify **the Council of Administration** of any irregularity discovered through applying this provision.

■ **Commentary**

**117** As the docs arrive, the IB notifies the adms by circ. The IB also publishes the conclusion of Agrs governing the exchange of mail with a country which is not a UPU member or a member country which is not a signatory of the UPU Agr. The docs remain at the disposal of adms through the IB's Lending Service.

**Article 118**  
**Union periodical**

The International Bureau shall publish, with the aid of the documents made available to it, a periodical in Arabic, Chinese, English, French, German, Russian and Spanish.

■ **Commentary**

**118** This is "Union Postale", a quarterly periodical containing postal information and news of postal and administrative interest.

The articles in the Periodical are published simultaneously in the seven languages mentioned in this art.

In accordance with the desire of the 1939 Buenos Aires Congress, articles must be strictly objective and free from all political bias.

The 1957 Ottawa Congress adopted resolution C 7/1957 in respect of the Periodical instructing the International Bureau to see that more space in the Periodical is devoted to present-day postal problems in connection with experiments, scientific and technical progress in various countries, mechanization and automation of production processes and basic postal economic problems.

In connection with the extension of the bibliographical section of the Periodical, the 1964 Vienna Congress adopted recommendation C 4/1964: "Postal administrations are invited to send with the periodicals which they send to the IB a translation into French or, failing that, into one of the other languages used for 'Union Postale' of the table of contents and, if possible, of a summary of the articles which they consider important."

As regards publication particulars and the price of the Periodical, see decisions CE 10/1968, CE 11/1973, CE 25/1976, CE 19/1981, CE 15/1987, CE 17/1987, CE 18/1987, CE 19/1987 and CE 29/1991.

**Article 119**  
**Annual report on the work of the Union (Const 20; Gen Regs 102, paragraph 6.17)**

The International Bureau shall make an annual report on the work of the Union, which shall be sent, after approval by the **Council of Administration**, to postal administrations, the Restricted Unions and the United Nations.

■ **Commentary**

**119** The 1939 Buenos Aires Congress expressed the formal opinion: a. that the annual accounts of the IB should be supported by the approval of the competent body of the Swiss Federal Government; and b. that

a comparative statement of receipts and expenditure for the years since the preceding Congress should be submitted to each Congress. This statement will show, where applicable, the annual allocation of any surplus, of whatever nature. The IB has complied with the formal opinion mentioned under a. in respect of reps since 1939. As regards the formal opinion under b., the IB complies with this by presenting to each Congress a report by its Director on the finances of the Union.

The Rep includes in annexes:

- the List of UPU Member Countries showing their position with respect to the UPU Acts;
- the technical cooperation projects under the UNDP;
- a list of debtor adms;
- the annual report of the UPU Provident Scheme;
- the report on the translation services.

## Chapter III

### Procedure for the submission and consideration of proposals

#### Article 120

Procedure for submitting proposals to Congress (Const 29)

1 Subject to the exceptions provided for in paragraphs 2 and 5, the following procedure shall govern the submission of proposals of all kinds to Congress by postal administrations of member countries:

- a proposals which reach the International Bureau at least six months before the date fixed for Congress shall be accepted;
- b no drafting proposal shall be accepted during the period of six months preceding the date fixed for Congress;
- c proposals of substance which reach the International Bureau in the interval between six and four months before the date fixed for Congress shall not be accepted unless they are supported by at least two administrations;
- d proposals of substance which reach the International Bureau in the interval between four and two months preceding the date fixed for Congress shall not be accepted unless they are supported by at least eight administrations; proposals which arrive after that time shall no longer be accepted;
- e declarations of support shall reach the International Bureau within the same period as the proposals to which they refer.

2 Proposals concerning the Constitution or the General Regulations shall reach the International Bureau not later than six months before the opening of Congress; any received after that date but before the opening of Congress shall not be considered unless Congress so decides by a majority of two thirds of the countries represented at Congress and unless the conditions laid down in paragraph 1 are fulfilled.

3 Every proposal must, as a rule, have only one aim and contain only the changes justified by that aim.

4 Drafting proposals shall be headed “Drafting proposal” by the administrations which submit them and shall be published by the International Bureau under a number followed by the letter R. Proposals which do not bear this indication but which, in the opinion of the International Bureau, deal only with drafting points shall be published with an appropriate annotation; the International Bureau shall draw up a list of these proposals for Congress.

5 The procedure prescribed in paragraphs 1 and 4 shall not apply either to proposals concerning the Rules of Procedure of Congresses or to amendments to proposals already made.

■ **Commentary**

**120** It is incumbent upon the IB in pursuance of art 112 to take all necessary measures in connection with publication of the props for submission to Congress. The procedure regulating the treatment of props in Congress is governed by the Rules of Proc of Congresses, art 15.

**120.1** The time limit for submission of props of substance was limited to two months preceding the opening of Congress to enable the IB to translate the props into the languages provided for and to distribute them in time for adms to be able to receive and study them before the opening of Congress.

**120.2** This prov, which applies to props concerning the Const and the Gen Regs, was inserted in order that every adm should have time to consider them in depth.

**120.5** The props concerning the Rules of Proc of Congresses are not subject to the procedure laid down in the present art because of their special character. The notion of “amendment” is defined in the Rules of Proc of Congresses.

## Article 121

Procedure for submitting proposals between Congresses  
(Const 29; Gen Regs 114)

1 To be eligible for consideration every proposal concerning the Convention or the Agreements submitted by a postal administration between Congresses shall be supported by at least two other administrations. Such proposals shall lapse if the International Bureau does not receive, at the same time, the necessary number of declarations of support.

2 These proposals shall be sent to other postal administrations through the intermediary of the International Bureau.

3 Proposals concerning the Detailed Regulations shall not require support but shall not be considered by the **Postal Operations** Council unless the latter agrees to the urgent necessity.

■ **Commentary**

**121** This procedure covers not only the amendment of the Acts of the Union but also their interpretation, their temporary application or suspension or any other question which requires the general assent of Union member countries.

Although the Conv and the Agrs are treaties concluded by governments, the Gen Regs authorize adms to deal with props for amendment or interpretation in respect of these Acts between Congresses.



**Article 122**

Consideration of proposals between Congresses (Const 29; Gen Regs 114, 121)

1 Every proposal concerning the Convention, the Agreements and their Final Protocols shall be subject to the following procedure: a period of two months shall be allowed to postal administrations of member countries for consideration of the proposal notified by an International Bureau circular and for forwarding their observations, if any, to the Bureau. Amendments shall not be admissible. The replies shall be collected by the International Bureau and communicated to postal administrations with an invitation to vote for or against the proposal. Those which have not sent in their vote within a period of two months shall be considered as abstaining. The aforementioned periods shall be reckoned from the dates of the International Bureau circulars.

2 Proposals for amending the Detailed Regulations shall be dealt with by the **Postal Operations** Council.

3 If the proposal relates to an Agreement or its Final Protocol, only the postal administrations of member countries which are parties to that Agreement may take part in the procedure described in paragraph 1.

**■ Commentary**

**122.1** The same procedure was followed in respect of two particular props submitted in 1948 by the ELC to the adms of the Union. One dealt with acceptance by the Union of annex VIII to the Conv on the privileges and immunities of specialized agencies, and the other with the conclusion of an Agr additional to the Agr between the UN and the UPU, having the aim of granting the officials of the Union the right to use the laissez-passers of the UN (see part V).

The ELC decided that for the first question the required majority should be two thirds of the votes, whereas for the second question unanimity should be required, as the additional Agr under consideration referred to art 2 of the Conv (Paris 1947). These two props were accepted by the Union.

Pursuant to art 104, para 9.7, any country presenting a prop in the period between Congresses, may ask the POC to consider the prop and prepare the comments to be annexed to it by the IB before submitting it for the approval of the member countries of the Union.

**Article 123**

Notification of decisions adopted between Congresses  
(Const 29; Gen Regs 121, 122)

1 Amendments made to the Convention, the Agreements and the Final Protocols to those Acts shall be sanctioned by notification thereof to the Governments of member countries by the Director-General of the International Bureau.

2 Amendments made to the Detailed Regulations and their Final Protocols by the **Postal Operations** Council shall be communicated to postal administrations by the International Bureau. The same shall apply to the interpretations referred to in article **59.3.3.2** of the Convention and in the corresponding provisions of the Agreements.

#### Article 124

Entry into force of the Detailed Regulations and of the other decisions adopted between Congresses

1 The Detailed Regulations shall come into force on the same date and shall have the same duration as the Acts laid down by Congress.

2 Subject to paragraph 1, decisions on amending the Acts of the Union which are adopted between Congresses shall not take effect until at least three months after their notification.

#### ■ Commentary

**124.1** The purpose of this new para is to coordinate the entry into force and duration of the Acts laid down by Congress and of the Det Regs drawn up by the POC.

## Chapter IV

### Finance

#### Article 125

Fixing and regulation of the expenditure of the Union (Const 21)

1 Subject to the provisions of paragraphs 2 to 6, the annual expenditure relating to the activities of bodies of the Union may not exceed the following sums for **1996** and subsequent years:

**35 278 600** Swiss francs for **1996**;

**35 126 900** Swiss francs for **1997**;

**35 242 900** Swiss francs for **1998**;

**35 451 300** Swiss francs for **1999**;

**35 640 700** Swiss francs for **2000**.

The basic limit for **2000** shall also apply to the following years in case the Congress scheduled for **1999** is postponed.

2 The expenditure relating to the convening of the next Congress (travelling expenses of the secretariat, transport charges, cost of installing simultaneous interpretation equipment, cost of reproducing documents during the Congress, etc) shall not exceed the limit of **3 599 300** Swiss francs.

**2bis** The Council of Administration shall be authorized to exceed the limits laid down in paragraph 1 to take account of the publication of the new edition of the International List of Post Offices. The total amount of the overrun authorized for this purpose shall not exceed **900 000** Swiss francs.

3      **The Council of Administration** shall be authorized to exceed the limits laid down in paragraphs 1 and 2 to take account of increases in salary scales, pension contributions or allowances, including post adjustments, approved by the United Nations for application to its staff working in Geneva.

4      **The Council of Administration** shall also be authorized to adjust, each year, the amount of expenditure other than that relating to staff on the basis of the Swiss consumer price index.

5      Notwithstanding paragraph 1, **the Council of Administration**, or in case of extreme urgency, the Director-General, may authorize the prescribed limits to be exceeded to meet the cost of major and unforeseen repairs to the International Bureau building, provided however that the amount of the increase does not exceed **125 000 Swiss francs per annum**.

6      If the credits authorized in paragraphs 1 and 2 prove inadequate to ensure the smooth running of the Union, these limits may only be exceeded with the approval of the majority of the member countries of the Union. Any consultation shall include a complete description of the facts justifying such a request.

7      Countries which accede to the Union or are admitted to the status of members of the Union as well as those which leave the Union shall pay their contributions for the whole of the year during which their admission or withdrawal becomes effective.

8      Member countries shall pay their contributions to the Union's annual expenditure in advance on the basis of the budget laid down by **the Council of Administration**. These contributions shall be paid not later than the first day of the financial year to which the budget refers. After that date, the sums due shall be chargeable with interest in favour of the Union at the rate of 3 percent per annum for the first six months and of 6 percent per annum from the seventh month.

9      **In exceptional circumstances, the Council of Administration may release a member country from all or part of the interest owed if that country has paid the full capital amount of its debts in arrears.**

10     **A member country may also be released, within the framework of an amortization schedule approved by the Council of Administration for its accounts in arrears, from all or part of the interest accumulated or to accrue; such release shall, however, be subject to the full and punctual execution of the amortization schedule within an agreed period of five years at most.**

11     To cover shortfalls in Union financing, a Reserve Fund shall be established the amount of which shall be fixed by **the Council of Administration**. This Fund shall be maintained primarily from budget surpluses. It may also be used to balance the budget or to reduce the amount of member countries' contributions.

**12** As regards temporary financing shortfalls, the Government of the Swiss Confederation shall make the necessary short-term advances, on conditions which are to be fixed by mutual agreement. That Government shall supervise, without charge, book-keeping and accounting of the International Bureau within the limits of the credits fixed by Congress.

■ **Commentary**

**125.1** Congress fixes a “financial ceiling” for each of the five years during the period covered by the Acts of a Congress. The amounts laid down comprise all the Union’s net expenditure except for non-recurrent expenditure for which Congress fixes a separate ceiling (see paras 2 and 2bis).

The ceiling is expressed in Swiss fr (the currency of the country where the headquarters are situated), this currency being the same as the one used for drawing up the budget, keeping the accounts and payments to be made to the Union.

As the ceiling had been fixed for each year from 1996 to 2000 in accordance with a recurrent method based on an initial sum of Swiss fr 32 165 490, the amount of the ceiling that would apply to the following years, should the next Congress be postponed, would be determined by extrapolating, in accordance with the same method, the basic limit thus fixed for 1996.

**125.2** As the expenditure relating to the meeting of Congress represents a considerable recurring sum, a separate ceiling is fixed for such expenditure, which covers only the costs incurred during the meeting of Congress and not, for example, the costs of production of docs before or after the meeting proper.

**125.2bis** The new edition of the International List of Post Offices, whose need was recognized by the 1994 Seoul Congress, represents a single exceptional expenditure not recurring each year which consequently should be kept separate from annual expenditure proper and for which a separate ceiling is fixed.

**125.4** With regard to making provision for the rise in the cost of living in respect of general expenditure other than that concerning staff, the 1979 Rio de Janeiro Congress departed from the practice followed by earlier Congresses (inclusion in the ceiling of an inflation rate fixed at a flat rate of 5 percent per annum) preferring to give the CA the option of adjusting (up or down), each year, the amount of general expenditure included in the ceiling on the basis of the Swiss Consumer Price Index.

**125.5** With regard to possible repairs to the IB building, the 1974 Lausanne Congress rejected the formation of a maintenance fund, preferring to authorize the CA, or in the case of extreme urgency, the Director-General, to exceed the ceiling of expenditure fixed at para 1.

**125.6** Since the ceiling is fixed for each of the years for the period covered by the Acts of a Congress and bearing in mind the flexibility clauses provided in paras 3 to 5, an increase in the ceiling arising from another cause may be authorized only with the approval of a majority of Union member countries duly consulted.

**125.7** This wording conforms to the usage long followed by the UPU. It should be noted that, in the other specialized agencies in the United Nations common system, the initial contribution is calculated on a pro rata basis.

**125.8** Since the foundation of the UPU, the Government of the Swiss Confederation had made the necessary advances of funds for running the Union. The 1979 Rio de Janeiro Congress ended that practice and adopted, from 1 January 1981, a self-financing system similar to that in the other UN specialized agencies, under which contributions are payable in advance on the basis of the following year’s budget and no longer in arrears on the basis of the actual expenditure of the past year.

With regard to the interest on overdue payments, in adopting the new finance system operating from 1 January 1981, the 1979 Rio de Janeiro Congress decided to align it on the practice of the ITU, viz a rate of 3 percent for the first six months and of 6 percent thereafter, whereas previously, the rate had been uniformly set at 5 percent per annum. However, in adopting this prov, it was understood that the IB would show every possible flexibility towards countries which, exceptionally and because of their domestic legislation, could not pay their contributions before the beginning of the financial year to which they related, provided that:

- i the adms concerned announced the delay in payment of their contribution at least fifteen days before the beginning of the financial year to which it related;
- ii any shortage of liquid assets did not oblige the IB to make short-term borrowings from the Swiss Confederation; it is almost certain that the second condition will never arise, because there are very few countries which will find themselves in such a position and which will have to pay their contribution after the beginning of the financial year.

With regard to charging interest for IB supplies not paid for within the prescribed time limit, see art 127.

**125.9** Granting a remission of interest in arrears could encourage certain debtor countries to agree to individual efforts to pay their contributions in arrears within a short time. It would also make it easier to approach the competent national authorities.

**125.10** Washington Congress resolution C 61/1989 makes it possible to transfer to a special, interest-free account debtors covered by an individual agreement which undertake to pay off their debts to the Union in accordance with a schedule approved by the CA. The remission of all or part of past interest makes it easier to negotiate such amortization schedules. It is, however, subject to the condition that the debtor country complies with all provisions of the schedule and fulfils its obligations within the time period set, which cannot exceed five years. The CA decided, for reasons of efficacy, to extend this time limit to ten years at max (decisions CA 4/1997 and CA 7/1997).

**125.11** Although contributions are payable in advance, a fund is still necessary to ensure that there are enough funds to enable the Union to meet its commitments should some contributions not be paid in time. The Reserve Fund, which is the property of the Union, is checked by the CA which fixes its level and supervises its use in accordance with the methods set out in the UPU Financial Regulations.

**125.12** Should the Reserve Fund be temporarily unable to meet the Union's financial needs, the Government of the Swiss Confederation has declared its willingness to make the short-term advances which would be necessary to cover such financing shortfalls, on the most favourable conditions.

The Government of the Swiss Confederation appoints an external auditor who makes a formal and material audit of all the Union's accounts and certifies their correctness.

## Article 126

### Contribution classes (Const 21; Gen Regs 113, 125)

1 Member countries shall contribute to defraying Union expenses according to the contribution class to which they belong. These classes shall be the following:

- class of 50 units;
- class of 40 units;
- class of 35 units;
- class of 25 units;
- class of 20 units;
- class of 15 units;
- class of 10 units;
- class of 5 units;
- class of 3 units;
- class of 1 unit;

class of 0.5 unit, reserved for the least advanced countries as listed by the United Nations and for other countries designated by **the Council of Administration**.

2 Notwithstanding the contribution classes listed in paragraph 1, any member country may elect to contribute more than 50 units.

3 Member countries shall be included in one of the above-mentioned contribution classes upon their admission or accession to the Union in accordance with the procedure laid down in article 21, paragraph 4, of the Constitution.

4 Member countries may subsequently change contribution class on condition that this change is communicated to the International Bureau before the opening of Congress. This notification, which shall be brought to the attention of Congress, shall take effect on the date of the entry into force of the financial provisions drawn up by Congress.

5 Member countries may not insist on being lowered more than one class at a time. Member countries which have not made known their wish to change contribution class by the opening of Congress shall remain in the class to which they belonged up to that time.

6 Nevertheless, in exceptional circumstances such as natural disasters necessitating international aid programmes, the Council of **Administration** may authorize a reduction in contribution class when so requested by a member country if the said member establishes that it can no longer maintain its contribution at the class originally chosen.

7 Notwithstanding paragraphs 4 and 5, changes to a higher class shall not be subject to any restriction.

#### ■ Commentary

126 When the UPU was founded, the 1874 Berne Congress adopted the same classification as that established at Vienna in 1868 by the Telegraphic Union for its central office, and which took into account population figures, extent of lines and number of offices.

At the 1947 Paris Congress a prop that contributions of the countries of the Union be based on the principles and scale in force for the UN was rejected. The 1957 Ottawa Congress also rejected a prop suggesting three possible bases for the apportioning of costs: a. the UN scale, b. a scale based on the gross revenue of each adm, c. fourteen contribution classes, as in the ITU.

At the end of a study that it undertook between 1965 and 1969, based on the principles of international collaboration, factors of comparison between member countries and importance of services rendered, the EC came out in favour of the absolute right of member countries to choose freely their contribution class. The 1969 Tokyo Congress considered, independently of this study, a prop that international outward letter-post mails should be adopted as a classification criterion and a prop to increase the number of contribution units of the first two classes to widen the apportionment between contribution classes from 50 contribution units to one unit. Taking account of the desire expressed by several member countries to adapt the contribution to their economic possibilities and while recognizing the desirability of considering the free choice of their contribution class, the 1969 Tokyo Congress, while retaining the existing apportionment system, instructed the EC to undertake a new study on the apportionment of the Union's expenses.

The 1974 Lausanne Congress adopted the result of the study undertaken by the EC. The new system of apportioning the Union's expenditure confirms the principle of free choice of contribution class and makes application of the principle more in conformity with reality. It provides for eight contribution classes, a new class of 50 units having been added to the seven existing classes to enable economically strong countries to assume a proportion of the Union's expenses more commensurate with their economic potential. Various appeals were made to all member countries to reconsider their choice of contribution class in relation to their economic possibilities.

In order the better to apportion member countries' contributions to the Union's expenditure in relation to their financial and economic potential, the 1984 Hamburg Congress added three new contribution classes of 40, 35 and 0.5 units respectively. The latter class is reserved for the least developed countries (LDCs) listed by the UN and for other countries to which the EC might grant this facility in exceptional circumstances.

Up to the 1964 Vienna Congress, the Acts of the Union included an art containing the classification of member countries for the apportionment of Union expenses. Member countries which wanted to change their contribution class had to amend that art either by submitting a prop to that effect to Congress or by using the procedure for amending the Acts between Congresses. The Vienna Congress abolished that art and decided that only Congress could decide on requests for a change of contribution class, subject to application of para 6. The contribution class of each member country is given in the List of Union Member Countries, in accordance with art 113.

**126.1** The expression “other countries designated by the Council of Administration” refers to countries which are not included among the least developed countries (LDCs) but which ask to be placed in the 0.5 unit class. As the requests made are intended for permanent inclusion in the 0.5 unit class, reserved primarily for LDCs, the 1996 CA decided to apply the same criteria as the ITU in making decisions on this type of recurrent request. The following criteria give quantitative data, combining the population and the gross national product (GNP) per capita, to be able to determine which “other countries” may be placed in the 0.5 unit class.

<i>Population</i>	<i>GNP used by the UN as a criteria for defining least developed countries</i>	<i>Multiplier</i>	<i>Target GNP USD</i>
More than 1 million	600 USD	0	0
1 million or lower		1	600
750 000 or lower		2	1200
500 000 or lower		3	1800
250 000 or lower		4	2400

These criteria comprise the demographic data and the per capita GNP for countries other than LDCs. To qualify for inclusion in the 0.5 unit class, a country which is not an LDC must not have more than one million inhabitants. For example, a country of this type with a population of 600 000 inhabitants must also have a per capita GNP that does not exceed 1200 USD.

**126.4** The reason why member countries are asked to announce their intention of changing contribution class before the opening of Congress is not so that Congress can oppose it, but simply to give it an opportunity to react to too many requests for a change to a lower class or to take appropriate measures, eg fixing the ceiling of annual expenditure.

**126.6** The EC made use of this possibility in 1985 and 1989 by authorizing a reduction in contribution class for a period of two years. In 1993 and 1994, it authorized four reductions to a lower class, specifying that its decisions were final since the Det Regs do not fix any period of application. The Coordination Committee for the Permanent Bodies of the Union feels that the CA should study the question of whether a country lowered one class between Congresses can submit to the following Congress a new request for a reduction in contribution class.

**126.7** Each member country may ask to be raised one or more classes. Such requests may be made at any time, before, during or after Congress.

## Article 127

### Payment for supplies from the International Bureau (Gen Regs 116)

Supplies provided by the International Bureau to postal administrations against payment shall be paid for in the shortest possible time and at the latest within six months from the first day of the month following that in which the account is sent by the Bureau. After that period the sums due shall be chargeable with interest in favour of the Union at the rate of 5 percent per annum reckoned from the date of expiry of that period.

■ **Commentary**

**127** Under this art come in particular:

- the supply of publications not provided free under the Conv, Det Regs;
- the supply of international reply coupons;
- the cost of interpretation services;
- subscriptions to the Periodical;
- the supply of correction bulletins and supplements.

The costs of the translation services operating in connection with the IB are not covered by this art. These costs are subject to the rule governing the payment of contributions (see decision CE 7/1966).

With regard to the interest charged on contributions not paid within the time limit laid down, see art 125, para 8.

## Chapter V

### Arbitration

#### Article 128

Arbitration procedure (Const 32)

1 If a dispute has to be settled by arbitration, each of the postal administrations party to the case shall select a postal administration of a member country not directly involved in the dispute. When several administrations make common cause, they shall count only as a single administration for the purposes of this provision.

2 If one of the administrations party to the case does not act on a proposal for arbitration within a period of six months, the International Bureau, if so requested, shall itself call upon the defaulting administration to appoint an arbitrator or shall itself appoint one ex officio.

3 The parties to the case may agree to appoint a single arbitrator which may be the International Bureau.

4 The decision of the arbitrators shall be taken by a majority of votes.

5 In the event of a tie the arbitrators shall select another postal administration, not involved in the dispute either, to settle the matter. Should they fail to agree on the choice, this administration shall be appointed by the International Bureau from among administrations not proposed by the arbitrators.

6 If the dispute concerns one of the Agreements, the arbitrators may be appointed only from among the administrations that are parties to that Agreement.

■ **Commentary**

**128** This art deals only with part of the arbit procedure, namely, the choice of arbitrators (or of an arbitrator) and the method of taking decisions. It leaves open the question of the rules governing the procedure to be observed, the implementation of the decision, or its review or nullity, cost of arbit, etc. The



arbitrators (or arbitrator) can thus decide freely on the procedure to be followed, while being bound by the general rules of international law.

**128.1** The adm chosen as arbitrator shall not be involved in the dispute, and shall also maintain complete independence in respect of the adm designating it, and complete neutrality in the arbit.

Disputes may arise involving more than two adms. To obviate the need for each adm to select a separate arbitrator, adms with interests in common shall, as regards the choice of arbitrators, count only as a single adm.

**128.2** IB intervention (paras 2 and 5) is a consequence of the obligatory submission of member countries to arbit.

## Chapter VI

### Final provisions

#### Article 129

##### Conditions for approval of proposals concerning the General Regulations

To become effective, proposals submitted to Congress relating to these General Regulations shall be approved by a majority of the member countries represented at Congress. At least two thirds of the member countries of the Union shall be present at the time of voting.

#### ■ Commentary

**129** See Const, art 31.1, comm.

#### Article 130

##### Proposals concerning the Agreements with the United Nations (Const 9)

The conditions of approval referred to in article **129** shall apply equally to proposals designed to amend the Agreements concluded between the Universal Postal Union and the United Nations, in so far as those Agreements do not lay down conditions for the amendment of the provisions they contain.

#### ■ Commentary

**130** Changes in the Agrs between the UN and the Union are subject to a dual procedure, namely, that of each of them based on the Rules of Proc peculiar to each contracting organization, and the Agrs on procedure which may be concluded by the two organizations in pursuance of art XVI of the UN-UPU Agr. This art refers to the procedure of the Union.

The 1974 Lausanne Congress adopted resolution C 7/1974, asking the CA to submit, if necessary, drafts of any new prov to Union member countries for approval. By analogy with art 129 any changes to be made to these Agrs will only be regarded as adopted by the UPU if they are approved by a majority of Union member countries, two thirds of them at least having taken part in the vote.

**Article 131**

**Entry into force and duration of the General Regulations**

These General Regulations shall come into force on 1 January **1996** and shall remain in operation until the entry into force of the Acts of the next Congress.

■ **Commentary**

See comm on Const, art 33, and art 31.

In witness whereof the plenipotentiaries of the Governments of the member countries have signed these General Regulations in a single original which shall be deposited with the Director-General of the International Bureau. A copy thereof shall be delivered to each party by the Government of the country in which Congress is held.

Done at **Seoul, 14 September 1994.**

# Part IV

## Rules of Procedure

### Rules of Procedure of Congresses

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### Article 1

#### General provisions

The present Rules of Procedure (hereinafter referred to as “the Rules”) have been drawn up pursuant to the Acts of the Union and are subordinate to them. In the event of a discrepancy between one of their provisions and a provision of the Acts, the latter shall prevail.

### Article 2

#### Delegations

1 The term “delegation” shall denote the person or body of persons designated by a member country to take part in a Congress. The delegation shall consist of a Head of delegation and, if appropriate, his deputy, one or more delegates and, possibly, one or more attached officials (including experts, secretaries, etc).

2 Heads of delegation, their deputies, and delegates shall be representatives of member countries within the meaning of article 14, paragraph 2, of the Constitution if in possession of credentials which comply with the conditions laid down in article 3 of these Rules.

3 Attached officials shall be admitted to meetings, and shall have the right to participate in the proceedings, but they shall not normally have the right to vote. However, they may be authorized by the Head of their delegation to vote on behalf of their country at Committee meetings. Such authorizations shall be handed, in writing, to the Chairman of the Committee concerned, before the beginning of the meeting.

#### ■ Commentary

2 See Const, art 14.2, comm and Gen Regs, arts 101.2 and 101.3, comm.

2.3 This prov takes account of the fact that generally two Comms of Congress meet simultaneously in two different rooms and that certain countries are represented at Congress by a single delegate with power to take part in the debates.

### Article 3

#### Delegates' credentials

1 Delegates' credentials shall be signed by the Head of State, the Head of Government or the Minister for Foreign Affairs of the country concerned. They shall be drawn up in due and proper form. The credentials of delegates entitled to sign the Acts (plenipotentiaries) shall specify the scope of such signature (signature subject to ratification or approval, signature ad referendum, definitive signature). In the absence of such specific information, the signature shall be regarded as being subject to ratification or approval. Credentials authorizing the holder to sign the Acts shall implicitly include the right to speak and to vote. Delegates on whom the relevant authorities have conferred full powers without specifying their scope shall

be authorized to speak, to vote and to sign the Acts unless the wording of the credentials is explicitly to the contrary.

2 Credentials shall be deposited at the opening of Congress with the authority designated for that purpose.

3 Delegates who are not in possession of credentials or who have not deposited their credentials may, provided their names have been communicated by their Government to the Government of the host country, take part in the debates and vote from the moment they participate in the work of Congress. The same shall apply to those whose credentials are found to be not in order. Such delegates shall cease to be empowered to vote from the time Congress approves the last report of the Credentials Committee establishing that their credentials have not been received or are not in order until such time as the position is regularized. The last report shall be approved by Congress before any elections other than that of the Chairman of Congress and before approval of the draft Acts.

4 The credentials of a member country which arranges for the delegation of another member country to represent it at Congress (proxy) shall be in the same form as those mentioned in paragraph 1.

5 Credentials and proxies sent by telegram shall not be admissible. However, telegrams sent in reply to requests for information relating to credentials shall be accepted.

6 A delegation which, after it has deposited its credentials, is prevented from attending one or more meetings, may arrange to be represented by the delegation of another country, provided that notice in writing is given to the Chairman of the meeting concerned. However, a delegation may represent only a single country other than its own.

7 The delegates of member countries which are not parties to an Agreement may take part in the debates of Congress concerning that Agreement, without the right to vote.

#### ■ Commentary

**3.1** The 1964 Vienna Congress adopted a formal opinion inviting the IB to send member countries in good time a form stating the conditions which full powers must satisfy to be recognized as in due and proper form.

Prior to the 1984 Hamburg Congress, the Rules of Proc of Congresses provided that delegates' credentials not expressly including the power of signature simply conferred the right to vote; but to take account of the Vienna Conv on the Law of Treaties and of an increasingly widespread practice, the 1969 Tokyo, 1974 Lausanne and 1979 Rio de Janeiro Congresses made this rule more flexible by deciding that credentials conferring full powers on delegates without specifying their scope implicitly included the power of signature. The 1984 Hamburg Congress ratified this practice.

**3.2** As a general rule, powers are deposited with the Secretariat of the Credentials Comm.

**3.3** This text shows clearly that delegates without credentials or whose credentials are not in order will no longer be authorized to vote from the time when Congress has approved the last report of the Credentials Comm, on the understanding that such approval must be given before any election and before approval of the draft Acts.

**3.7** See art 9.3, comm.

### Article 4

#### Order of seating

1 At Congress and Committee meetings, delegations shall be seated in the French alphabetical order of the member countries represented.

2 The Chairman of the **Council of Administration** shall draw lots, in due course, for the name of the country to be placed foremost before the rostrum at Congress and Committee meetings.

#### ■ Commentary

4 Prior to the 1969 Tokyo Congress delegations were seated in the alphabetical order of their countries, starting with letter A from the Chairman's rostrum. This new practice was adopted so that the same delegations would not always have to sit at the back of the conf halls. When two halls are used for meetings of Congress and Comms, the seating order is the same in each.

### Article 5

#### Observers

1 Representatives of the United Nations may take part in the debates of Congress.

2 Observers from **intergovernmental organizations** shall be admitted to meetings of Congress or of its Committees when questions of interest to these organizations are being discussed. In the same cases, observers from non-governmental international organizations may be admitted to meetings of Committees at the discretion of the Committee concerned.

3 Qualified representatives of the Restricted Unions established in accordance with article 8, paragraph 1, of the Constitution shall also be admitted as observers when the Unions concerned express a wish to that effect.

4 The observers referred to in paragraphs 1 to 3 shall take part in the debates without the right to vote.

#### ■ Commentary

5 Until the 1947 Paris Congress, bodies not connected with the postal service were not admitted to UPU meetings. Since then, the UN and various intergovernmental international organizations have attended Congress as observers. After the UN-UPU Agreement became effective on 1 July 1948, the UN became a de jure observer at UPU meetings. This prov stems from the UN-UPU Agreement, art II, para 1, see p D.2. The 1974 Lausanne Congress also admitted as de jure observers at Congress the national liberation movements recognized by the Organization of African Unity or by the League of Arab States (resolution C 3/1974)

and the Organization of African Unity (OAU) (decision C 92/1974). The 1979 Rio de Janeiro Congress, in turn, accepted the League of Arab States as an observer at all meetings of UPU bodies (resolution C 7/1979).

Until the 1964 Vienna Congress, Congress itself decided when adopting its Rules of Proc on those which it wished to participate in its work. This practice revealed a drawback in that invitations could be sent only after Congress had opened. It was amended by the 1964 Vienna Congress, which instructed the EC, now the CA, to designate in good time the international intergovernmental organizations which should be invited to be represented at Congress, the invitations being sent out by the IB Director-General. The 1984 Hamburg Congress extended this CA function to non-governmental international organizations (Gen Regs, art 102, para 6.19), while specifying that the latter could only take part in the work of the Congress Comms, as indicated by the present prov.

## Article 6

### Doyen of Congress

1 The postal administration of the host country of Congress shall suggest the person to be appointed as Doyen of Congress in agreement with the International Bureau. **The Council of Administration** shall approve this appointment in due course.

2 At the opening of the first plenary meeting of each Congress, the Doyen shall act as Chairman until Congress has elected one. He shall also exercise the functions assigned to him under the present Rules.

#### ■ Commentary

**6.2** The first sentence of para 2 sanctions the traditional function of the Doyen. Prior to the 1984 Hamburg Congress, the Doyen proposed to Congress the member countries that were designated in advance for the chairmanship and vice-chairmanships of Congress and for the various chairmanships and vice-chairmanships of the Comms. These functions, with the exception of the chairmanship of Congress, were transferred to the CA as a result of the study on the organization, functioning and work methods of Congress (see also art 7, para 1).

## Article 7

### Chairmanships and vice-chairmanships of Congress and Committees

1 At its first plenary meeting, Congress shall elect, on the proposal of the Doyen, the Chairman of Congress and then approve, on the proposal of **the Council of Administration**, the appointment of the member countries which are to assume the vice-chairmanships of Congress and the chairmanships and vice-chairmanships of the Committees. These posts will be assigned taking as much account as possible of the equitable geographical distribution of the member countries.

2 The Chairmen shall open and close the meetings over which they preside, direct the debates, give speakers the floor, put proposals to the vote and announce what majority is required for their adoption, announce decisions and, subject to the approval of Congress, interpret such decisions if necessary.

3 The Chairmen shall see that the present Rules are observed and that order is maintained at meetings.

4 Any delegation may appeal to Congress or the Committee against a decision taken by the Chairman on the basis of a provision or interpretation of the Rules. The Chairman's decision shall nevertheless hold good unless rescinded by a majority of the members present and voting.

5 Should the member country appointed to the chairmanship be no longer able to exercise this function, one of the Vice-Chairmen shall be appointed by Congress or the Committee to replace it.

■ **Commentary**

7.1 In accordance with a tradition going back to the beginnings of the Union, the chairmanship of Congress goes to the host country.

**Article 8**

**Bureau of Congress**

1 The Bureau shall be the central body responsible for directing the work of Congress. It shall consist of the Chairman and Vice-Chairmen of Congress and the Chairmen of the Committees. It shall meet periodically to review the progress of the work of Congress and its Committees and to make recommendations designed to facilitate such progress. It shall assist the Chairman in drawing up the agenda of each plenary meeting and in coordinating the work of the Committees. It shall make recommendations relating to the closing of Congress.

2 The Secretary-General of Congress and the Assistant Secretary-General, mentioned in article 11, paragraph 1, shall attend the meetings of the Bureau.

■ **Commentary**

8 The Bureau is presided over by the Chairman of Congress.

**Article 9**

**Membership of Committees**

1 The member countries represented in Congress shall, as of right, be members of the Committees responsible for studying proposals relating to the Constitution, the General Regulations, the Convention and its Detailed Regulations.

2 Member countries represented in Congress which are parties to one or more of the optional Agreements shall, as of right, be members of the Committee and/or Committees responsible for the revision of these Agreements. The right to vote of members of the Committee or Committees shall be confined to the Agreement or Agreements to which they are parties.

3 Delegations which are not members of Committees dealing with the Agreements and their Detailed Regulations may attend meetings of those Committees and take part in the debates without the right to vote.



■ **Commentary**

**9.1** Since the 1969 Tokyo Congress all member countries represented at Congress have been admitted as members as of right, of the Finance Comm, whereas previously the composition of this Comm was restricted. On the other hand, the number of members of the Credentials Comm and of the Drafting Comm is limited to 11 and 12 respectively.

**9.3** Under a prov dating back to the 1891 Vienna Congress and which was adopted in the Rules of Proc of subsequent Congresses up to the 1964 Vienna Congress, delegates of countries which did not take part in an Agr were "allowed to vote if they declared that they had been instructed by their Government to sign this Agreement". This prov was not adopted in the permanent Rules of Proc, because it clashed with the art relating to the conditions of approval of props concerning each Agr under which such props "must be approved by the majority of member countries present and voting which are parties to the Agreement" and also because the Rules of Proc of Congresses are subordinate to the provs of the Acts (art 1) (see also art 3, para 7).

## Article 10

### Working parties

**Congress and each Committee may set up working parties to study special questions.**

## Article 11

### Secretariat of Congress and of Committees

**1** The Director-General and the Deputy Director-General of the International Bureau shall act as Secretary-General and Assistant Secretary-General of Congress, respectively.

**2** The Secretary-General and the Assistant Secretary-General shall attend the meetings of Congress and of the Bureau of Congress and take part in the debates without the right to vote. They may also attend, under the same conditions, Committee meetings or be represented thereat by a senior official of the International Bureau.

**3** The work of the Secretariat of Congress, the Bureau of Congress and the Committees shall be performed by the staff of the International Bureau in conjunction with the administration of the host country.

**4** Senior officials of the International Bureau shall act as Secretaries of Congress, of the Bureau of Congress and of the Committees. They shall assist the Chairman during meetings and shall be responsible for writing the minutes or reports.

**5** The Secretaries of Congress and of the Committees shall be assisted by Assistant Secretaries.

**6** Rapporteurs proficient in French shall take the minutes of Congress and of the Committees.

■ **Commentary**

11.1 See Gen Regs, art 110, para 2.10.

11.3 In fact, two secretariats are responsible for the organization and functioning of a Congress. One, consisting of IB staff, deals with the organization and functioning of the Congress secretariat proper; the other, formed by officials made available by the adm of the host country, handles material questions connected with the holding of Congress (premises, machines, reproduction of docs, hotels, excursions, etc). Cooperation and the apportionment of duties between these two secretariats are laid down in an agreement between the IB and the host country.

11.6 See also art 23.

## Article 12

### Languages of debates

1 Subject to paragraph 2, French, English, Spanish and Russian may be used for debates, by means of a system of simultaneous or consecutive interpretation.

2 The debates of the Drafting Committee shall be held in French.

3 Other languages may also be used for the debates mentioned in paragraph 1. The language of the host country shall have priority in this connection. Delegations using other languages shall arrange for simultaneous interpretation into one of the languages mentioned in paragraph 1, either by means of the simultaneous interpretation system, when the necessary technical alterations can be made, or by special interpreters.

4 The cost of installing and maintaining the technical equipment shall be borne by the Union.

5 The cost of the interpretation services shall be divided among the member countries using the same language in proportion to their contributions to the expenses of the Union.

■ **Commentary**

12.2 As the official Acts of the UPU are in French, the Union's official language, the members of the Drafting Comm are chosen from delegations with French-speaking members.

12.3 At the 1994 Seoul Congress, Arabic, Chinese, German, Japanese, Korean and Portuguese were used in addition to the languages listed in para 1.

12.4 See Gen Regs, art 108.12, comm.

12.5 See Gen Regs, art 108, para 7.

## Article 13

### Languages used for drafting Congress documents

1 Documents prepared during Congress including draft decisions submitted to Congress for approval shall be published in French by the Secretariat of Congress.

2 To this end, documents produced by delegations of member countries shall be submitted in French, either direct or through the intermediary of the translation services attached to the Congress Secretariat.

3 The above services, organized at their own expense by the language groups set up in accordance with the relevant provisions of the General Regulations, may also translate Congress documents into their respective languages.

■ **Commentary**

13 The word “document” should be understood in an extremely wide sense. It is used not only for documentation published under the reference Congress – Doc but also for props, minutes, draft decisions, etc.

For the publication of docs, the 1974 Lausanne Congress adopted a new system (see Gen Regs, arts 107 and 108). This new system also applies to Congress docs.

13.3 At the 1994 Seoul Congress, translation services operated for Arabic, English, Portuguese, Russian and Spanish.

## Article 14

### Proposals

1 All questions brought before Congress shall be the subject of proposals.

2 All proposals published by the International Bureau before Congress shall be regarded as being submitted to Congress.

3 Two months before Congress opens, no proposal shall be considered except those amending earlier proposals.

4 The following shall be regarded as amendments: any proposal which, without altering the substance of the original proposal, involves a deletion from, addition to or revision of a part of the original proposal. No proposed change shall be regarded as an amendment if it is inconsistent with the meaning or intent of the original proposal. In case of doubt, Congress or the Committee shall decide the matter.

5 Amendments submitted at Congress to proposals already made shall be handed in to the Secretariat in writing, in French, before noon on the day but one before the day on which they will be discussed, so that they can be distributed to delegates the same day. This time limit shall not apply to amendments arising directly from the debates in Congress or in a Committee. In the latter case, if so requested, the author of the amendment shall submit a written version in French, or in case of difficulty, in any other language used for debates. The Chairman concerned shall read it out or have it read out.

6 The procedure laid down in paragraph 5 shall also apply to the submission of proposals that are not designed to amend the text of the Acts (draft resolutions, draft recommendations, draft formal opinions, etc).

7 Any proposal or amendment shall give the final form of the text which is to be inserted in the Acts of the Union, subject, of course to revision by the Drafting Committee.

■ **Commentary**

**14.1** The word "proposals" has a very general meaning. It covers props to amend the Acts as well as draft resolutions, recommendations, formal opinions, etc.

**14.4** The wording of para 4 attempts to define amendments as precisely as possible, to avoid disputes which sometimes arise about props submitted outside the time limits, the authors of which try to get them considered as amendments in order to make them admissible. The 1984 Hamburg Congress made some clarifications to the previous text.

**14.5** See art 13, comm.

Although French is the official language, Congresses agreed that amendments resulting directly from the discussions could be submitted in one of the languages of discussion other than French, where the preparation of the text in French causes the author of the amendment difficulties.

**14.6** Para 6 covers draft resolutions, draft recommendations, draft formal opinions, etc, which result from the work of Congress. Consequently it can in no case be interpreted to mean that props not amending the Acts can be introduced after Congress opens, as it would contradict art 120 of the Gen Regs.

## Article 15

### Consideration of proposals in Congress and in Committees

1 Drafting proposals (the number of which shall be followed by the letter R) shall be assigned to the Drafting Committee either direct, if the International Bureau has no doubt as to their nature (a list of such proposals shall be drawn up for the Drafting Committee by the International Bureau), or, if the International Bureau is in doubt as to their nature, after the other Committees have confirmed that they are purely of a drafting nature (a list of such proposals shall likewise be drawn up for the Committees concerned). If, however, such proposals are linked with other proposals of substance to be considered by Congress or by other Committees, the Drafting Committee shall postpone consideration of them until after Congress or the other Committees have taken a decision on the corresponding proposals of substance. Proposals whose numbers are not followed by the letter R but which, in the opinion of the International Bureau, are of a drafting nature, shall be referred direct to the Committees concerned with the corresponding proposals of substance. When these Committees begin work, they shall decide which of the proposals shall be assigned direct to the Drafting Committee. A list of these proposals shall be drawn up by the International Bureau for the Committees concerned.

2 In principle, proposals for amending the Detailed Regulations which are the consequence of proposals for amending the Convention and the Agreements shall be dealt with by the Committee concerned, unless the latter decides to refer them to the **Postal Operations** Council on the proposal of its Chairman or of a delegation. If there is an objection to such referral, the Chairman shall immediately put the matter to a procedural vote.

3 On the other hand, proposals for amending the Detailed Regulations which are not the consequence of proposals for amending the Convention and the Agreements shall be referred to the **Postal Operations** Council, unless the Committee decides, on the proposal of its Chairman or of a delegation, that they shall be dealt with in Congress. If there is no objection to such referral, the Chairman shall immediately put the matter to a procedural vote.

4 If the same question is the subject of several proposals, the Chairman shall decide the order in which they are to be discussed, starting as a rule with the proposal which departs most from the basic text and entails the most significant change in relation to the status quo.

5 If a proposal can be subdivided into several parts, each part may, if the originator of the proposal or the assembly so agrees, be considered and voted upon separately.

6 Any proposal withdrawn in Congress or in Committee by its originator may be resubmitted by the delegation of another member country. Similarly, if an amendment to a proposal is accepted by the originator of the proposal, another delegation may resubmit the original, unamended proposal.

7 Any amendment to a proposal which is accepted by the delegation submitting the proposal shall be immediately included in the text thereof. If the originator of the original proposal does not accept an amendment, the Chairman shall decide whether the amendment or the proposal shall be voted upon first, starting with whichever departs furthest from the meaning or intent of the basic text and entails the most significant change in relation to the status quo.

8 The procedure described in paragraph 7 shall also apply where more than one amendment to a proposal is submitted.

9 The Chairman of Congress and the Chairmen of Committees shall arrange for the text of the proposals, amendments or decisions adopted to be passed to the Drafting Committee, in writing, after each meeting.

10 At the end of their work, the Committees shall prepare, in respect of the Detailed Regulations concerning them, a two-part resolution consisting of:

- i the numbers of the proposals referred to the **Postal Operations** Council for consideration;
- ii the numbers of the proposals referred to the **Postal Operations** Council for consideration together with guidelines from Congress.

Proposals for amending the Detailed Regulations adopted by a Committee and then referred to the Drafting Committee shall be the subject of a resolution to which the definitive text of the said proposals shall be attached.

### ■ Commentary

**15** Most props are first considered by the Comms set up by Congress for this purpose; then the decisions they take are submitted to plenary meetings for approval. At the beginning of its work Congress decides which props are to be dealt with direct at plenary meetings, or sent to a particular Comm rather than another, or dealt with jointly by several Comms. For appeals see art 24.

**15.6** Para 6 authorizes any member country which is party to an Act to which a prop relates to resubmit that prop if it is withdrawn by its author, even where the member country was not one of those which supported the prop before its withdrawal.

### Article 16 Debates

**1** Delegates may not take the floor until they have been given permission to do so by the Chairman of the meeting. They shall be urged to speak slowly and distinctly. The Chairman shall afford delegates the possibility of freely and fully expressing their views on the subject discussed, so long as that is compatible with the normal course of the debate.

**2** Unless a majority of the members present and voting decides otherwise, speeches shall not exceed five minutes. The Chairman shall be authorized to interrupt any speaker who exceeds the said authorized time. He may also ask the delegate not to depart from the subject.

**3** During a debate, the Chairman may, with the agreement of the majority of the members present and voting, declare the list of speakers closed after reading it out. When the list is exhausted, he shall declare the debate closed, although even after the closing of the list he may grant the originator of the proposal under discussion the right to reply to any of the speeches delivered.

**4** The Chairman may also, with the agreement of the majority of the members present and voting, limit the number of speeches by any one delegation on a proposal or a certain group of proposals; but the originator of the proposal shall be given the opportunity of introducing it and speaking subsequently if he asks to do so in order to make new points in reply to the speeches of other delegations, so that he may, if he wishes, be the last speaker.

**5** With the agreement of the majority of the members present and voting, the Chairman may limit the number of speeches on a proposal or a certain group of proposals; but this limit may not be less than five for and five against the proposal under discussion.

## Article 17

### Motions on points of order and procedural motions

1 During the discussion of any question and even, where appropriate, after the closure of the debate, a delegation may submit a motion on a point of order for the purpose of requesting:

- clarification on the conduct of the debates;
  - observance of the Rules of Procedure;
  - a change in the order of discussion of proposals suggested by the Chairman.
- The motion on a point of order shall take precedence over all questions, including the procedural motions set forth in paragraph 3.

2 The Chairman shall immediately give the desired clarifications or take the decision which he considers advisable on the subject of the motion on a point of order. In the event of an objection, the Chairman's decision shall be put to the vote forthwith.

3 In addition, during discussion of a question, a delegation may introduce a procedural motion with a view to proposing:

- a the suspension of the meeting;
- b the closure of the meeting;
- c the adjournment of the debate on the question under discussion;
- d the closure of the debate on the question under discussion.

Procedural motions shall take precedence, in the order set out above, over all other proposals except the motions on points of order referred to in paragraph 1.

4 Motions for the suspension or closure of the meeting shall not be discussed, but shall be put to the vote immediately.

5 When a delegation proposes adjournment or closure of the debate on a question under discussion, only two speakers against the adjournment or the closure of the debate may speak, after which the motion shall be put to the vote.

6 The delegation which submits a motion on a point of order or a procedural motion may not, in its submission, deal with the substance of the question under discussion. The proposer of a procedural motion may withdraw it before it has been put to the vote, and any motion of this kind, whether amended or not, which is withdrawn may be reintroduced by another delegation.

#### ■ Commentary

17 This prov was prompted, first of all, by the improper use made by certain delegations of motions on points of order in order to obtain a priority hearing on the substance of the problem under discussion; but there was also the imprecision of the previous text which opened the door to all interpretations and, consequently, to all kinds of abuse.

## Article 18

### Quorum

1 Subject to paragraphs 2 and 3, the quorum necessary for the opening of the meetings and for voting shall be half the member countries represented in Congress and having the right to vote.

2 For votes on amending the Constitution and the General Regulations, the quorum required shall be two thirds of the Union member countries.

3 In the case of the Agreements and their Detailed Regulations, the quorum required for the opening of the meetings and for voting shall be half the member countries represented at Congress which are parties to the Agreement concerned and have the right to vote.

4 Delegations which are present but do not take part in a given vote, or which state that they do not wish to take part therein, shall not be considered absent for the purpose of establishing the quorums required under paragraphs 1, 2 and 3.

#### ■ Commentary

**18.1** The Rules of Proc adopted by the 1969 Tokyo Congress provided for a stricter quorum as regards the Const and Gen Regs. This restriction was abolished by the 1974 Lausanne Congress to allow Congress to debate any question, even if taking a decision required a qualified majority.

## Article 19

### Voting principle and procedure

1 Questions which cannot be settled by common consent shall be decided by vote.

2 Votes shall be taken by the traditional system or by the electronic voting system. They shall normally be taken by the electronic system when that system is available to the assembly. However, in the case of a secret ballot, the traditional system may be used if one delegation, supported by a majority of the delegations present and voting, so requests.

3 For the traditional system, the methods of voting shall be as follows:

- a by show of hands. If there is doubt about the result of such a vote, the Chairman, if he so wishes or if a delegation so requests, may arrange for an immediate roll-call vote on the same question;
- b by roll-call, at the request of a delegation or if so decided by the Chairman; the roll shall be called according to the French alphabetical order of the countries represented, beginning with the country whose name is drawn by lot by the Chairman; the result of the vote, together with a list of the countries grouped according to the way they voted, shall be included in the minutes of the meeting;



- c by secret ballot, using ballot papers, if requested by two delegations; in this case, the Chairman of the meeting shall appoint three tellers and make the necessary arrangements for the holding of a secret ballot.
- 4 For the electronic system, the methods of voting shall be as follows:
  - a non-recorded vote: it replaces a vote by show of hands;
  - b recorded vote: it replaces a roll-call vote; however, the names of the countries shall not be called unless one delegation, supported by a majority of the delegations present and voting, so requests;
  - c secret ballot: it replaces the secret ballot by ballot papers.
- 5 Regardless of the system of voting used, the secret ballot shall take precedence over any other voting procedure.
- 6 Once the voting has begun, no delegation may interrupt it, except to raise a point of order relating to the way in which the vote is being taken.
- 7 After the vote, the Chairman may permit delegates to explain why they voted as they did.

## Article 20

### Conditions of approval of proposals

- 1 To be adopted, proposals involving amendments to the Acts must:
  - a in the case of the Constitution, be approved by at least two thirds of the member countries of the Union;
  - b in the case of the General Regulations, be approved by a majority of the member countries represented in Congress;
  - c in the case of the Convention and its Detailed Regulations, be approved by a majority of the member countries present and voting;
  - d in the case of the Agreements and their Detailed Regulations, be approved by a majority of the member countries present and voting which are parties to the Agreements.
- 2 Procedural matters which cannot be settled by common consent shall be decided by a majority of the member countries present and voting. The same shall apply to decisions not concerning changes in the Acts, unless Congress decides otherwise by a majority of the member countries present and voting.
- 3 Subject to paragraph 5, “member countries present and voting” shall mean member countries voting “for” or “against”, abstentions being disregarded in counting the votes required to constitute a majority, and similarly blank or null and void ballot papers in the case of a secret ballot.
- 4 In the event of a tie, a proposal shall be regarded as rejected.

5 When the number of abstentions and blank or null and void ballot papers exceeds half the number of votes cast (for, against and abstentions), consideration of the matter shall be deferred until a subsequent meeting, at which abstentions and blank or null and void ballot papers shall be disregarded.

■ **Commentary**

20.5 The abstentions referred to in para 5 are those which are formally recorded on the voting paper or by pressing the appropriate button. A distinction is made between abstention and non-participation in a vote, the latter not being taken into account.

Article 21

Election of the members of **the Council of Administration** or the **Postal Operations Council**

In order to decide between countries which have obtained the same number of votes in elections of members of **the Council of Administration** or the **Postal Operations Council**, the Chairman shall draw lots.

Article 22

Election of the Director-General and the Deputy Director-General of the International Bureau

1 The elections of the Director-General of the International Bureau and of the Deputy Director-General shall take place by secret ballot successively at one or more meetings held on the same day. The candidate who obtains a majority of the votes cast by the member countries present and voting shall be elected. As many ballots shall be held as are necessary for a candidate to obtain this majority.

2 “Member countries present and voting” shall mean member countries voting for one of the candidates whose applications have been announced in due and proper form, abstentions and blank or null and void ballot papers being ignored in counting the votes required to constitute a majority.

3 If the number of abstentions and blank or null and void ballot papers exceeds half the number of votes cast in accordance with paragraph 2, the election shall be deferred to a later meeting, at which abstentions and blank or null and void ballot papers shall no longer be taken into account.

4 The candidate who obtains the least number of votes in any one ballot shall be eliminated.

5 In the event of a tie, an additional ballot, and if necessary a second additional ballot, shall be held in an attempt to decide between the tying candidates, the vote relating only to these candidates. If the result is inconclusive, the election shall be decided by drawing lots. The lots shall be drawn by the Chairman.

## Article 23

### Minutes

1 The minutes of the meetings of Congress and Committees shall record the course of the meetings, briefly summarize speeches, and mention proposals and the outcome of the debates. Minutes shall be prepared of the plenary meetings and summarized minutes of the Committee meetings.

2 The minutes of Committee meetings may be replaced by reports to Congress if **the Council of Administration** so decides. As a general rule, Working Parties shall prepare a report for the body that set them up.

3 Each delegate, however, shall be entitled to ask for any statement made by him to be included in the minutes or in the report either verbatim or in summary form, provided the French text is handed to the Secretariat not later than two hours after the end of the meeting.

4 Delegates shall be allowed a period of twenty-four hours, from the moment when the draft minutes or the draft report are distributed, in which to make their comments to the Secretariat, which, if necessary, shall act as an intermediary between the party concerned and the Chairman of the meeting in question.

5 As a general rule and subject to the provisions of paragraph 4, at the beginning of each meeting of Congress, the Chairman shall submit the minutes of a previous meeting for approval. The same shall apply in regard to those Committees whose proceedings are recorded in the form of minutes or a report. The minutes or reports of the last meetings which it has not been possible to approve in Congress or in a Committee shall be approved by the respective Chairmen of the meetings. The International Bureau shall also take account of any comments received from delegates of member countries within forty days of the dispatch of the minutes to them.

6 The International Bureau shall be authorized to correct in the minutes or reports of meetings of Congress and Committees any clerical errors which were not brought to light when the minutes were approved in accordance with paragraph 5.

#### ■ Commentary

**23.2** Such reports were prepared at the 1994 Seoul Congress for all the Comms.

## Article 24

### Approval by Congress of draft decisions (Acts, resolutions, etc)

1 As a general rule, each draft Act submitted by the Drafting Committee shall be studied article by article. It can only be regarded as adopted after an overall favourable vote. Article 20, paragraph 1, shall apply to such a vote.

2 During this study, any delegation may reopen a proposal which has been carried or rejected in Committee. An appeal relating to a rejected proposal shall be subject to the delegation's having notified the Chairman of Congress accordingly, in writing, at least one day before the meeting at which the relevant provisions of the draft Act are to be submitted to Congress for approval.

3 Nonetheless, it shall always be possible, if the Chairman considers it desirable for the progress of Congress work, to consider appeals before considering the draft Acts submitted by the Drafting Committee.

4 When a proposal has been adopted or rejected by Congress, it can only be reconsidered by the same Congress if the appeal has been supported by at least ten delegations and approved by a two-thirds majority of the members present and voting. This possibility is limited to proposals submitted direct to plenary meetings, it being understood that a single question cannot give rise to more than one appeal.

5 The International Bureau shall be authorized to correct in the final Acts any clerical errors which have not come to light during the study of the draft Acts, the numbering of articles and paragraphs and references.

**6 The drafts of decisions other than those amending the Acts, submitted by the Drafting Committee, shall as a general rule be considered en bloc. Paragraphs 2 to 5 shall also apply to the drafts of these decisions.**

■ **Commentary**

**24.1** Since the rule is a general one, the Chairman may, with the agreement of the majority, use a faster procedure, for instance chapter-by-chapter study.

**24.4** Para 4 makes it possible for Congress to reconsider a decision which may have been taken in haste.

**24.6** The addition made by the 1994 Seoul Congress conforms to the practice followed by previous Congresses.

Article 25

Assignment of studies to **the Council of Administration** and the **Postal Operations Council**

On the recommendation of its Bureau, Congress shall assign studies to **the Council of Administration** and the **Postal Operations Council**, in accordance with the respective compositions and responsibilities of these two bodies **as they are set forth in articles 102 and 104 of the General Regulations.**

## Article 26

### Reservations to Acts

Reservations must be submitted in writing in French (proposals concerning the Final Protocol), in order that they may be considered by Congress before the signing of Acts.

## Article 27

### Signature of Acts

Acts finally approved by Congress shall be submitted to the plenipotentiaries for signature.

## Article 28

### Amendment of the Rules

1 Each Congress may amend the Rules of Procedure. In order to be accepted for discussion, proposals to amend the present Rules, unless submitted by a UPU body empowered to put forward proposals, shall be supported in Congress by at least ten delegations.

2 To be adopted, proposals for amendments to the present Rules must be approved by at least two thirds of the member countries represented in Congress.

#### ■ Commentary

**28.1** In the Rules of Proc adopted at the 1969 Tokyo Congress a distinction was made between additions and amendments to be made to those Rules, different conditions for approval being applied to each. Instructed by the Tokyo Congress to define these terms "additions" and "amendments", the EC considered that it was extremely difficult to find a criterion to distinguish between them. It therefore proposed to the 1974 Lausanne Congress the abolition of the term "additions" and this prop was adopted.

**28.2** Props for amending the Rules of Proc may be introduced at any time, ie even during Congress (Gen Regs, art 120, para 5).

# Rules of Procedure of the Council of Administration

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### Article 1

#### Purpose and functions of the Council of Administration

1 The Council of Administration, hereinafter called “the Council”, shall be responsible for ensuring the continuity of the work of the Union between Congresses in accordance with the provisions of the Acts of the Union. Its functions shall derive in particular from article 102 of the General Regulations and from the decisions of Congress.

## Article 2

### Members of the Council

1 The Council shall consist of forty-one members, ie a Chairman and forty other members elected by Congress in accordance with article 102, paragraph 3, of the General Regulations.

2 Each member of the Council shall appoint its representative, who shall be competent in postal matters. This representative may be accompanied by one or more other delegates who shall also be entitled to participate in the discussions and to vote.

## Article 3

### De jure observers

1 Representatives of the United Nations shall be invited to attend and to take part in the discussions of the Council.

2 The representatives of the Postal Operations Council, designated by the latter, may attend meetings of the Council as observers.

3 Restricted Unions may send observers to meetings of the Council.

4 The postal administration of the country in which the Council meets shall be invited to take part in the meetings in the capacity of observer, if that country is not a member of the Council.

5 The League of Arab States and the Organization of African Unity (OAU) shall be admitted to the work of the Council as observers.

6 The observers referred to in paragraphs 1 to 5 shall not be entitled to vote, but may take the floor with the Chairman's permission.

7 De jure observers may also attend meetings of the Committees and Working Parties, after giving oral or written notice to the Chairman of the body concerned.

## Article 4

### Invitees

1 The United Nations specialized agencies may be invited by the Secretary-General to attend sessions of the Council.

2 The Chairman of the Council, after consultation with the Secretary-General and, where appropriate, with the Chairman of the Committee concerned, shall be authorized to invite any international body, any representative of an association or

enterprise or any qualified person to its meetings, when he considers that this is in the interest of the Union or of the Council's work. He may also invite, under the same conditions, one or more member countries not elected to the Council, concerned with questions on the agenda, subject, in particular, to the provisions of article 102, paragraph 16, of the General Regulations.

3 Invitees may not take part in the meetings of Working Parties unless they have been formally authorized to do so.

4 Invitees shall not be entitled to vote but may take the floor with the Chairman's permission.

## Article 5

### Chairmanships and vice-chairmanships

1 The chairmanship of the Council shall devolve by right on the host country of the last Congress. If that country waives this right it shall become a *de jure* member and the Council shall elect to the chairmanship one of the member countries belonging to the geographical group of the host country. At its first meeting the Council shall elect, on the basis of equitable geographical distribution, the four Vice-Chairmen and the Chairmen and Vice-Chairmen of Committees.

2 The Chairman shall convene the Council, direct its proceedings and approve the Summary Record. He shall also be responsible for the general direction of the Council's work and activities. If prevented from discharging his duties, he shall be replaced by one of the Vice-Chairmen, selected by drawing lots.

3 The Chairman may designate another member of the Council to lead part of the deliberations, for example the Chairman of a Committee for discussions relating to certain functions of that Committee.

4 In accordance with article 104, paragraph 7, of the General Regulations, the Chairman of the Council shall approve the place and date of meetings of the Postal Operations Council.

## Article 6

### Management Committee

1 The Chairman and the Vice-Chairmen of the Council as well as the Chairmen of its Committees and the Chairman of its Strategic Planning Working Party shall constitute the Management Committee, which shall meet at the request of the Chairman of the Council. The Secretary-General of the Council and the Assistant Secretary-General mentioned in article 8, paragraph 1, shall attend the meetings of the Management Committee.



2 The Management Committee shall prepare and direct the work of each session; it shall review the proceedings of the Council and of its Committees. It shall assist the Chairman in drawing up the agenda of the plenary meetings and in coordinating the work of the Committees.

3 The Management Committee shall perform all such tasks as the Council may decide to entrust to it or the need for which arises in the course of the strategic planning process.

4 The Chairman of the Postal Operations Council shall be invited to attend the meetings of the Management Committee as an observer. The Chairman of the Postal Operations Council Strategic Planning Working Party and the Chairman of the Postal Security Action Group (PSAG) shall also be invited to attend the meetings of the Management Committee as observers.

#### Article 7

##### Strategic Planning Working Party

1 The Council shall establish a Strategic Planning Working Party coming under the Management Committee.

2 The Strategic Planning Working Party shall be responsible, in particular, for informing the Postal Operations Council about policy and guidelines issued by the Council of Administration.

3 The Chairman of the CA Strategic Planning Working Party, the Chairman of the POC Strategic Planning Working Party and the International Bureau shall together form the Joint CA–POC–IB Strategic Planning Group.

#### Article 8

##### Secretariat-General

1 The Director-General and the Deputy Director-General of the International Bureau shall serve respectively as Secretary-General and Assistant Secretary-General of the Council. The work of the Secretariat shall be performed by the staff of the International Bureau.

2 The Secretary-General shall be responsible:

- 2.1 for preparing the work of the Council and sending all the documents published on the occasion of each session to the member countries of the Council, to the countries which, while not members of the Council, cooperate in the studies undertaken, to the de jure observers and to other member countries which ask for them; the documents published before the session shall be sent in principle 30 days before it opens;
- 2.2 for drafting the summary of discussions of meetings of the Council and the reports of the Committees, Working Parties, etc;

- 2.3 for drafting the Summary Record of sessions provided for in the General Regulations, article 103, paragraph 1, and for sending it, after it has been approved by the Chairman, with the resolutions and decisions, to the member countries of the Union and to the de jure observers;
- 2.4 for preparing the Comprehensive report on the work of the Council which is referred to in the General Regulations, article 103, paragraph 2, and for sending it, after approval by the Council, to the member countries of the Union at least two months before the opening of Congress;
- 2.5 for maintaining contact with the Postal Operations Council and submitting to that body those matters which the Council decides to entrust to it, in accordance with the General Regulations, article 102, subparagraph 6.26;
- 2.6 for implementing the decisions of the Council in accordance with the latter's instructions;
- 2.7 for organizing, in the intervals between sessions, and in accordance with any directives by the Council, representation of the Union at meetings of the United Nations, the specialized agencies, the Restricted Unions and the other international organizations with which the Union is concerned;
- 2.8 for transmitting to the relevant Committees, for their prior notification, questions submitted to the Council between sessions by a member country of the Union or by international organizations;
- 2.9 for disposing, after consultation with the Chairman, of the routine business of the Council;
- 2.10 for writing the correspondence and keeping the records.

3 The Secretary-General may be entrusted, by the Chairman or by the Council itself, with the study of certain special subjects; in the same way, in order to simplify management, certain functions may be delegated to him.

#### Article 9 Sessions

1 The Council shall fix the approximate date of its next annual session. If compelled by circumstances, the Chairman, after consulting the Secretary-General, may alter the date which has been fixed, provided the alteration is notified to the members of the Council in good time.

2 The Council may meet, exceptionally, when a request for this is made or approved by at least one third of its members or on the initiative of its Chairman. The date shall be fixed by the Chairman after consulting the Secretary-General.

#### Article 10 Order of seating

1 At Council and Committee meetings, delegations shall be seated in the French alphabetical order of members.

2 The Chairman of the Council shall draw lots, in due course, for the name of the country to be placed foremost before the Chairman's rostrum at the following session.

## Article 11

### Agenda

1 The Chairman shall make out, at the proposal of or after consultation with the Secretary-General, the provisional agenda for each session. This agenda shall be conveyed to the members of the Council at the same time as the convening notice.

2 The following subjects, inter alia, shall appear in the provisional agenda of sessions of the Council:

2.1 matters selected at the previous session;

2.2 questions submitted by members of the Council or by the member countries of the Union between sessions and notified to the Secretary-General at least six weeks before the opening of the session during which they are to be considered; questions notified to the Secretary-General less than six weeks before the opening of the session may be considered only if the Council so decides by a majority of the members present and voting;

2.3 suggestions and proposals submitted by the Director-General of the International Bureau.

## Article 12

### Committees, Working Parties, Contact Committees and Joint Groups

1 The Council shall set up its Committees and determine their powers; the Council and the Committees, subject to paragraph 7, may set up Working Parties for the study of special questions. The Council may also, with the participation of other international organizations, set up Contact Committees or Joint Working Parties to deal with the problems of mutual interest.

2 The relevant provisions of these Rules of Procedure shall apply to the proceedings of bodies of the Council.

3 Council members are members ex officio of all Committees. However, in the case of Committees dealing exclusively with optional agreements, only those Council members which are signatories to one or more of the agreements in question are members ex officio of those Committees.

4. In determining the composition of the Working Parties, Contact Committees and Joint Groups, account shall be taken of the issues being dealt with, the wishes expressed by the member countries and an equitable geographical distribution.

5. Countries which are not members of a Committee or Working Party may, after giving oral or written notice to the Chairman of the body concerned, attend meetings thereof and take part in the proceedings without the right to vote. With the authorization of the Chairman of the body concerned, the Chairman of the Council and of the Secretary-General, observers may exceptionally be admitted to meetings of Contact Committees and Joint Working Parties if they are performing special duties in connection with problems discussed by such bodies.

6 In agreement with the Postal Operations Council, the Council may set up Joint CA–POC Groups to study special questions of interest to both bodies. The rules for its operation shall be laid down in the decision setting up the Joint Group. However, the costs of the interpretation services shall be shared equally between the CA and the POC.

7 The Council shall approve during its session the timetable, drawn up in agreement with the Chairmen concerned and after consultation with the Secretary-General, of meetings which the Committees and Working Parties will hold before the next session. Any meeting planned afterwards and not appearing in this timetable must, if it entails additional expenditure, be authorized by the Chairman of the Council after consultation with the Secretary-General.

#### Article 13

##### Financial consequences of proposals made by the Committees

1 Any proposal submitted by the Committees which has financial repercussions for the Union shall be submitted for consideration to the Finance Committee before it is studied by the Council. This Committee, which the Council shall set up, shall report to the Council on the matter.

#### Article 14

##### Urgent questions raised between sessions

1 Urgent questions raised between sessions shall be dealt with by the Chairman.

2 If questions of principle are involved, the Chairman shall consult the members of the Council and, if he thinks fit, all the member countries of the Union; he shall inform the members consulted of the solutions adopted.

#### Article 15

##### Languages

1 The official language of the Council shall be French.

2 For the debates of the Council and the Committees, as well as for the meetings of the Working Parties where necessary, the French, English, Spanish and Russian languages shall be accepted, provision being made for a simultaneous interpretation system.

3 The costs of the interpretation services in the languages mentioned in paragraph 2 shall be borne, in accordance with the method laid down in paragraph 4, by the members of the four groups of countries given below:

<i>French</i>	<i>English</i>	<i>Spanish</i>	<i>Russian</i>
Burkina Faso	Bangladesh	Argentina	Bulgaria (Rep)
Congo (Rep)	Barbados	Chile	Kazakstan
Côte d'Ivoire (Rep)	Finland	Cuba	Russian Federation
France	Ghana	Mexico	Ukraine
Gabon	Great Britain	Uruguay	
Italy	India	Venezuela	
	Indonesia		
	Iran (Islamic Rep)		
	Kenya		
	Korea (Rep)		
	Netherlands		
	Slovakia		
	South Africa		
	Tanzania		
	(United Rep)		
	Thailand		
	United Arab		
	Emirates		
	United States		
	of America		
	Zimbabwe		

Any member country wishing to change its language of discussion between sessions of the Council must inform the Secretary-General accordingly.

4 The costs of the interpretation services shall, in principle, be divided into four equal parts, each of which shall be shared among the countries of the group to which they belong in proportion to their contributions to the expenses of the Union. However, if interpretation into one of the languages laid down in paragraph 2 is not used for a session of the Council or for an interim meeting of one of its bodies, and provided the International Bureau has not yet entered into any commitments in this regard, the costs referred to in paragraph 3 shall be shared equally between the language groups represented at the meeting.

5 If members of the Council wish to use other languages, they must provide for simultaneous interpretation into English, Spanish, French or Russian either by the method stated in paragraph 2, when the necessary technical modifications can

be made, or by special interpreters. Requests for the use of other languages must be sent to the Secretary-General at least six months before the opening of the meeting in question.<sup>1</sup>

6 The expenses arising out of the use of other languages shall be shared among the member countries using those languages in proportion to their contributions to the expenses of the Union.

7 Notwithstanding the provisions of paragraphs 4 and 6, any group of interested countries may inform the International Bureau, either direct or through a recognized spokesman, that it constitutes, for the purposes of the interpretation costs mentioned in paragraphs 4 and 6 above, a language group bearing the costs in question, at the same time giving the key for apportionment among the member countries. The International Bureau will take this statement into account in collecting the said costs.

8 The cost of installing and maintaining the technical equipment shall be borne by the Union.

Article 16  
Quorum

1 Discussions by the Council shall not be valid unless at least half of its members are present.

2 For the Committees dealing exclusively with optional Agreements, the quorum shall be half the de jure members of those Committees.

Article 17  
Voting

1 Each member of the Council shall have a single vote.

2 If a member of the Council who is represented at a session is prevented from attending a meeting, he may as an exceptional measure delegate his right to vote to the representative of another member country, provided he gives previous notice in writing to the Chairman of the Council. However, a member of the Council may represent only one country other than his own.

<sup>1</sup> The following member countries have requested authorization to use another language:

<i>Arabic</i>	<i>Chinese</i>	<i>German</i>	<i>Japanese</i>	<i>Korean</i>
Egypt	China	Germany	Japan (observer)	Korea (Rep)
Jordan	(People's Rep)			
Kuwait				
Saudi Arabia				
Tunisia				
United Arab Emirates				

3 Questions which cannot be settled by common consent shall be decided by a majority of members present and voting. In the event of a tie, the proposal shall be considered as rejected.

4 Voting shall be:

4.1 by show of hands;

4.2 by roll-call: at the request of a member of the Council or if desired by the Chairman; the roll-call shall be taken in the French alphabetical order of countries represented on the Council;

4.3 by secret ballot: at the request of two members of the Council; in this case the necessary measures shall be taken for ensuring that this procedure is properly carried out; the secret ballot shall take precedence over the other voting procedures.

5 The expression “members present and voting” shall mean members voting “for” or “against”. Abstentions shall not be taken into consideration; similarly, blank or spoilt ballot papers shall not be taken into account in the event of a secret ballot.

6 Once the voting has begun, no delegation may interrupt it, except to raise a point of order relating to the way in which the vote is being taken.

7 The voting rules apply to decisions taken by the plenary or by the Committees.

## Article 18

### Motions on points of order and procedural motions

1 During the discussion of any question and even, where appropriate, after the closure of the debate, a delegation may submit a motion on a point of order for the purpose of requesting:

1.1 clarification on the conduct of the debates;

1.2 observance of the Rules of Procedure;

1.3 a change in the order of discussion of proposals suggested by the Chairman.

The motion on a point of order shall take precedence over all questions, including the procedural motions set forth in paragraph 3.

2 The Chairman shall immediately give the desired clarifications or take the decision which he considers advisable on the subject of the motion on a point of order. In the event of an objection, the Chairman's decision shall be put to the vote forthwith.

3 In addition, during discussion of a question, a delegation may introduce a procedural motion with a view to proposing:

3.1 the suspension of the meeting;

3.2 the closure of the meeting;

3.3 the adjournment of the debate on the question under discussion;

3.4 the closure of the debate on the question under discussion.

Procedural motions shall take precedence, in the order set out above, over all other proposals except the motions on points of order referred to in paragraph 1.

4 Motions for the suspension or closure of the meeting shall not be discussed, but shall be put to the vote immediately.

5 When a delegation proposes adjournment or closure of the debate on a question under discussion, only two speakers against the adjournment or the closure of the debate may speak, after which the motion shall be put to the vote.

6 The delegation which submits a motion on a point of order or a procedural motion may not, in its submission, deal with the substance of the question under discussion. The proposer of a procedural motion may withdraw it before it has been put to the vote, and any motion of this kind, whether amended or not, which is withdrawn may be reintroduced by another delegation.

#### Article 19

##### Reopening of proposals

1 When a proposal has been adopted or rejected by the Council or by a Committee, it can only be reconsidered if the Council approves the principle of such reconsideration by a vote taken in the same way (by show of hands, roll-call or secret ballot) as the ballot previously used for the proposal in question.

#### Article 20

##### Election and replacement of the Deputy Director-General

1 If, in the case provided for in article 109, paragraph 4, of the General Regulations, the Council has to elect the Deputy Director-General of the International Bureau, the election shall take place by secret ballot. The candidate who obtains the majority of votes as defined in article 17, paragraphs 3 and 5, shall be elected. There shall be as many ballots as are necessary to obtain this majority.

2 The candidate who obtains the fewest votes in a ballot shall be eliminated.

3 In the event of a tie, a first and, if necessary, a second additional ballot shall be held in order to decide between the tying candidates; the ballot shall be for these candidates only. If the result is negative, lots shall be drawn. The drawing of lots shall be done by the Chairman.

4 If several candidates obtain no votes in a ballot, all those candidates shall be eliminated without a further ballot being taken in an attempt to decide between them.



5 If the post of Deputy Director-General falls vacant, the Council shall, on the proposal of the Director-General, instruct one of the Assistant Directors-General to take over the functions of Deputy Director-General until the following Congress.

#### Article 21

Appointment and promotion of staff members to the grade of Assistant Director-General (D 2)

1 The Council shall be empowered to appoint and promote staff members to the grade of Assistant Director-General (D 2).

2 The appointment and promotion of staff members to the grade of Assistant Director-General (D 2) shall be effected by secret ballot, in accordance with the procedure laid down in article 20 for the election of the Deputy Director-General.

#### Article 22

Summary of discussions and reports

1 The discussions of the meetings of the Council shall form the subject of a summary reproducing the course of the meetings, briefly reporting speeches and mentioning the outcome of the debates. The summary of the discussion shall be distributed in the same way as the other documents published on the occasion of each session and referred to in article 8, paragraph 2.1.

2 The bodies of the Council shall prepare, for the attention of the Council, concise reports on their work.

#### Article 23

Refund of travelling expenses to representatives of members and to guests of the Council and its bodies

1 In accordance with article 102, paragraph 11, of the General Regulations, the representative of each member of the Council participating in its meetings, except for meetings which take place during Congress, shall be entitled to reimbursement of the cost of either an economy-class return air ticket or first-class return rail ticket, or expenses incurred for travel by any other means subject to the condition that the amount does not exceed the price of the economy-class air return ticket.

2 Pursuant to paragraph 1, the following provisions shall be observed:

2.1 if a member country of the Council is represented by the same person or by different persons at the session of the Council and at meetings of its bodies sitting in the same place during the period preceding or following the session, the fare shall only be refunded once;

2.2 if a member country of the Council is convened and is represented by the same person or by different persons, in the interval between sessions of the Council, at meetings of bodies of the Council sitting in the same place within a period not exceeding 30 days for all the meetings, the fare shall only be refunded once.

3 The travelling expenses of the representatives of an international organization, or of any other persons whom the Council wishes to associate with its work, can only be charged to the Union with the prior agreement of the Chairman of the Council and of the Secretary-General and if such participation is in the interest of the Union or of the Council's work. This shall also apply to the travelling expenses of representatives of administrations of countries which are not members of the Council but which the latter expressly desires to associate with its work.

#### Article 24

##### Effective date

1 These rules shall take effect immediately.

So adopted at Berne, 23 October 1995.

For the Council of Administration:

Young-su KWON  
Chairman

Thomas E LEAVEY  
Secretary-General

# Rules of Procedure of the Postal Operations Council

| (as amended by decisions CEP 22/1996, CEP 14/1997 and CEP 1/1999.1)

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### Article 1

#### Purpose and functions of the Postal Operations Council

1 The Postal Operations Council, hereinafter called “the POC”, shall be responsible for all the operational, commercial, technical, economic and technical cooperation issues which are of interest to the postal administrations of all the member countries of the Union. Its functions are prescribed in article 104 of the General Regulations.

2 It shall carry out this mission in accordance with the Acts of the Union and shall draw up, if necessary, proposals for Congress or for the Council of Administration arising directly out of its activities as defined by article 104 of the General Regulations. Proposals for Congress shall be submitted by the POC itself, in agreement with the Council of Administration when the questions concerned are within the latter's competence.

## Article 2

### Members of the POC

1 The POC shall consist of 40 members elected by Congress.

2 The representative of each of the members of the POC shall be appointed by the postal administration concerned, in accordance with article 104, paragraph 3, of the General Regulations. This representative may be accompanied by one or more officials who shall also be entitled to participate in the discussions and to vote.

3 Members of the POC shall play an active part in its activities.

## Article 3

### De jure observers

1 The Council of Administration may designate its representatives to attend the meetings of the POC as observers.

2 Restricted Unions may send observers to meetings of the POC.

3 The postal administration of the country in which the POC is meeting shall attend, as an observer, the meetings of the POC, if that country is not a member of the POC.

4 The Organization of African Unity (OAU) and the League of Arab States shall be admitted to the work of the POC as observers.

5 The observers referred to in paragraphs 1 to 4 shall not be entitled to vote, but may take the floor with the Chairman's permission.

6 De jure observers may also attend meetings of the Committees and Working Parties subject to informing the Chairman of the body concerned in advance, either in writing or verbally.

#### Article 4 Invitees

1 The Chairman of the POC, after consultation with the Secretary-General and, where appropriate, with the Chairman of the Committee concerned, shall be authorized to invite to the POC's meetings as observers, any international organization or qualified person when he considers that this is in the interest of the Union or of the POC's work. He may also invite, under the same conditions, postal administrations of member countries not belonging to the POC and any association or enterprise that the POC wishes to consult with respect to its work.

2 No fees shall be paid to invited postal administrations. The other invitees referred to in paragraph 1 may receive fees in exceptional cases and by prior agreement between the Chairman of the POC, the Chairman of the Council of Administration and the Secretary-General.

3 Postal administrations of Union member countries which cooperate in the studies being undertaken without being members of the POC shall be informed of the holding of sessions of the POC. On request and at their own expense they may take part as observers in the meetings of the Council or its Committees dealing with those studies.

4 Invitees may not take part in the meetings of Working Parties unless they have been formally authorized to do so by the Chairmen/reporting countries of these groups.

5 The invitees referred to in paragraphs 1 to 4 shall not have the right to vote but they may speak after authorization by the Chairman of the meeting.

#### Article 5 Chairmanships, vice-chairmanships

1 At its first meeting, which shall be convened and opened by the Chairman of Congress, the POC shall elect from among its members the countries which are to hold the offices of Chairman, Vice-Chairman, Chairmen and Vice-Chairmen of the Committees and Chairman of the Strategic Planning Working Party.

2 The Chairman of the POC shall convene the sessions of that body and direct the proceedings. He shall also be in overall charge of the work and activity of the Operations Council. If prevented during a session, he shall be replaced by the Vice-Chairman and, if the Vice-Chairman is prevented, by one of the Committee Chairmen drawn by lot.

3 The Vice-Chairman shall assist the Chairman in directing and activating the Operations Council. To this end he shall, among other things, be kept informed about the preparation and programming of the POC sessions. He shall follow the

progress of and coordinate particular studies and issues apportioned among different Committees.

4 The Chairman may designate another member of the Council to lead part of the deliberations, for example the Chairman of a Committee for discussions relating to certain matters of that Committee which, where appropriate, could be dealt with directly in plenary.

#### Article 6

##### POC representation at meetings of UPU bodies

1 The Chairman of the POC shall represent the latter at the meetings of the Council of Administration in accordance with the provisions of General Regulations, article 102, paragraph 12. The Chairman of the POC shall attend the meetings of the “Committee to coordinate the work of the Union’s permanent bodies”, in his capacity as a member of that Committee.

2 The POC may designate representatives to attend the meetings of the Council of Administration, as observers, in accordance with the provisions of General Regulations, article 102, paragraph 13.

#### Article 7

##### Management Committee

1 The Chairman, the Vice-Chairman, the Committee Chairmen and the Chairman of the Strategic Planning Working Party of the POC shall constitute the Management Committee, which shall meet at the Chairman’s request. The Chairman of the Council of Administration shall be invited to take part, as an observer, in the meetings of the Management Committee. The following shall also be invited to attend the meetings of the Management Committee as observers: the Chairman of the Council of Administration Strategic Planning Working Party and the Chairman of the Postal Security Action Group (PSAG). The Secretary-General and Assistant Secretary-General of the POC, referred to in article 9, paragraph 1, shall attend the meetings of the Management Committee.

2 The Management Committee shall consider the progress of the work of the Operations Council and its Committees. It shall help the Chairman to draw up the agenda of the plenary meetings and to coordinate the work of the Committees.

3 The Management Committee shall perform all such tasks as the POC may decide to entrust to it or the need for which arises during the strategic planning process.

4 Article 23, paragraph 1, of these Rules of Procedure shall not apply to meetings of the Management Committee.

## Article 8

### Strategic Planning Working Party

1 The POC shall establish a Strategic Planning Working Party coming under the Management Committee.

2 The Chairman of the POC Strategic Planning Working Party, the Chairman of the CA Strategic Planning Working Party and the International Bureau shall form the Joint CA/POC/IB Strategic Planning Group. The roles and responsibilities in strategic planning are described in Seoul Congress resolution C 46/1994.

## Article 9

### Secretariat-General

1 The functions of Secretary-General and Assistant Secretary-General of the POC shall be exercised by the Director-General and Deputy Director-General of the International Bureau respectively. The International Bureau shall act as Secretariat of the POC.

2 The Secretary-General of the POC shall:

- a take part in the discussions of the Council and its bodies without the right to vote; he may also be represented;
- b notify all the administrations of the Union of the Detailed Regulations drawn up or amended by the POC;
- c send to the administrations of the members of the POC, of the member countries of the Union which, without being members of the POC, take part in the studies undertaken, to the de jure observers and to other postal administrations of member countries which so request, in principle 30 days before the opening of the session, all the documents prepared by the Secretariat; he shall also send to them the documents published during and immediately after the session;
- d inform the postal administrations of the member countries of the Union and the de jure observers specified in article 3 of these Rules of Procedure about the activities of the POC and in particular shall send them, after approval by the Chairman of the POC, a Summary Record and the resolutions and decisions of the POC;
- e send to the members of the Council of Administration, after approval by the Chairman of the POC, the annual report on the work of the POC prepared for the Council of Administration;
- f send to the postal administrations of the member countries of the Union, to the Restricted Unions, to the OAU, and to the League of Arab States, at least two months before the opening of Congress, the Comprehensive report on the work of the POC approved by the latter;
- g maintain contact between the members of the POC;
- h maintain contact with the Council of Administration and submit to the POC such questions as the Council of Administration may decide to entrust to it;
- i implement the decisions of the POC in accordance with the latter's directives;

- j prepare the strategic and financial plans and submit them to the POC;
- k draw up the financial reports relating to the execution of the strategic plan and submit them to the POC;
- l dispose, by agreement with the Chairman, of the current business of the POC.

3 The Secretary-General shall also undertake inquiries requested by postal administrations in order to ascertain the views of other administrations on subjects within the scope of the POC. He shall, for information, notify the Chairman and Vice-Chairman of the POC, and, if applicable, the Chairman of the Committee concerned, of the publication of a circular on these subjects, and if these relate to a study, the documentation obtained shall be made available to that Committee.

- 4 The Secretariat of the POC shall:
- a prepare the work of the POC and the various reports on the work of the POC;
  - b draft the summaries and reports of the meetings of the POC and its bodies, as well as the Summary Record;
  - c prepare correspondence and maintain archives.

#### Article 10 Sessions

1 In principle, the POC shall meet every year at the headquarters of the Union. The Council shall fix the approximate date and duration of its next annual session. If compelled by circumstances, the Chairman, with the prior agreement of the Chairman of the Council of Administration and of the Secretary-General, may alter the date or duration which has been fixed, provided the alteration is notified to the members of the Council in good time.

2 The Council may meet, exceptionally, when a request for this is made or approved by at least one third of its members or on the initiative of its Chairman. The date shall be fixed by the Chairman with the prior agreement of the Chairman of the Council of Administration and of the Secretary-General.

#### Article 11 Order of seating

1 At meetings of the POC, its Committees and Working Parties, delegations shall be seated in the French alphabetical order of members.

2 The Chairman of the POC shall draw lots, in due course, for the name of the country to be placed foremost before the Chairman's rostrum at the following session.



## Article 12

### Agendas

1 The Chairman shall draw up the provisional agenda for each session, on the proposal of or after consultation with the Secretary-General. This agenda shall be sent to the members of the POC and to the observers and invitees at the same time as the invitation to attend.

2 Each Committee Chairman shall also prepare, on the proposal of or after consultation with the Secretary-General, the agenda of the meetings of his Committee.

3 The following subjects, inter alia, shall appear in the provisional agenda of sessions of the POC:

- a matters selected at the previous session;
- b questions submitted by members of the POC or by the postal administrations of member countries of the Union between sessions and notified to the Secretary-General at least six weeks before the opening of the session during which they are to be considered; questions notified to the Secretary-General less than six weeks before the opening of the session may be considered only if the POC so decides by a majority of the members present and voting;
- c suggestions and proposals submitted by the Director-General of the International Bureau.

## Article 13

### Revision of the Detailed Regulations

1 The Detailed Regulations of the Universal Postal Convention and of the Agreements shall be drawn up by the POC in the light of the decisions taken by Congress.

2 Proposals concerning the Detailed Regulations submitted to the POC between two Congresses by postal administrations shall be notified to the Secretary-General at least six weeks before the opening of the session at which they are to be considered. They will not be taken into consideration unless the POC agrees to the urgent necessity thereof. Proposals notified to the Secretary-General less than six weeks before the opening of the session may be considered only if the POC so decides by a majority of the members present and voting.

3 Proposals stemming from studies conducted by working parties or by reporting countries on behalf of POC Committees shall also be subject to paragraph 2 above when they relate to the common rules of the Convention that apply to the International postal service, as well as to the rules of the Convention or Agreements that have financial consequences or involve postal administrations' liability.

- 4 Amendments to proposals for amending the Detailed Regulations shall be handed in to the Secretariat in writing at least one day before the meeting at which they are to be considered. This time limit shall not apply to amendments resulting directly from discussions in the plenary POC or in a Committee.
- 5 The Detailed Regulations shall be authenticated by the Chairman and the Secretary-General of the POC.

#### Article 14

##### Reservations to the Detailed Regulations revised by the Postal Operations Council

- 1 Reservations to the Detailed Regulations shall take the form of proposals submitted in writing and concerning the Final Protocols of the said Detailed Regulations.
- 2 Member countries wishing to maintain existing reservations shall not be obliged to resubmit proposals for this purpose. The International Bureau shall automatically carry over the reservations appearing in the preceding Final Protocols unless the beneficiary country declares that it is waiving them.
- 3 Reservations made prior to the final adoption of the Detailed Regulations shall be considered by the POC at the same time as the said Regulations.
- 4 Reservations made after the final adoption of the Detailed Regulations, in particular by countries which are not members of the POC, shall be considered by the POC at its following session. However, should that session be held after the date of the entry into force of the Acts of Congress, the Management Committee shall be authorized to adopt such reservations provisionally.

#### Article 15

##### Committees, Action Groups, Working Parties, Contact Committees and Joint Groups

- 1 The POC shall set up its Committees and determine their powers. It may also, with the participation of other international organizations, set up Contact Committees or Joint Working Parties to deal with problems of mutual interest.
- 2 The POC shall designate the members to represent the UPU on Contact Committees or Joint Working Parties working in fields coming within its purview.
- 3 The POC and the Committees shall set up Action Groups and Working Parties composed of experts appointed on the basis of their professional skills and knowledge and answerable to the member countries of the POC. The Chairmen of the bodies concerned shall determine the methods of work that are most suitable for the successful completion of their activities. When the Action Groups are

assigned studies of interest to both the POC and the CA, they shall present a report to each of those two bodies, either in committee or in plenary.

4 The POC and the Committees may set up, in agreement with the Council of Administration, Joint CA-POC Groups to conduct studies of mutual interest. The operating rules shall be laid down in the decision setting up the Joint Group.

5 Each member of the POC may take part in the work of the Committees. Member countries not belonging to the POC may, at their own request, or at the invitation of the relevant Chairman, take part as observers in the work of the Committees, subject to such conditions as the Council may establish to ensure the efficiency and effectiveness of its work. They may be called upon to make experts available to chair or be members of Working Parties when their knowledge or experience justifies it. However, in the case of Committees dealing only with optional Agreements, only POC members which are signatories of the Agreement or Agreements concerned shall be de jure members of those Committees.

6 Implementation of the programme and budget requires the preparation of quarterly reports on the progress of work and, to this end, the International Bureau shall invite the reporting countries and the Chairmen of the Working Parties, at regular intervals, to send it a standard report through the intermediary of the Committee Chairmen concerned. Before each session, the Chairman of each of the Working Parties responsible for the activities undertaken by the POC shall prepare a fuller report on the general progress of the work and send it to the Chairman of the Committee concerned. After making any comments on and additions to it, particularly as regards points of a general nature, each Chairman shall then send these reports by the quickest means to the International Bureau for finalization and distribution under the conditions set out in article 9, paragraph 2, c.

7 At each session, the POC shall:

- a exchange views on completed or current work and make, if necessary, recommendations on it;
- b draw up the programme of work to be undertaken before its next session and coordinate the work of the Committees;
- c examine any other questions submitted to it by a member of the POC, the Council of Administration or the postal administration of a member country of the Union;
- d approve the timetable drawn up, by agreement with the Committee Chairmen concerned and after consulting the Secretary-General, of the meetings which will be held until the next session; any meeting subsequently proposed outside this timetable must, if it involves additional expenditure, be authorized by the Chairman of the POC after consultation with the Secretary-General;
- e review its work programme annually, as provided for in article 104, paragraph 11, of the General Regulations, on the basis of the proposals made to it by the administrations and/or by the International Bureau;
- f update annually the strategic plan and the related financial plan on the basis of proposals made to it by the Joint CA/POC/IB Planning Group.

## Article 16

### Urgent questions arising between sessions

1 Urgent questions arising between sessions shall be dealt with by the Chairman.

2 If the questions relate to matters of principle, the Chairman shall consult the members of the POC and inform them of the solutions arrived at.

## Article 17

### Languages

1 The official language of the POC shall be French.

2 For the discussions of the POC and its bodies, English, French, Russian and Spanish may be used, by means of a simultaneous interpretation system<sup>1</sup>.

3 The cost of the interpretation services shall be borne, according to the method laid down in paragraph 4, by the following groups of countries:

<i>English</i>	<i>French</i>	<i>Russian</i>	<i>Spanish</i>
Australia	Belgium	Russian	Argentina
Canada	Cameroon	Federation	Cuba
Ethiopia	Canada		Mexico
Great Britain	France		Spain
India	Greece		
Indonesia	Hungary (Rep)		
Kenya	Italy		
Korea (Rep)	Romania		
Netherlands	Switzerland		
New Zealand			
Nigeria			
Norway			
Pakistan			
Sierra Leone			
Singapore			
South Africa			
Thailand			
United States of America			
Zambia			

<sup>1</sup> In accordance with General Regulations, article 108, paragraph 10, the following countries have opted for languages other than those mentioned in paragraph 2:

<i>Arabic</i>	<i>Chinese</i>	<i>German</i>	<i>Japanese</i>	<i>Portuguese</i>
Egypt	China	Germany	Japan	Brazil
Jordan	(People's Rep)			Portugal
Morocco				

Between sessions of the POC, any member country wishing to change its language of discussion must inform the Secretary-General.

4 The cost mentioned in paragraph 3 shall, in principle, be divided into four equal parts, each apportioned among the countries of the group to which they belong in proportion to their contribution to the expenses of the Union.

5 However, if interpretation into one of the languages laid down in paragraph 2 is not used for a session of the POC or for an interim meeting of one of its bodies, and provided the International Bureau has not yet entered into any commitments in this regard, the costs referred to in paragraph 3 shall be shared equally between the language groups represented at the meeting.

6 If members of the POC wish to use other languages, they must provide for simultaneous interpretation into English, French, Russian or Spanish, either by the system indicated in paragraph 2, when the necessary technical modifications can be made, or by private interpreters. Requests for the use of other languages must be sent to the Secretary-General at least six months before the opening of the meeting in question.

7 The cost of the use of other languages shall be divided between the member countries using them, in proportion to their contribution to the expenses of the Union.

8 Notwithstanding the provisions of paragraphs 4, 5 and 7, any group of countries concerned may inform the International Bureau, direct or through a recognized spokesman, that they constitute, as regards the interpretation costs mentioned in paragraphs 4, 5 and 7 above, a language group assuming responsibility for the costs in question, while giving their distribution key. The International Bureau shall take account of the declaration in recovering the said costs.

9 The cost of installing and maintaining technical equipment shall be borne by the Union.

## Article 18 Quorum

1 Meetings shall only be valid if at least half of the members of the POC are present.

2 For the Detailed Regulations of the Agreements, the quorum shall be half the members of the POC which are parties to the Agreement concerned.

3 For voting on the Detailed Regulations of the Convention, the quorum required shall be a majority of the members of the POC.

4 For voting on the Detailed Regulations of the Agreements, the quorum required shall be a majority of the POC members which are parties to the Agreement concerned.

## Article 19

### Voting

1 Each member of the POC shall have one vote.

2 If a member of the POC, represented at a session, is prevented from attending a meeting, he may exceptionally delegate his right to vote to the representative of another member, provided he gives previous notice in writing to the Chairman of the POC. However, a member of the POC may not represent more than one country other than his own.

3 Questions which cannot be settled by common agreement shall be decided by a majority of members present and voting. In the event of a tie, the proposal shall be considered as rejected.

4 Proposals relating to the Detailed Regulations of the Convention shall be approved by a majority of the members of the POC. For proposals concerning the Detailed Regulations of the Agreements, the majority required shall be a majority of the POC members which are parties to those Agreements.

5 The revision and amendment of the guideline charges mentioned in article 9.2 of the Convention, of the scales mentioned in article 48.1 of the Convention and of the payments mentioned in articles 49.2 and 49.4.1.1, of the Convention shall be approved by a majority of the members of the POC.

6 The revision and amendment of the tables mentioned in articles 35.1 and 36.2 of the Postal Parcels Agreement shall be approved by a majority of the POC members which are parties to that Agreement.

7 Voting shall take place:

- a by show of hands;
- b by roll-call: at the request of a member of the POC or by the choice of the Chairman; the roll shall be called in the French alphabetical order of the countries represented on the POC;
- c by secret ballot: at the request of two members of the POC; the necessary measures shall then be taken to ensure the correct operation of this procedure.

8 The expression “members present and voting” means members voting for or against. Abstentions shall not be taken into consideration; similarly, no account shall be taken of blank or void ballot papers in the event of a secret ballot.

9 Once the voting has begun, no delegation may interrupt it, except to raise a point of order relating to the way in which the vote is being taken.

#### Article 19bis

##### Election of the Chairman and Vice-Chairman

1 The Chairman, the Vice-Chairman and the Chairman of the CA shall come from different geographical groups.

2 The Chairman and Vice-Chairman may not be two developed or two developing countries.

3 In order to be valid, any candidature must be submitted in writing to the Secretary-General of Congress no later than two days before the day scheduled for the election and be supported by at least two other countries.

4 A country may submit its candidature for both the chairmanship and the vice-chairmanship of the Council.

5 The elections of the Chairman and the Vice-Chairman shall take place by secret ballot. The candidate obtaining a majority of the votes as defined in article 19, paragraphs 3 and 8, shall be elected. As many ballots shall be held as are necessary to obtain this majority.

6 The candidate or, in the event of a tie, the candidates obtaining the fewest votes in any one ballot shall be eliminated. If several candidates do not obtain at least 10% of the votes cast in a ballot, all these candidates shall be eliminated.

7 Candidates may withdraw before each ballot.

#### Article 20

##### Motions on points of order and procedural motions

1 During the discussion of any question and even, where appropriate, after the closure of the debate, a delegation may submit a motion on a point of order for the purpose of requesting:

- a clarification on the conduct of the debates;
  - b the observance of the Rules of Procedure;
  - c a change in the order of discussion of proposals suggested by the Chairman.
- The motion on a point of order shall have priority over all questions, including the procedural motions mentioned in paragraph 3.

2 The Chairman shall immediately give the desired clarifications or take the decision which he considers advisable on the subject of the motion on a point of order. In the event of an objection, the Chairman's decision shall be put to the vote forthwith.

3 In addition, during discussion of a question, a delegation may introduce a procedural motion with the object of proposing:

- a suspension of the meeting;
- b closure of the meeting;
- c adjournment of the debate on the question under discussion;
- d closure of the debate on the question under discussion.

Procedural motions shall have priority, in the above order, over all other proposals except the motions on points of order referred to in paragraph 1.

4 Motions for the suspension or closure of the meeting shall not be discussed, but shall be put to the vote immediately.

5 When a delegation proposes adjournment or closure of the debate on a question under discussion, only two speakers against the adjournment or the closure of the debate may speak, after which the motion shall be put to the vote.

6 The delegation which submits a motion on a point of order or a procedural motion may not in its submission, deal with the substance of the question under discussion. The proposer of a procedural motion may withdraw it before it has been put to the vote and any motion of this kind, whether amended or not, which is so withdrawn may be re-introduced by another delegation.

## Article 21

### Reopening of decisions

1 When a decision has been taken by the Council or by a Committee, the question may only be reconsidered if the Council approves the principle of such reconsideration. Approval of reopening discussion shall require the majorities laid down in article 19, paragraphs 3, 4, 5 and 6.

## Article 22

### Summary of discussions and reports

1 The discussions of meetings of the POC shall form the subject of a summary reproducing the course of the meetings, briefly reporting speeches and stating the results of the discussions. The summary of the discussions shall be distributed in the same way as the other documents published on the occasion of each session and referred to in article 9, paragraph 2, c.

2 The bodies of the POC shall prepare, for the attention of the Council, reports briefly describing their work.



Article 23

Refund of travelling expenses to representatives of members, to observers and to invitees of the POC and its bodies

1 In accordance with article 104, paragraph 4, of the General Regulations, the representative of each member country of the POC considered to be disadvantaged according to the lists established by the United Nations and participating in meetings of the Council and its bodies, except for meetings held during Congress, shall be entitled to reimbursement of the cost of an economy class return air ticket or first class return rail ticket, or expenses incurred for travel by any other means subject to the condition that the amount does not exceed the price of the economy class air return ticket.

2 Pursuant to paragraph 1, the following provisions shall be observed:

- a if one of the member countries of the POC to which paragraph 1 refers is represented by the same person or by different persons at the session of the POC and at meetings of its bodies sitting in the same place during the period preceding or following the session, the fare shall only be refunded once;
- b if one of the member countries of the POC to which paragraph 1 refers is convened and is represented by the same person or by different persons, in the interval between sessions of the POC, at meetings of Committees or Working Parties sitting in the same place within a period not exceeding 30 days for all the meetings, the fare shall only be refunded once.

3 Paragraphs 1 and 2 shall apply to the observers referred to in article 3, paragraph 1, when they are considered to be disadvantaged according to the lists established by the United Nations.

4 The travelling expenses of the representatives of an international organization, or of any other persons whom the POC wishes to associate with its work, can only be charged to the Union in exceptional cases and with the prior agreement of the Chairman of the POC, of the Chairman of the Council of Administration and of the Secretary-General. This shall also apply to the travelling expenses of representatives of administrations of countries which are not members of the POC but which the latter expressly desires to associate with its work and which form part of the group referred to in article 104, paragraph 4, of the General Regulations.

Article 24

Effective date

These Rules of Procedure shall go into effect immediately.

So adopted at Berne on 15 February 1995.

For the Postal Operations Council:

B P BOUTENKO  
Chairman

Thomas E LEAVEY  
Secretary-General

# Part V

## Relations with the UN and legal status

### Agreement between the United Nations and the Universal Postal Union

#### ■ Commentary

The texts of the Agrs given below are annexed to the Const under the terms of art 9 of the said Const. See also part I, Historical outline, chapter XI.

#### Preamble

In consideration of the obligations placed upon the United Nations by article 57 of the Charter of the United Nations, the United Nations and the Universal Postal Union agree as follows:

#### ■ Commentary

Art 57 of the Charter governs UN relations with the specialized agencies. The parallel competence of the UPU stems from art 9 of the Const which indirectly confirms the ability of the Union to conclude Agrs. This means that the Union, within the framework of the United Nations family, has the legal competency devolving on a subject of international law.

The preamble does not mention what bodies are competent to conclude the Agr. However, it follows from art XV and from the Protocol on the entry into force of the UN–UPU Agr that the UN Gen Ass and the UPU Congress were competent to approve the Agr. Although annexed to the basic Act of the Union, the Agr is not dependent on it. Its validity for the UPU is determined by the fact that the supreme body of the UPU with "the ability to conclude Agrs" had approved it. For UN members, the commitments stemming from the Charter prevail over those of the Acts of the UPU.

#### Article I

The United Nations recognizes the Universal Postal Union (hereinafter called "the Union") as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

#### ■ Commentary

I Under art 1 of this Agr, the UN recognizes that the UPU meets the conditions set out by the Charter for consideration as a specialized agency, ie that it was set up by an intergovernmental Agr and that it has wide international responsibilities in the economic field. It has also recognized that the UPU is, in international postal service matters, in accordance with its basic instrument, the only organization responsible in this field. This entire responsibility excludes from the universal postal field the activities of any other specialized agency.

See also Const, art 10, comm.

## Article II

### Reciprocal representation

1 Representatives of the United Nations shall be invited to attend all the Union's Congresses, Administrative Conferences and Commissions, and to participate, without vote, in the deliberations of these meetings.

2 Representatives of the Union shall be invited to attend meetings of the Economic and Social Council of the United Nations (hereinafter called "the Council") and of its Commissions and Committees and to participate, without vote, in the deliberations thereof with respect to items on the agenda in which the Union may be concerned.

3 Representatives of the Union shall be invited to attend the meetings of the General Assembly during which questions within the competence of the Union are under discussion for purposes of consultation, and to participate, without vote, in the deliberations of the main Committees of the General Assembly with respect to items in which the Union may be concerned.

4 Written statements presented by the Union shall be distributed by the Secretariat of the United Nations to the members of the General Assembly, the Council and its Commissions, and the Trusteeship Council as appropriate. Similarly, written statements presented by the United Nations shall be distributed by the Union to its members.

#### ■ Commentary

II The 1947 Paris Congress decided to admit, for the first time, UN observers with consultative votes. Later, under art II, para 1, of the Agr, UN representatives became *de jure* observers at meetings of UPU bodies.

Art II provides for reciprocal representation of the two organizations. However, there is not total reciprocity in all fields, since the Agr provides for the UN to be represented without vote at the Union's Congresses, Administrative Confs (the 1984 Hamburg Congress decided to abolish the possibility of holding Administrative Confs) and Comms, whatever the subjects discussed while the participation of Union representatives, without vote or for purposes of consultation, is possible only in the conditions set out in paras 2 and 3. It should be noted in this connection that the representatives of the specialized agencies are in practice given identical treatment in the various meetings of the UN.

The UPU is also invited to international Confs convened by the UN. Under art 8 of the Rules for the calling of international Confs of States, the Council "may invite specialized agencies in relationship with the UN ... to take part in Confs...". So it was that the UPU has been invited to various UN Confs and meetings. These Confs and meetings are listed in the Reps. The provs of art II, para 1, do not permit UN representatives to take part in meetings of Restricted Unions.

## Article III

### Proposal of agenda items

Subject to such preliminary consultation as may be necessary, the Union shall include on the agenda of its Congresses, Administrative Conferences or Commissions, or, as the case may be, shall submit to its members in accordance with the provisions of the Universal Postal Convention, items proposed to it by the United

Nations. Similarly, the Council, its Commissions and Committees and the Trusteeship Council shall include on their agenda items proposed by the Union.

#### Article IV

##### Recommendations of the United Nations

1 The Union agrees to arrange for the submission as soon as possible, for appropriate action, to its Congresses or its Administrative Conferences or Commissions, or to its members, in conformity with the provisions of the Universal Postal Convention, of all formal recommendations which the United Nations may make to it. Such recommendations will be addressed to the Union and not directly to its members.

2 The Union agrees to enter into consultation with the United Nations upon request with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Union or by its members to give effect to such recommendations, or on the other results of their consideration.

3 The Union will cooperate in whatever further measures may be necessary to make coordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it will cooperate with any body which the Council may establish for the purpose of facilitating such coordination and will furnish such information as may be required for the carrying out of this purpose.

##### ■ Commentary

**IV** In principle, it is the Gen Ass which makes recommendations; however, under art 63, para 2, of the Charter, the Economic and Social Council may also make recommendations to the Union, under the authority of the Gen Ass (Charter, art 60). In addition, the Security Council and the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples also make recommendations to the specialized agencies.

These recommendations are not mandatory; the Union and its members are therefore free to act on them or ignore them.

In accordance with this art, the IB communicates to Congresses, the CA and, where appropriate, adopts various resolutions concerning, eg:

- implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;
- development and coordination of all the activities and programmes of the UN and of the specialized agencies (eg activity of the Joint Inspection Unit);
- development cooperation;
- International Decades and Years.

Since 1964, Congresses have adopted several resolutions on the application of UN recommendations.

#### Article V

##### Exchange of information and documents

1 Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the Union.

2 Without prejudice to the generality of the provisions of the preceding paragraph:

- a the Union shall submit to the United Nations an annual report on its activities;
- b the Union shall comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in article XI of this Agreement;
- c the Union shall furnish written advice on questions within its competence as may be requested by the Trusteeship Council;
- d the Secretary-General of the United Nations shall, upon request, consult with the Director of the International Bureau of the Union regarding the provision to the Union of such information as may be of special interest to it.

■ **Commentary**

V The obligation for the UPU to provide the UN with the Rep was inserted in the Gen Regs (art 119) by the 1964 Vienna Congress.

**Article VI**

**Assistance to the United Nations**

1 The Union agrees to cooperate with and to give assistance to the United Nations, its principal and subsidiary organs, so far as is consistent with the provisions of the Universal Postal Convention.

2 As regards the members of the United Nations, the Union agrees that in accordance with article 103 of the Charter no provision in the Universal Postal Convention or related Agreements shall be construed as preventing or limiting any State in complying with its obligations to the United Nations.

■ **Commentary**

VI This art, called the "heart of the Agreement" by the Negotiating Committee, combines in two paras two separate ideas. The first para, dealing with general cooperation, concerns all Union members whether they are UN members or not; the second para governs conflicts of laws which may arise between the regulations of the UN and those of the UPU; it concerns only Union members which are UN Member States.

VI.1 The principle is laid down here of cooperation and direct assistance between the UN, its principal and subsidiary organs (UN Charter, art 7, paras 1 and 2) and the Union.

VI.2 In the event of a conflict between the obligations under the Charter and the obligations contained in the Acts of the Union, the Union has expressly recognized, for UN members, the principle contained in art 103 of the Charter according to which the obligations under the Charter prevail over those under Acts of the Union. Such a conflict of obligations could arise notably under the provs on freedom of transit and art 41 of the Charter, which reads as follows:

"Article 41

"The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations." Obviously, if such sanctions exist, the only method of transmission to adms is the notification of this measure by the UN itself to each of its members, which will inform the adms concerned (see 1947 Paris Congress Docs, II 454).

## Article VII

### Personnel arrangements

The United Nations and the Union agree to cooperate as necessary to ensure as much uniformity as possible in the conditions of employment of personnel and to avoid competition in the recruitment of personnel.

#### ■ Commentary

**VII** For 10 years following adoption of the UN-UPU Agr, the UPU retained the former staff service conditions which were largely based on the system applied to civil servants of the Swiss Confederation. Following an ELC resolution, from 1958 the UPU gradually adopted a series of reforms which culminated in the almost total alignment of IB service conditions on that of the UN common system. In addition, the conditions of employment of Union experts and consultants recruited for tech asst projects are largely based on UN provs.

The provident scheme for IB staff is also practically the same as that of the UN Joint Staff Pension Fund, but it is legally independent, since the UPU Provident Scheme was established as a foundation within the meaning of Swiss law (art 80 et seq of the Swiss Civil Code).

## Article VIII

### Statistical services

1 The United Nations and the Union agree to cooperate with a view to securing the greatest possible usefulness and utilization of statistical information and data.

2 The Union recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations.

3 The United Nations recognizes the Union as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as it may be essential for its own purposes or for the improvement of statistics throughout the world.

#### ■ Commentary

**VIII** On the basis of this prov, the IB regularly provides the UN with statistics about the Union which are published in the form of docs; it also provides it with the postal statistics for inclusion in the UN Statistical Year Book.

## Article IX

### Administrative and technical services

1 The United Nations and the Union recognize the desirability, in the interests of the most efficient use of personnel and resources, of avoiding the establishment of competitive or overlapping services.

2 Arrangements shall be made between the United Nations and the Union in regard to the registration and deposit of official documents.

### ■ Commentary

**IX** Under art 102, para 1, of the Charter, "Every treaty and every international Agreement entered into by any Member of the UN after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it". According to the Regulations to give effect to art 102 of the Charter of the UN, such a treaty or international Agr may be registered with the UN Secretariat by a specialized agency in the following cases:

- a Where the constituent instrument of the specialized agency provides for such registration.
- b Where the treaty or Agr has been registered with the specialized agency pursuant to the terms of its constituent instrument.
- c Where the specialized agency has been authorized by the treaty or Agr to effect registration.

The only purpose of this clause is to provide a proper and orderly procedure in all cases in which, according to the relevant provs of the said Regulations, the specialized agency is in a position to effect registration on behalf of the contracting parties. Since such provs do not exist in the Acts of the Union or in the Agrs concluded in the postal field, registration of a treaty or international postal Agr, concluded by members of the UN, is the responsibility of the contracting parties only.

## Article X

### Budgetary arrangements

The annual budget of the Union shall be transmitted to the United Nations, and the General Assembly may make recommendations thereon to the Congress of the Union.

### ■ Commentary

**X** In the budgetary field, the Union has retained its financial independence. The grand total of annual credits is fixed by Congress (see Const, art 21), the draft budget is examined and approved by the CA (see Gen Regs, art 102, para 6.4). The Agr stipulates only that the annual budget shall be transmitted to the UN so that the latter may make recommendations thereon. There is therefore no question of the UN approving or disapproving of the budget as such.

A Joint Inspection Unit (JIU), a UN study body, carries out on-the-spot inquiries and inspections in the various UN organizations with a view to helping them to pursue their work in the most economical manner possible, by making the best use of the resources available to them.

## Article XI

### Financing of special services

In the event of the Union being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or information in accordance with article V or with any other provisions of this Agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

## Article XII

### Inter-agency agreements

The Union will inform the Council of the nature and scope of any agreement between the Union and any other specialized agency or other intergovernmental organization, and further agrees to inform the Council of the preparation of any such agreements.



**■ Commentary**

**XII** The obligation to inform it does not give the UN the right to intervene in negotiations.

**Article XIII****Liaison**

1 The United Nations and the Union agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking in agreement whatever measures may be necessary to this end.

2 The liaison arrangements provided for in this Agreement shall apply, as far as appropriate, to the relations between the Union and the United Nations, including its branch and regional offices.

**■ Commentary**

**XIII** This liaison is not only to provide reciprocal coordination of necessary measures between the central bodies, but is to be extended, if necessary, to cooperation between the various regional or even local services of the two organizations. However, it is understood that in principle the two organizations should contact such regional services through the intermediary of the central bodies only.

**Article XIV****Implementation of the Agreement**

The Secretary-General of the United Nations and the President of the Executive and Liaison Committee of the Union may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable in the light of the operating experience of the two organizations.

**■ Commentary**

**XIV** In application of this art, the Union concluded in 1949 with the UN a Supplementary Agreement to this agreement on the issue to UPU officials of the laissez-passer of the UN.

The change of title from "Executive and Liaison Committee" to "Executive Council" then to "Council of Administration" does not justify a change in art XIV of the Agr, since it is a purely drafting amendment and the sense of the art is not changed.

**Article XV****Entry into force**

This Agreement is annexed to the Universal Postal Convention concluded in Paris in 1947. It will come into force after approval by the General Assembly of the United Nations, and, at the earliest, at the same time as this Convention.

**■ Commentary**

**XV** Since the 1947 Paris Congress and the UN Gen Ass approved it on 4 July 1947 and 15 November 1947 respectively – resolution 124 (II) – the Agr came into force under the terms of the present art at the same time as the Paris Conv, ie on 1 July 1948.

Article XVI  
Revision

On six months' notice given on either part, this Agreement shall be subject to revision by agreement between the United Nations and the Union.

Paris, 4 July 1947.

(signed) J-J Le Mouëll  
Chairman of the 12th Congress  
of the Universal Postal Union

(signed) Jan Papanek  
Acting Chairman of the Committee  
of the Economic and Social Council  
on Negotiations  
with Specialized Agencies

■ **Commentary**

**XVI** The expression "revision" covers not only revision of certain arts but also abrogation of the Agr itself.

The question of revision has not yet arisen in the Union.

# Supplementary Agreement to the Agreement between the United Nations and the Universal Postal Union

## ■ Commentary

Contrary to what was the case for other specialized agencies, the UN-UPU Agr made no provision for the use of the UN laissez-passer by UPU officials.

Whereas the Secretary-General of the United Nations has been requested by resolution 136 (VI) of the Economic and Social Council, adopted on 25 February 1948, to conclude with any specialized agency which may so desire a supplementary agreement to extend to the officials of that agency the provisions of article VII of the Convention on the Privileges and Immunities of the United Nations and to submit such supplementary agreement to the General Assembly for approval; and Whereas the Universal Postal Union is desirous of entering into such supplementary agreement to the Agreement between the United Nations and the Universal Postal Union entered into under article 63 of the Charter;

It is hereby agreed as follows:

## Article I

The following provisions shall be added as an additional article to the Agreement between the United Nations and the Universal Postal Union:

“The officials of the Universal Postal Union shall have the right to use the laissez-passer of the United Nations in accordance with special arrangements to be negotiated under article XIV.”

## ■ Commentary

I The laissez-passer may be issued to UPU officials only; there is no prov for issuing it to representatives of Union members. However, prov is made at section 26 of the Conv on the privileges and immunities of the UN for classing such persons as experts and issuing them with certificates that they are travelling on official business.

## Article II

This Agreement shall come into force on its approval by the General Assembly of the United Nations and the Universal Postal Union.

For the Universal Postal Union:

For the United Nations:

Done at Paris, 13 July 1949.

Done at Lake Success, New York,  
27 July 1949.

(signed) J-J Le Mouël  
Chairman of the Executive  
and Liaison Committee  
of the Universal Postal Union

(signed) Byron Price  
Acting Secretary-General

### ■ Commentary

II This Supplementary Agr was signed on 13 July 1949 by the Chairman of the ELC after all Union member countries had been consulted in accordance with the procedure prescribed at arts 22 and 23 of the Paris Conv (1947) and the draft Agr had been approved unanimously. It was approved by the Gen Ass on 22 October 1949 (resolution 361 (IV)) and came into force on the same date.

# Documents relating to the legal status of the Universal Postal Union

## ■ Commentary

Unlike that of other international organizations, the Const of the UPU contains no provs establishing the legal status of the Union on the territory of member countries.

## A. On Swiss territory

### **I. Agreement on privileges and immunities of the United Nations concluded by the Swiss Federal Council and the Secretary-General of the United Nations**

(Dated 1 July 1946)

*The Swiss Federal Council,  
of the first part, and  
the Secretary-General of the United Nations,  
of the second part,*

*Whereas* the General Assembly of the United Nations on 12 February 1946, approved a Common Plan for the transfer of certain assets of the League of Nations to the United Nations which had been previously agreed upon between a Committee set up by the preparatory Commission of the United Nations and the Supervisory Commission of the League of Nations; and

*Whereas* the Assembly of the League of Nations approved the said Common Plan on 18 April 1946,

Have concluded the following Interim Arrangement for the purpose of determining the privileges and immunities to be granted to the United Nations, to the representatives of its members and to its officials, and of regulating other related matters.

## ■ Commentary

In view of the Union's status as a specialized agency of the UN, the Swiss Federal Council decided on 3 February 1948 that, as from 1 January 1948, the present Agr should apply by analogy to the UPU, its bodies, representatives of Member States and experts and officials of the Union. At its April 1948 session, the ELC noted the Federal Council's decision with satisfaction. The appropriate correspondence is reproduced below.

With respect to Fellows of international organizations who come to Switzerland, the Federal authorities have adopted uniform regulations under which they enjoy certain facilities. The special treatment was the subject of a circ let from the Swiss authorities to the international organizations, dated 5 December 1969. This letter is reproduced below.

The title of this Agr was altered by an exchange of letters between the Federal Political Department and the European Office of the United Nations on 5 and 11 April 1963. Previously, it was called "Interim Arrangement on privileges..."

Article I

Juridical personality

- Section 1    The Swiss Federal Council recognizes the international personality and legal capacity of the United Nations. Consequently, according to the rules of international law, the Organization cannot be sued before the Swiss Courts without its express consent.

Article II

Property, funds and assets

- Section 2    The premises of the United Nations shall be inviolable. The property and assets of the United Nations in Switzerland shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

- Section 3    The archives of the United Nations, and in general all documents belonging to it or held by it in Switzerland, shall be inviolable.

- Section 4    Without being restricted by financial control, regulations or moratoria of any kind:

- a        the United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;
- b        the United Nations shall be free to transfer its funds, gold or currency to or from Switzerland or within Switzerland and to convert any currency held by it into any other currency.

In exercising its rights under this section, the United Nations shall pay due regard to any representations made by the Swiss Federal Council in so far as the Organization considers that effect can be given to such representations without detriment to its interests.

- Section 5    The United Nations, its assets, income and other property shall be:

- a        exempt from all direct and indirect taxes whether federal, cantonal or communal; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- b        exempt from the “droit de timbre” on coupons instituted by the Swiss Federal law of 25 June 1921, and from the “impôt anticipé” introduced by the Federal Council decree of 1 September 1943, and supplemented by the Federal Council decree of 31 October 1944; the exemption shall be effected by the repayment to the United Nations of the amount of tax levied on its assets;
- c        exempt from all customs duties in respect of articles imported or exported by the United Nations for its official use; it is understood, however, that articles imported under such exemption will not be

- sold in Switzerland except under conditions agreed with the Swiss Federal Council;
- d exempt from all prohibitions and restrictions on imports and exports in respect of articles intended for the official use of the United Nations, on the understanding that the United Nations will use its good offices to obtain if necessary the consent of any other State which may be concerned, and subject to the provisions of general international conventions and public health measures;
- e exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of its publications.

The United Nations does not propose, as a general rule, to claim exemption from indirect taxes or sales taxes included in the price of movable or immovable property. Its intention is to claim this exemption only in the case of important purchases effected by the United Nations for its official purposes where such taxes are included in the price. In cases of this kind, the Swiss Federal Council will make appropriate administrative arrangements for the remission or return of the amount of such taxes.

Section 6

### Article III

#### Facilities in respect of communications

The United Nations shall enjoy in Switzerland for its official communications treatment not less favourable than that accorded by the Swiss Federal Council to any Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio in conformity with the International Convention on Telecommunications. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

Section 7

The United Nations shall have the right to use codes and to dispatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Section 8

### Article IV

#### The representatives of Members of the United Nations

Representatives of Members of the United Nations on its principal and subsidiary organs and at conferences convened by the United Nations, shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

Section 9

- a immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and acts done by them in their capacity as representatives, immunity from legal process of every kind;
- b inviolability for all papers and documents;
- c the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- d exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations;
- e the same facilities in respect of currency or exchange regulations as are accorded to representatives of foreign governments on temporary official missions;
- f the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents;
- g such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic agents enjoy, except that they shall have no right to claim exemption from customs duties on articles imported (otherwise than as part of their personal baggage) or from indirect taxes or sales taxes.

Section 10 In order to secure for the representatives of Members of the United Nations on its principal and subsidiary organs and at conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members of the United Nations.

Section 11 If the incidence of any form of taxation depends upon residence in Switzerland, periods during which the representatives of Members of the United Nations on its principal and subsidiary organs and at conferences convened by the United Nations are present in Switzerland for the discharge of their duties shall not be considered as periods of residence.

Section 12 Privileges and immunities are accorded to the representatives of Members of the United Nations not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently, a Member of the United Nations not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of that Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.



In this article the expression “representatives” shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations. Section 13

## Article V

### Officials of the United Nations

The Secretary-General will from time to time make known to the Swiss Federal Council, in the same manner as to the Governments of Member States, the names of those officials to whom the provisions of this article and article VII shall apply. Section 14

Officials of the United Nations shall: Section 15

- a be immune from legal process in respect of words spoken or written and acts performed by them in their official capacity;
- b be exempt from taxation on the salaries and emoluments paid to them by the United Nations;
- c be immune from national service obligations, subject to the special provisions contained in the annex to the present Arrangement concerning officials of Swiss nationality;
- d be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration;
- e be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Swiss Federal Council;
- f be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic agents;
- g have the right to import free of duty their furniture and effects on the occasion of first taking up their post in Switzerland.

In addition to the immunities and privileges specified in Section 15, the Secretary-General and all Assistant Secretaries-General and, if the Secretary-General should so desire, the chief administrative officer of the United Nations in Switzerland, shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law. Section 16

#### ■ Commentary

The present text of this section is the result of an exchange of letters between the Federal Political Department and the European Office of the United Nations on 5 and 11 April 1963.

The Swiss Government leaves it to the UN, as to the UPU and the other specialized agencies, to determine the beneficiaries themselves, on the understanding that the latter must not exceed 12 percent of the total staff (letter 0.723.71.GG from the Federal Political Department dated 16 June 1970). However, some restrictions have been made by the Swiss Government in the application of this percentage by the specialized agencies.

Section 17 Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Section 18 The United Nations shall cooperate at all times with the appropriate Swiss authorities to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this article.

#### Article VI

##### Experts on missions for the United Nations

Section 19 Experts (other than officials coming within the scope of article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular, they shall be accorded:

- a immunity from personal arrest or detention and from seizure of their personal baggage;
- b in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind; this immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
- c inviolability for all papers and documents;
- d for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- e the same facilities in respect of currency or exchange regulations as are accorded to representatives of foreign governments on temporary official missions;
- f the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents.

Section 20 Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations.

## Article VII

### United Nations laissez-passers

The United Nations may issue United Nations laissez-passers to its officials. These laissez-passers shall be recognized and accepted as valid travel documents by the Swiss authorities taking into account the provisions of section 22. Section 21

Applications for visas (where required) from the holders of United Nations laissez-passers, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel. Section 22

Similar facilities to those specified in Section 22 shall be accorded to experts and other persons who though not holders of United Nations laissez-passers, have a certificate that they are travelling on the business of the United Nations. Section 23

The Secretary-General, Assistant Secretaries-General, Directors and, if the Secretary-General should so desire, the chief administrative officer of the United Nations in Switzerland, travelling on United Nations laissez-passers on the business of the United Nations, shall be granted the same facilities as are accorded to diplomatic envoys. Section 24

The provisions of this article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under article 63 of the Charter so provide. Section 25

## Article VIII

### Settlement of disputes

The United Nations shall make provision for appropriate modes of settlement of: Section 26

- a disputes arising out of contracts or other disputes of a private law character, to which the United Nations is a party;
- b disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

Any dispute between the United Nations and the Swiss Federal Council concerning the interpretation or application of this Interim Arrangement or of any supplementary arrangement or agreement which is not settled by negotiation shall be submitted for decision to a board of three arbitrators of whom the first shall be appointed by the Swiss Federal Council, the second by the Secretary-General of the United Nations, Section 27

and a presiding arbitrator by the President of the International Court of Justice, unless in any specific case the parties agree to resort to a different mode of settlement.

#### Final article

Section 28 This Interim Arrangement shall enter into force immediately upon its signature on behalf of the Swiss Federal Council and by the Secretary-General of the United Nations or on his behalf.

Section 29 The provisions of this Interim Arrangement can be modified only by agreement between the Secretary-General and the Swiss Federal Council. If agreement cannot be reached, the Secretary-General or the Swiss Federal Council may denounce the whole, or any section, of this Arrangement. In this case, unless the Secretary-General and the Swiss Federal Council otherwise agree, the Arrangement or the sections in question shall remain in force for three months from the date of such denunciation.

Done and signed at Berne, on 11 June 1946, and in New York, on 1 July 1946, in four copies, two in French and two in English, the two texts being equally authentic.

For the Swiss Confederation:  
(signed) Max Petitpierre  
Head of the Political Department

For the United Nations:  
(signed) Trygve Lie

#### *Annex to the Arrangement*

1 The Secretary-General of the United Nations will communicate to the Swiss Federal Council a list of officials of Swiss nationality liable for service of a military nature.

2 The Secretary-General of the United Nations and the Swiss Federal Council will draw up by agreement a limited list of officials of Swiss nationality who will be granted dispensation in view of the office which they hold.

3 If other officials of Swiss nationality are called up, the Secretariat of the United Nations, through the Federal Political Department, may ask for postponement or some other appropriate measure.

**II. Correspondence exchanged between the Swiss Federal Political Department and the Secretary-General of the Executive and Liaison Committee about the legal status of the Universal Postal Union in Switzerland**

A

Federal Political Department

To:  
The International Bureau  
of the Universal Postal Union  
Schwarztorstrasse 38  
Berne

Berne, 5 February 1948

Dear Sir

We have the honour to inform you that at its meeting on 3 February 1948, the Federal Council decided that as from 1 January 1948 the Interim Arrangement concluded on 19 April 1946 between the Federal Council and the Secretary-General of the United Nations shall be applied by analogy to the Universal Postal Union, its bodies, the representatives of Member States, the experts and officials of the Union.

The Federal Council's decision (article 10 of the Statute of 31 January 1947) granting, during their terms of office, to non-Swiss Directors, Deputy Directors and Counsellors, as well as the members of their families, diplomatic privileges and immunities is retained for the International Bureau of the Universal Postal Union on condition that the number of beneficiaries of this decision remains as limited as it is at present.

I am, etc,

For the Federal Political Department:

(signed) Secrétan

International Organizations

**■ Commentary**

The Statute of 31 January 1947 referred to in the second para of this letter was the Statute which at the time governed all the international offices placed under the supervision of the authorities of the Swiss Confederation. Owing to the expansion of the ITU, the Federal Council, on 7 July 1953, took the following decision which replaced the said para by the following:

"The Secretary-General and the non-Swiss Directors of the UPU and ITU shall, during their term of office, enjoy the privileges and immunities granted to diplomatic envoys in accordance with international law. "Non-Swiss Assistant Secretaries-General, Deputy Directors and Counsellors shall, by application by analogy of the Federal Council's decision of 30 December 1947 concerning the granting of facilities to certain senior officials of the European Office of the United Nations, be granted the privileges and immunities granted to the diplomatic colleagues of heads of mission accredited to the Swiss Confederation." (Letter from the Federal Political Department to the IB, No o.F. 13.6.7.A-MX of 22 July 1953.) See art V, comm.

The Federal Council's decision of 7 July 1953 lapsed as a result of the amendment in 1963 of section 16 of the Agreement on privileges and immunities of the UN; it is this section which is now applicable to officials of the IB (see art V, comm).

B

Universal Postal Union

Executive and Liaison Committee  
Secretary-General

Headquarters: Berne,  
Schwarztorstr 38  
22 April 1948

To:  
The Federal Political Department  
International Organizations  
Berne

Dear Sir,

During its recent session at Berne, the provisional Executive and Liaison Committee of the Universal Postal Union took official note of the Federal Council's decision of 3 February 1948 to apply by analogy, as from 1 January 1948, to the Universal Postal Union, its bodies, the representatives of the Member States, the experts and officials of the Union the Interim Arrangement concluded on 19 April 1946 between the Federal Council and the Secretary-General of the United Nations.

The news of this decision greatly interested the Committee. The Chairman stated that, as regards Swiss territory, it is entirely satisfactory to the Universal Postal Union. Moreover, the representative of Great Britain, Sir David Lidbury, reflecting the unanimous feeling of his colleagues, expressed the Committee's gratitude to the Federal Government for the favour it has granted the Union.

Furthermore, the Committee approved the following resolution, submitted to it by the undersigned:

- a The Committee takes note, with satisfaction, of the above decision.
- b It requests the Federal Council kindly to communicate it, through diplomatic channels, to the Governments of the Member States of the Universal Postal Union, as was done in the case of the "Status of international bureaux placed under the supervision of the authorities of the Swiss Confederation" of 31 January 1947, which has thus lapsed as regards the Universal Postal Union.

I should therefore be very grateful, if it has not already been done, if you would kindly implement this desire of the Committee's.

I am, etc  
(signed) Muri  
Secretary-General

### III.

#### **A. Federal decree concerning the legal status in Switzerland of the United Nations and other international organizations**

(Dated 29 September 1955)

*The Federal Assembly of the Swiss Confederation,*

In view of article 85, paragraph 5, of the Constitution,

In view of the message from the Federal Council of 28 July 1955,

*Decrees:*

##### Article 1

The following are approved:

- a The agreement, the arrangement for execution and the exchange of letters concerning the legal status of the World Meteorological Organization (WMO) dated 10 March 1955.
- b The agreement and exchange of letters concerning the legal status of the European Organization for Nuclear Research (CERN) dated 11 June 1955.

The Federal Council is authorized to ratify these two agreements.

##### Article 2

The following are approved:

- a The interim arrangement on privileges and immunities of the United Nations (UN) dated 19 April 1946; the exchange of letters between the head of the Political Department and the Secretary-General of the United Nations, of 22 October and 4 November 1946.
- b The agreement and arrangement for execution concerning the legal status of the International Labour Organisation (ILO) dated 11 March 1946.
- c The exchange of letters concerning the legal status of the Universal Postal Union, of 5 February and 22 April 1948.
- d The exchange of letters concerning the legal status of the International Telecommunication Union (ITU), of 6 and 25 February 1948.
- e The agreement and arrangement for execution concerning the legal status of the World Health Organization (WHO) dated 19 September 1946.
- f The agreement concerning the legal status of the International Bureau of Education (IBE) dated 15 November 1946.
- g The exchange of letters concerning the legal status of the Intergovernmental Committee for European Migration (CIME) of 7 April and 3 May 1954.

So decreed by the Council of States.

Berne, 27 September 1955

(signed) A Locher

Chairman

(signed) F Weber

Secretary

So decreed by the National Council.

Berne, 29 September 1955

(signed) Häberlin

Chairman

(signed) Ch Oser

Secretary

**B. Federal decree concerning the conclusion or amendment of agreements with international organizations in order to determine their legal status in Switzerland**

(Dated 30 September 1955)

*The Federal Assembly of the Swiss Confederation,*

In view of article 85, paragraph 2, of the Constitution,  
In view of the message from the Federal Council dated 28 July 1955,

*Decrees:*

Article 1

The Federal Council shall be authorized to amend or supplement the agreements concluded with international organizations in order to determine their legal status in Switzerland, provided that the new provisions are compatible with federal law. The new provisions may however provide for exceptions to the fiscal legislation of the Confederation.

Article 2

If a specialized agency of the United Nations wishes to establish its main headquarters or a subsidiary office in Switzerland, the Federal Council may conclude with it an agreement giving it a legal status similar to that granted to the United Nations specialized agencies already established in Switzerland.

Article 3

If an international organization which is not a United Nations specialized agency wishes to establish its headquarters or a subsidiary office in Switzerland, the Federal Council may conclude with it an agreement determining its legal status in Switzerland, provided that the provisions of the agreement are compatible with federal law. The Federal Council may however grant exceptions to the fiscal legislation of the Confederation.

Article 4

If the agreements provided for in the preceding articles contain provisions contrary to the cantonal law of the office of the international organization (eg, fiscal law), the approval of the canton concerned will have to be obtained.



## Article 5

The powers of the Federal Assembly are reserved in the case of the agreements referred to in article 89, paragraph 3, of the Constitution.

## Article 6

The Federal Council will publish this decree in accordance with the federal law of 17 June 1874 concerning people's ballots on federal laws and decrees, and will fix the date of its taking effect.

So decreed by the Council of States.  
Berne, 30 September 1955

(signed) A Locher  
Chairman  
(signed) F Weber  
Secretary

So decreed by the National Council.  
Berne, 30 September 1955

(signed) Häberlin  
Chairman  
(signed) Ch Oser  
Secretary

The Federal Council decrees:

The above federal decree, published on 6 October 1955, shall be inserted in the Collection of Federal Laws and take effect on 8 June 1956.

Berne, 8 June 1956

By order of the Swiss Federal Council:  
(signed) Ch Oser  
Chancellor of the Confederation

## C. Correspondence concerning the status of Fellows in Switzerland

Swiss permanent mission  
to the international organizations

Geneva, 5 December 1969

Circular letter to the intergovernmental  
organizations with offices  
in Switzerland

### *Treatment of Fellows*

Dear Sirs,

I would submit the following matter to your attention:

The Federal authorities, having noted that the cantonal foreigners' police authorities give different treatment to Fellows coming to Switzerland to take a course, have decided to lay down standards for uniformizing their regime. These provisions would be as follows:

A. Fellows from international organizations which have concluded an agreement regarding their office with Switzerland

*1 Fellows taking their course in foreign countries who have to go to the international organization concerned to receive instructions about the studies and courses they are to do or to present final reports*

Swiss diplomatic missions abroad are authorized to issue, on their own responsibility, to Fellows requiring a visa, irrespective of their nationality:

- a visa valid for two entries of up to ten days each, if the second journey is to be made within six months of the issue of the visa;
- or a visa valid for one entry for a stay of up to ten days, if the second journey is planned for a date more than six months after the issue of the visa; for the second journey, the Fellow will apply for the necessary visa to the competent Swiss diplomatic mission for his place of residence, which will issue him, also on its own responsibility, a visa for a stay of up to ten days.

The granting of visas will depend upon the Fellow's having the necessary visas for continuing his journey after his stay in Switzerland and upon his holding a document from the international organization concerned attesting that he is expected by that organization.

*2 Fellows taking their course in Switzerland with an international organization having an agreement regarding their office with Switzerland*

### *Course of up to three months*

- a Foreigners who do not need a visa can enter Switzerland on presentation of their ticket or of one of the travel vouchers provided for in the agreements existing between Switzerland and the country of origin.

- b Swiss authorities abroad are authorized to issue on their own responsibility to Fellows needing a visa, irrespective of their nationality, visas valid for the duration of the course and for an unlimited number of entries, provided they have a valid national passport and that they bear a document from the international organization concerned attesting that they are expected by that organization for a course as a Fellow and stating the period of the course.
- c The international organization concerned will issue the Fellows, on their arrival in Switzerland, with a document attesting their status as Fellows and the duration of their stay, as such, with the organization. This document will serve as credentials for the Swiss authorities regarding its holder's presence in the country.

*Course of over three months*

- a Foreigners who do not need a visa can enter Switzerland on presentation of their ticket or of one of the travel vouchers provided for in the agreements existing between Switzerland and the country of origin.
- b Swiss authorities abroad are authorized to issue on their own responsibility to Fellows needing a visa, irrespective of their nationality, a single entry visa, provided they have a valid national passport and that they bear a document from the international organization concerned attesting that they are expected by that organization for a course as a Fellow and stating the period of the course. The visa will mention the period of the course given in the attestation.
- c The international organization concerned will, on the Fellow's arrival in Switzerland, take the necessary steps with the competent branch of the Federal Political Department to obtain for the Fellow a "carte de légitimation" from that Department. This card will serve as credentials for the Swiss authorities regarding its holder's presence in the country. Under the current regulations the holder of the card, who requires a visa, may, if he leaves Switzerland momentarily, return to it without having a re-entry visa on production of his valid passport and of the "carte de légitimation", which must also be valid.

**B. Fellows taking their course in Switzerland independently of the international organizations which have concluded an agreement regarding their office with Switzerland**

- a These Fellows are subject to the ordinary law for their entry and stay in Switzerland.
- b The course requests will be submitted by the international organization concerned to the competent Federal technical cooperation authorities (Federal Political Department, Technical Cooperation Service or Federal Public Health Service). These authorities are at the disposal of the international organizations for preparing and planning a course.
- c The conditions of residence of these Fellows are determined by the cantons.

*Free issue of visas and residence permits*

The Swiss diplomatic missions abroad will charge no fees for the visas they issue. The cantons will not collect the cantonal dues for issuing resident permits requested by Fellows of international organizations who are subject to the ordinary law.

*Members of the family of Fellows*

Dependants in the first degree of Fellows referred to under 1 and 2 above (Fellows taking a course in a foreign country and Fellows taking a course in Switzerland with an international organization benefiting from an agreement regarding its office), namely the spouse and unmarried children under 21, will be treated like the head of the family if the attestation from the organization concerned states that they are accompanying the latter. They will also receive a "carte de légitimation" from the Federal Political Department in cases in which the head of the family receives such a card. The ordinary law is applicable in other cases.

It is understood that the holders of a "carte de légitimation" are exempt from regularizing their conditions of residence in so far as they exercise no gainful activity and live with the Fellow.

The members of the family of the Fellows referred to in B above (Fellows taking a course in Switzerland independently of the international organizations which have concluded an agreement regarding their office with Switzerland) are subject, like the head of the family himself, to the ordinary law.

The provisions of section B do not concern you directly; however, I have given them for information.

I have no doubt that you will approve this procedure, which will be notified both to the Swiss diplomatic missions abroad and to the various cantonal police forces concerned with foreigners. If you have any comment to make on it, please let me have it as soon as possible.

In due course I will send you copies of the provisions taken in this matter.

Thanking you in advance for your valuable cooperation, I remain,

Yours faithfully,  
(signed) Humbert  
Ambassador, Permanent Representative

## B. Outside Switzerland

### **IV. Convention on the privileges and immunities of the specialized agencies**

*Whereas* the General Assembly of the United Nations adopted on 13 February 1946 a resolution contemplating the unification as far as possible of the privileges and immunities enjoyed by the United Nations and by the various specialized agencies; and

*Whereas* consultations concerning the implementation of the aforesaid resolution have taken place between the United Nations and the specialized agencies;

Consequently, by resolution 179 (II) adopted on 21 November 1947, the General Assembly has approved the following Convention, which is submitted to the specialized agencies for acceptance and to every Member of the United Nations and to every other State Member of one or more of the specialized agencies for accession.

#### ■ Commentary

Outside Switzerland the legal status of the UPU is governed in general by the present Conv drawn up within the UN. This Conv was submitted to the various specialized agencies, including the UPU, for acceptance; its text is actually very similar to the Agr governing the legal status of the Union at its headquarters.

With regard to accession to the Conv on the privileges and immunities of the specialized agencies, the following is a list of the countries which, according to UN information, have undertaken to apply to the UPU the provs of that Conv (position at 1 December 1997):

<i>Country</i>	<i>Date of deposit of instrument of accession or of receipt of subsequent notification</i>
Algeria .....	25 March 1964
Antigua and Barbuda .....	14 December 1988
Argentina .....	10 October 1963
Australia .....	9 May 1986
Austria .....	21 July 1950
Bahamas .....	17 March 1977
Barbados .....	19 November 1971
Belarus .....	18 March 1966
Belgium .....	14 March 1962
Bosnia and Herzegovina .....	1 September 1993
Botswana .....	5 April 1983
Brazil .....	22 March 1963
Bulgaria (Rep) .....	13 June 1968
Burkina Faso .....	6 April 1962
Cambodia .....	15 October 1953
Cameroon .....	30 April 1992
Chile .....	21 September 1951
China (People's Rep) .....	11 September 1979
Côte d'Ivoire (Rep) .....	28 December 1961
Croatia .....	8 October 1991
Cuba .....	13 September 1972
Cyprus .....	6 May 1964
Czech Rep .....	22 February 1993
Dem Rep of the Congo .....	8 December 1964
Denmark .....	25 January 1950
Dominica .....	24 June 1988
Ecuador .....	12 December 1958
Egypt .....	28 September 1954
Estonia .....	8 October 1997
Fiji .....	21 June 1971
Finland .....	31 July 1958
Gabon .....	30 November 1982
Gambia .....	1 August 1966
Germany .....	19 May 1958
Ghana .....	9 September 1958
Great Britain .....	17 December 1954
Greece .....	21 June 1977
Guatemala .....	30 June 1951
Guinea .....	29 March 1968
Guyana .....	13 September 1973
Haiti .....	16 April 1952
Hungary (Rep) .....	2 August 1967

## Country

## Date of deposit of instrument of accession or of receipt of subsequent notification

India	19 October 1949
Indonesia	8 March 1972
Iran (Islamic Rep)	16 May 1974
Iraq	9 July 1954
Ireland	10 May 1967
Italy	30 August 1985
Jamaica	4 November 1963
Japan	18 April 1963
Jordan	12 December 1950
Kenya	1 July 1965
Korea (Rep)	13 May 1977
Kuwait	7 February 1963
Lao People's Dem Rep	9 August 1960
Lesotho	26 November 1969
Lithuania	10 February 1997
Luxembourg	20 September 1950
Madagascar	3 January 1966
Malawi	2 August 1965
Maldives	26 May 1969
Mali	24 June 1968
Malta	27 June 1968
Malaysia	29 March 1962
Mauritius	18 July 1969
Mongolia	3 March 1970
Morocco	13 August 1958
Nepal	28 September 1965
Netherlands	14 May 1952
New Zealand	25 November 1960
Nicaragua	6 April 1959
Niger	15 May 1968
Nigeria	26 June 1961
Norway	25 January 1950
Pakistan	15 September 1961
Poland (Rep)	19 June 1969
Romania	15 September 1970
Russian Federation	10 January 1966
Rwanda	15 April 1964
Saint Lucia	2 September 1986
Senegal	2 March 1966
Seychelles	24 July 1985
Sierra Leone	13 March 1962
Singapore	18 March 1966
Slovakia	22 February 1993
Slovenia	6 July 1992
Spain	26 September 1974
Sweden	12 September 1951
Thailand	28 April 1965
Togo	16 September 1975
Tonga	17 March 1976
Trinidad and Tobago	19 October 1965
Tunisia	3 December 1957
Uganda	11 August 1983
Ukraine	13 April 1966
Uruguay	29 December 1977
Uzbekistan	18 February 1997
Yugoslavia	23 November 1951
Zambia	16 June 1975

Certain countries which have not acceded to the Conv adopted within the framework of the UN have nevertheless taken unilateral measures granting the UPU the necessary privileges and immunities. This is the case, for instance, with the United States of America, which has recognized the status of international organization entitled to the privileges, exemptions and immunities conferred by the International Organizations Immunities Act (Presidential Decision No 10727 dated 31 August 1957; see 1957 Rep, p 1). Where Congresses have been held in countries not signatories to the UN Convention on privileges and immunities, similar advantages have nevertheless been granted the UPU for the duration of the meeting (Brussels 1952, Ottawa 1957, Washington 1989).

## Article I

### Definitions and scope

In this Convention:

Section 1

- i The words "standard clauses" refer to the provisions of articles II to IX.
- ii The words "specialized agencies" mean:
  - a The International Labour Organisation;
  - b The Food and Agriculture Organization of the United Nations;
  - c The United Nations Educational, Scientific and Cultural Organization;
  - d The International Civil Aviation Organization;
  - e The International Monetary Fund;
  - f The International Bank for Reconstruction and Development;
  - g The World Health Organization;
  - h The Universal Postal Union;
  - i The International Telecommunication Union; and
  - j Any other agency in relationship with the United Nations in accordance with articles 57 and 63 of the Charter.
- iii The word "Convention" means, in relation to any particular specialized agency, the standard clauses as modified by the final (or revised) text of the annex transmitted by that agency in accordance with sections 36 and 38.
- iv For the purposes of article III, the words "property and assets" shall also include property and funds administered by a specialized agency in furtherance of its constitutional functions.
- v For the purposes of articles V and VII, the expression "representatives of members" shall be deemed to include all representatives; alternates, advisers, technical experts and secretaries of delegations.
- vi In sections 13, 14, 15 and 25, the expression "meetings convened by a specialized agency" means meetings: (1) of its assembly and of its executive body (however designated), and (2) of any commission provided for in its constitution; (3) of any international conference convened by it; and (4) of any committee of any of these bodies.

- vii The term “executive head” means the *principal executive official* of the specialized agency in question, whether designated “Director-General” or otherwise.

Section 2 Each State party to this Convention in respect of any specialized agency to which this Convention has become applicable in accordance with section 37 shall accord to, or in connection with, that agency the privileges and immunities set forth in the standard clauses on the conditions specified therein, subject to any modification of those clauses contained in the provisions of the final (or revised) annex relating to that agency and transmitted in accordance with sections 36 or 38.

## Article II Juridical personality

Section 3 The specialized agencies shall possess juridical personality. They shall have the capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, (c) to institute legal proceedings.

## Article III Property, funds and assets

Section 4 The specialized agencies, their property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case they have expressly waived their immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 5 The premises of the specialized agencies shall be inviolable. The property and assets of the specialized agencies, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 6 The archives of the specialized agencies, and in general all documents belonging to them or held by them, shall be inviolable, wherever located.

Section 7 Without being restricted by financial controls, regulations or moratoria of any kind:

- a The specialized agencies may hold funds, gold or currency of any kind and operate accounts in any currency;
- b The specialized agencies may freely transfer their funds, gold or currency from one country to another or within any country and convert any currency held by them into any other currency.



Each specialized agency shall, in exercising its rights under section 7 above, pay due regard to any representations made by the Government of any State party to this Convention in so far as it is considered that effect can be given to such representations without detriment to the interests of the agency. Section 8

The specialized agencies, their assets, income and other property shall be: Section 9

- a Exempt from all direct taxes; it is understood, however, that the specialized agencies will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- b Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the specialized agencies for their official use; it is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed to with the Government of that country;
- c Exempt from duties and prohibitions and restrictions on imports and exports in respect of their publications.

While the specialized agencies will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the specialized agencies are making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, States parties to this Convention will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax. Section 10

#### Article IV

##### Facilities in respect of communications

Each specialized agency shall enjoy, in the territory of each State party to this Convention in respect of that agency, for its official communications, treatment not less favourable than that accorded by the Government of such State to any other Government, including the latter's diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio. Section 11

No censorship shall be applied to the official correspondence and other official communications of the specialized agencies. Section 12

The specialized agencies shall have the right to use codes and to dispatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a State party to this Convention and a specialized agency.

## Article V

### Representatives of members

- Section 13 Representatives of members at meetings convened by a specialized agency shall while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities:
- a Immunity from personal arrest or detention and from seizure of their personal baggage, and in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;
  - b Inviolability for all papers and documents;
  - c The right to use codes and to receive papers or correspondence by courier or in sealed bags;
  - d Exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in the State which they are visiting or through which they are passing in the exercise of their functions;
  - e The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions;
  - f The same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.
- Section 14 In order to secure for the representatives of members of the specialized agencies at meetings convened by them complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.
- Section 15 Where the incidence of any form of taxation depends upon residence, periods during which the representatives of members of the specialized agencies at meetings convened by them are present in a Member State for the discharge of their duties shall not be considered as periods of residence.
- Section 16 Privileges and immunities are accorded to the representatives of members, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the specialized agencies. Consequently, a member not

only has the right but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the member, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

The provisions of sections 13, 14 and 15 are not applicable in relation to the authorities of a State of which the person is a national or of which he is or has been a representative. Section 17

## Article VI Officials

Each specialized agency will specify the categories of officials to which the provisions of this article and of article VIII shall apply. It shall communicate them to the Governments of all States parties to this Convention in respect of that agency and to the Secretary-General of the United Nations. The names of the officials included in these categories shall from time to time be made known to the above-mentioned Governments. Section 18

Officials of the specialized agencies shall: Section 19

- a Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- b Enjoy the same exemptions from taxation in respect of the salaries and emoluments paid to them by the specialized agencies and on the same conditions as are enjoyed by officials of the United Nations;
- c Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- d Be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;
- e Be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions;
- f Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

The officials of the specialized agencies shall be exempt from national service obligations, provided that, in relation to the States of which they are nationals, such exemption shall be confined to officials of the specialized agencies whose names have, by reason of their duties, been placed upon a list compiled by the executive head of the specialized agency and approved by the State concerned. Should other officials of specialized agencies be called up for national service, the State concerned shall, at the request of the specialized agency concerned, grant Section 20

such temporary deferments in the call-up of such officials as may be necessary to avoid interruption in the continuation of essential work.

Section 21 In addition to the immunities and privileges specified in sections 19 and 20, the executive head of each specialized agency, including any official acting on his behalf during his absence from duty, shall be accorded in respect of himself, his spouse and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Section 22 Privileges and immunities are granted to officials in the interest of the specialized agencies only and not for the personal benefit of the individuals themselves. Each specialized agency shall have the right and the duty to waive the immunity of any official in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the specialized agency.

Section 23 Each specialized agency shall cooperate at all times with the appropriate authorities of Member States to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities mentioned in this article.

#### Article VII Abuses of privilege

Section 24 If any State party to this Convention considers that there has been an abuse of a privilege or immunity conferred by this Convention, consultations shall be held between that State and the specialized agency concerned to determine whether any such abuse has occurred and, if so, to attempt to ensure that no repetition occurs. If such consultations fail to achieve a result satisfactory to the State and the specialized agency concerned, the question whether an abuse of a privilege or immunity has occurred shall be submitted to the International Court of Justice in accordance with section 32. If the International Court of Justice finds that such an abuse has occurred, the State party to this Convention affected by such abuse shall have the right, after notification to the specialized agency in question, to withhold from the specialized agency concerned the benefits of the privilege or immunity so abused.

Section 25 1 Representatives of members at meetings convened by specialized agencies, while exercising their functions and during their journeys to and from the place of meeting, and officials within the meaning of section 18, shall not be required by the territorial authorities to leave the country in which they are performing their functions on account of any activities by them in their official capacity. In the case, however, of abuse of privileges of residence committed by any such person in activities in

that country outside his official functions, he may be required to leave by the Government of that country provided that:

2 (I) Representatives of members, or persons who are entitled to diplomatic immunity under section 21, shall not be required to leave the country otherwise than in accordance with the diplomatic procedure applicable to diplomatic envoys accredited to that country.

(II) In the case of an official to whom section 21 is not applicable, no order to leave the country shall be issued other than with the approval of the Foreign Minister of the country in question, and such approval shall be given only after consultation with the executive head of the specialized agency concerned; and, if expulsion proceedings are taken against an official, the executive head of the specialized agency shall have the right to appear in such proceedings on behalf of the person against whom they are instituted.

## Article VIII

### Laissez-passer

Officials of the specialized agencies shall be entitled to use the United Nations laissez-passer in conformity with administrative arrangements to be concluded between the Secretary-General of the United Nations and the competent authorities of the specialized agencies, to which agencies special powers to issue laissez-passer may be delegated. The Secretary-General of the United Nations shall notify each State party to this Convention of each administrative arrangement so concluded. Section 26

States parties to this Convention shall recognize and accept the United Nations laissez-passer issued to officials of the specialized agencies as valid travel documents. Section 27

Applications for visas, where required, from officials of specialized agencies holding United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of a specialized agency, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel. Section 28

Similar facilities to those specified in section 28 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passer, have a certificate that they are travelling on the business of a specialized agency. Section 29

The executive heads, assistant executive heads, heads of departments and other officials of a rank not lower than head of department of the specialized agencies, travelling on United Nations laissez-passer on the business of the specialized agencies, shall be granted the same facilities Section 30

for travel as are accorded to officials of comparable rank in diplomatic missions.

## Article IX

### Settlement of disputes

- Section 31 Each specialized agency shall make provision for appropriate modes of settlement of:
- a Disputes arising out of contracts or other disputes of private character to which the specialized agency is a party;
  - b Disputes involving any official of a specialized agency who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of section 22.
- Section 32 All differences arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between one of the specialized agencies on the one hand, and a member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with article 96 of the Charter and article 65 of the Statute of the Court and the relevant provisions of the agreements concluded between the United Nations and the specialized agency concerned. The opinion given by the Court shall be accepted as decisive by the parties.

## Article X

### Annexes and application to individual specialized agencies

- Section 33 In their application to each specialized agency, the standard clauses shall operate subject to any modifications set forth in the final (or revised) text of the annex relating to that agency, as provided in sections 36 and 38.
- Section 34 The provisions of the Convention in relation to any specialized agency must be interpreted in the light of the functions with which that agency is entrusted by its constitutional instrument.
- Section 35 Draft annexes 1 to 9 are recommended to the specialized agencies named therein. In the case of any specialized agency not mentioned by name in section 1, the Secretary-General of the United Nations shall transmit to the agency a draft annex recommended by the Economic and Social Council.
- Section 36 The final text of each annex shall be that approved by the specialized agency in question in accordance with its constitutional procedure. A copy of the annex as approved by each specialized agency shall be

transmitted by the agency in question to the Secretary-General of the United Nations and shall thereupon replace the draft referred to in section 35.

The present Convention becomes applicable to each specialized agency when it has transmitted to the Secretary-General of the United Nations the final text of the relevant annex and has informed him that it accepts the standard clauses, as modified by this annex, and undertakes to give effect to sections 8, 18, 22, 23, 24, 31, 32, 42 and 45 (subject to any modification of section 32 which may be found necessary in order to make the final text of the annex consonant with the constitutional instrument of the agency) and any provisions of the annex placing obligations on the agency. The Secretary-General shall communicate to all Members of the United Nations and to other States members of the specialized agencies certified copies of all annexes transmitted to him under this section and of revised annexes transmitted under section 38.

Section 37

If, after the transmission of a final annex under section 36, any specialized agency approves any amendments thereto in accordance with its constitutional procedure, a revised annex shall be transmitted by it to the Secretary-General of the United Nations.

Section 38

The provisions of this Convention shall in no way limit or prejudice the privileges and immunities which have been, or may hereafter be, accorded by any State to any specialized agency by reason of the location in the territory of that State of its headquarters or regional offices. This Convention shall not be deemed to prevent the conclusion between any State party thereto and any specialized agency of supplemental agreements adjusting the provisions of this Convention or extending or curtailing the privileges and immunities thereby granted.

Section 39

It is understood that the standard clauses, as modified by the final text of an annex sent by a specialized agency to the Secretary-General of the United Nations under section 36 (or any revised annex sent under section 38), will be consistent with the provisions of the constitutional instrument then in force of the agency in question, and that if any amendment to that instrument is necessary for the purpose of making the constitutional instrument so consistent, such amendment will have been brought into force in accordance with the constitutional procedure of that agency before the final (or revised) annex is transmitted. The Convention shall not itself operate so as to abrogate, or derogate from, any provisions of the constitutional instrument of any specialized agency or any rights or obligations which the agency may otherwise have, acquire, or assume.

Section 40

Article XI  
Final provisions

- Section 41 Accession to this Convention by a Member of the United Nations and (subject to section 42) by any State member of a specialized agency shall be effected by deposit with the Secretary-General of the United Nations of an instrument of accession which shall take effect on the date of its deposit.
- Section 42 Each specialized agency concerned shall communicate the text of this Convention together with the relevant annexes to those of its members which are not Members of the United Nations and shall invite them to accede thereto in respect of that agency by depositing an instrument of accession to this Convention in respect thereof either with the Secretary-General of the United Nations or with the executive head of the specialized agency.
- Section 43 Each State party to this Convention shall indicate in its instrument of accession the specialized agency or agencies in respect of which it undertakes to apply the provisions of this Convention. Each State party to this Convention may by a subsequent written notification to the Secretary-General of the United Nations undertake to apply the provisions of this Convention to one or more further specialized agencies. This notification shall take effect on the date of its receipt by the Secretary-General.
- Section 44 This Convention shall enter into force for each State party to this Convention in respect of a specialized agency when it has become applicable to that agency in accordance with section 37 and the State party has undertaken to apply the provisions of the Convention to that agency in accordance with section 43.
- Section 45 The Secretary-General of the United Nations shall inform all Members of the United Nations, as well as all members of the specialized agencies, and executive heads of the specialized agencies, of the deposit of each instrument of accession received under section 41 and of subsequent notifications received under section 43. The executive head of a specialized agency shall inform the Secretary-General of the United Nations and the members of the agency concerned of the deposit of any instrument of accession deposited with him under section 42.
- Section 46 It is understood that, when an instrument of accession or a subsequent notification is deposited on behalf of any State, this State will be in a position under its own law to give effect to the terms of this Convention, as modified by the final texts of any annexes relating to the agencies covered by such accessions or notifications.



1 Subject to the provisions of paragraphs 2 and 3 of this section, each State party to this Convention undertakes to apply this Convention in respect of each specialized agency covered by its accession or subsequent notification, until such time as a revised Convention or annex shall have become applicable to that agency and the said State shall have accepted the revised Convention or annex. In the case of a revised annex, the acceptance of States shall be by a notification addressed to the Secretary-General of the United Nations, which shall take effect on the date of its receipt by the Secretary-General. Section 47

2 Each State party to this Convention, however, which is not, or has ceased to be, a member of a specialized agency, may address a written notification to the Secretary-General of the United Nations and the executive head of the agency concerned to the effect that it intends to withhold from that agency the benefits of this Convention as from a specified date, which shall not be earlier than three months from the date of receipt of the notification.

3 Each State party to this Convention may withhold the benefit of this Convention from any specialized agency which ceases to be in relationship with the United Nations.

4 The Secretary-General of the United Nations shall inform all Member States parties to this Convention of any notification transmitted to him under the provisions of this section.

At the request of one third of the States parties to this Convention, the Secretary-General of the United Nations will convene a conference with a view to its revision. Section 48

The Secretary-General of the United Nations shall transmit copies of this Convention to each specialized agency and to the Government of each Member of the United Nations. Section 49

*Annexes to the proposed Convention on the privileges and immunities of the specialized agencies*

*Annex VIII*

The Universal Postal Union

The standard clauses shall apply without modification.



## Part VI

### Miscellaneous

#### List of Congress decisions (Paris 1947 to Seoul 1994) relating to the Constitution, the General Regulations and the operation of the Union

##### Classification key

- 1 General affairs of the Union
  - 1.1 Member countries
  - 1.2 Political questions
  - 1.3 General Debate and postal strategy
  - 1.4 Miscellaneous
- 2 Acts of the Union
  - 2.1 General
  - 2.2 Constitution
  - 2.3 General Regulations
  - 2.7 Seoul Postal Strategy
- 3 Union bodies
  - 3.1 General
  - 3.2 Congress
  - 3.3 Executive Council (EC)/Council of Administration (CA)
  - 3.4 Consultative Council for Postal Studies (CCPS)/Postal Operations Council (POC)
  - 3.5 International Bureau
    - 3.5.1 Staff
    - 3.5.2 Documents and publications
- 4 Finance
- 5 Technical cooperation
  - 5.1 General
  - 5.2 United Nations Development Programme (UNDP)
  - 5.3 UPU Special Fund

- 6 External relations
- 6.1 Restricted Unions
- 6.2 United Nations (UN)
- 6.3 UN specialized agencies
- 6.4 Other organizations
- 6.5 Public information

## List of decisions according to the classification key

Classification key	Subject	Resolution, decision, etc
1	General affairs of the Union	
1.1	Member countries	
	Removal of the ban on readmission of South Africa to the Universal Postal Union	Resolution C 4/1994
	Notification to the International Bureau of information from member countries concerning the designation of the entity or entities to be responsible for fulfilling obligations arising from adherence to the Convention and Agreements and notification of the separation of governmental activities from operational and commercial activities in the case of those countries which apply this separation to postal services	Resolution C 29/1994
1.2	Political questions	
	Participation by national liberation movements in the meetings of the UPU	Resolution C 3/1974
	Assistance to national liberation movements	Resolution C 4/1974
	Representation of the Organization of African Unity (OAU)	Decision C 92/1974
	Participation by the League of Arab States in the meetings of the UPU	Resolution C 7/1979
1.3	General Debate and postal strategy	
	Quality control	Resolution C 30/1984
	Permanent control of the quality of service worldwide	Resolution C 5/1989
	Permanent project to safeguard and enhance the quality of and to modernize the international postal service	Resolution C 22/1989
	Seoul Postal Strategy	Resolution C 95/1994
1.4	Miscellaneous	
	Strategic planning and programme budgeting – roles and responsibilities	Resolution C 46/1994
	Postal relations on the Korean peninsula	Resolution C 55/1994
	Continuation after the Seoul Congress of the study on improving the management of the Union's work	Resolution C 59/1994
	UPU Strategic Plan, Operational Plan and financial plan	Resolution C 76/1994
	Study on the Union's language system	Decision C 77/1994
	Proposals referred to the CA and the POC	Decision C 89/1994
	Financing the priority activities of the Union	Resolution C 91/1994
2	Acts of the Union	
2.1	General	
	Opinions, interpretations and formal opinions adopted by a Congress	Resolution C 1/1952
	Accession to the Agreements	Recommendation C 1/1964

## List of Congress decisions (Paris 1947 to Seoul 1994)

Classification key	Subject	Resolution, decision, etc
2.1 General (cont)	<p>Publication of the Resolutions and decisions other than those amending the Acts (recommendations, formal opinions, etc) adopted by Congress</p> <p>Union practice concerning reservations</p> <p>Study on international postal regulations</p> <p>Reservations to the Acts of the Union</p> <p>Summary of the main amendments to the UPU Acts and of the major decisions taken by Congress</p> <p>Notification to the International Bureau of information from member countries concerning the designation of the entity or entities to be responsible for fulfilling obligations arising from adherence to the Convention and Agreements and notification of the separation of governmental activities from operational and commercial activities in the case of those countries which apply this separation to postal services</p> <p>Immediate application of the provisions adopted by Congress concerning the Council of Administration (CA) and the Postal Operations Council (POC)</p> <p>Entry into force of the Acts of the 1994 Seoul Congress</p>	<p>Resolution C 1/1974</p> <p>Resolution C 32/1974</p> <p>Resolution C 56/1984</p> <p>Resolution C 73/1984</p> <p>Resolution C 74/1984</p> <p>Resolution C 29/1994</p> <p>Resolution C 41/1994</p> <p>Decision C 54/1994</p>
2.2 Constitution	Jurisdiction of the Union – Interpretation of article 3, b, of the Constitution	Decision C 72/1984
2.3 General Regulations	<p>Introduction of Chinese, German, Portuguese and Russian for the supply of documents</p> <p>Reproduction of documents in Chinese, German, Portuguese and Russian</p> <p>Study on the Union's language system</p>	<p>Resolution C 106/1979</p> <p>Resolution C 63/1984</p> <p>Decision C 77/1994</p>
2.7 Seoul Postal Strategy	<p>Permanent control of the quality of service worldwide</p> <p>Permanent project to safeguard and enhance the quality of and to modernize the international postal service</p> <p>Reserving terminal dues revenue for the purpose of improving the quality of the postal service</p> <p>Quality of Service Programme – 1995–1999</p> <p>Seoul Postal Strategy</p>	<p>Resolution C 5/1989</p> <p>Resolution C 22/1989</p> <p>Recommendation C 78/1989</p> <p>Resolution C 17/1994</p> <p>Resolution C 95/1994</p>
3 UPU bodies		
3.1 General	<p>Committee to coordinate the work of the Union's permanent bodies</p> <p>Organization of UPU conferences and meetings</p> <p>Continuation after the Seoul Congress of the study on improving the management of the Union's work</p> <p>Coordination Committee for the Permanent Bodies of the Union</p>	<p>Resolution C 4/1989</p> <p>Recommendation C 58/1994</p> <p>Resolution C 59/1994</p> <p>Resolution C 73/1994</p>

# List of Congress decisions (Paris 1947 to Seoul 1994)

Classification key	Subject	Resolution, decision, etc
3.1 General (cont)	Institutionalization of a high-level meeting between Congresses	Resolution C 75/1994
	UPU Strategic Plan, Operational Plan and financial plan	Resolution C 76/1994
3.2 Congress	Election of the Doyen of Congress	Formal opinion C 34/1969
	Participation by national liberation movements in the meetings of the UPU	Resolution C 3/1974
	Representation of the Organization of African Unity (OAU)	Decision C 92/1974
	Participation by the League of Arab States in the meetings of the UPU	Resolution C 7/1979
	Institution of a general debate	Decision C 48/1989
	Study on the possibility of creating a "Customers' Interests Committee" at the next Universal Postal Congress	Decision C 5/1994
	Entry into force of the Acts of the 1994 Seoul Congress	Decision C 54/1994
	Venue of the 22nd Universal Postal Congress	Decision C 93/1994
3.3 Executive Council (EC)/Council of Administration (CA)	Representation of the Organization of African Unity (OAU)	Decision C 92/1974
	Participation by the League of Arab States in the meetings of the UPU	Resolution C 7/1979
	Number of geographical groups for the distribution of Council of Administration seats	Decision C 18/1994
	Distribution of Council of Administration seats	Resolution C 19/1994
	Council of Administration and Postal Operations Council – Committee structure	Recommendation C 28/1994
	Immediate application of the provisions adopted by Congress concerning the Council of Administration (CA) and the Postal Operations Council (POC)	Resolution C 41/1994
	Strategic planning and programme budgeting – roles and responsibilities	Resolution C 46/1994
3.4 Consultative Council for Postal Studies (CCPS)/Postal Operations Council (POC)	Representation of the Organization of African Unity (OAU)	Decision C 92/1974
	Participation by the League of Arab States in the meetings of the UPU	Resolution C 7/1979
	Council of Administration and Postal Operations Council – Committee structure	Recommendation C 28/1994
	Composition of the Postal Operations Council	Resolution C 30/1994
	Immediate application of the provisions adopted by Congress concerning the Council of Administration (CA) and the Postal Operations Council (POC)	Resolution C 41/1994
	Strategic planning and programme budgeting – roles and responsibilities	Resolution C 46/1994
	Draft 1995–1999 study programme	Decision C 69/1994
	Draft 1995–1999 study programme	Resolution C 70/1994

# List of Congress decisions (Paris 1947 to Seoul 1994)

Classification key	Subject	Resolution, decision, etc
3.5 International Bureau	UPU activities in the field of EDI 1995–1999 Efficiency of translation services within the Union Study on the Union's language system	Resolution C 27/1994 Resolution C 74/1994 Decision C 77/1994
3.5.1 Staff	Relief Fund Provident Scheme of the Universal Postal Union Conditions of service of elected officials Retirement pensions of elected officials Election of the Director-General and Deputy Director-General of the International Bureau of the Universal Postal Union	Resolution C 17/1957 Resolution C 9/1964 Resolution C 51/1979 Resolution C 52/1979 Decision C 92/1994
3.5.2 Documentation and publications	"Union Postale" Periodicals sent to the International Bureau by administrations List of documents published by the International Bureau Dispatch of International Bureau circulars to administrations Preparation of documents published by the International Bureau Publication of the resolutions and decisions other than those amending the Acts (recommendations, formal opinions, etc) adopted by Congress Information management as a UPU strategic activity	Resolution C 7/1957 Recommendation C 4/1964 Recommendation C 8/1964 Recommendation C 9/1964 Resolution C 32/1969  Resolution C 1/1974  Resolution C 78/1994
4 Finance	Financial consequences of proposals involving expenditure for the Union until the next Congress Contributions to the UPU Special Fund  Clearing up of arrears by means of the International Bureau's clearing system Clearing up of accounts of all kinds in arrears Financing of UPU technical assistance activities UPU activities in the field of EDI 1995–1999 Strategic planning and programme budgeting – roles and responsibilities Strategic planning and programme budgeting – roles and responsibilities Financing Union activities Proposals referred to the CA and POC Billing date for contributions Financing the priority activities of the Union Principle of zero real growth in budget matters	Resolution C 17/1969  Formal opinion C 20/1969 Recommendation C 36/1984 Resolution C 61/1989 Resolution C 22/1994 Resolution C 27/1994 Resolution C 46/1994  Resolution C 76/1994  Decision C 88/1994 Decision C 89/1994 Decision C 90/1994 Resolution C 91/1994 Resolution C 96/1994
5 Technical cooperation		
5.1 General	Relations between the UPU and the Restricted Unions Increased participation by developing countries in the preparation and implementation of technical assistance programmes	Resolution C 38/1974  Recommendation C 79/1974



Classification key	Subject	Resolution, decision, etc
5.1 General (cont)	Recruitment of UPU experts	Recommendation C 86/1974
	Functions of the Executive Council, CCPS and International Bureau as regards technical cooperation	Resolution C 43/1979
	Technical assistance with regard to international payments	Recommendation C 23/1984
	Guidelines to be emphasized in UPU technical assistance activities	Resolution C 29/1989
	UPU technical assistance priorities and action principles	Resolution C 16/1994
	Strengthening UPU presence in the field	Resolution C 21/1994
	Financing of UPU technical assistance activities	Resolution C 22/1994
	Technical cooperation among developing countries (TCDC)	Resolution C 63/1994
	UPU action for the least developed countries (LDCs)	Resolution C 64/1994
	Development of human resources and training	Resolution C 79/1994
	PDAG work plan 1995–1999	Resolution C 80/1994
	Establishment of an institute of higher postal studies under UPU auspices	Resolution C 81/1994
5.2 United Nations Development Programme (UNDP)	Faster implementation of UPU projects under the UNDP	Recommendation C 83/1974
	Reimbursement of programme support costs resulting from UPU participation in the UNDP	Resolution C 84/1974
5.3 UPU Special Fund	Contributions to the UPU Special Fund	Formal opinion C 20/1969
6 External relations		
6.1 Restricted Unions	Relations between the UPU and the Restricted Unions	Resolution C 38/1974
6.2 United Nations (UN)	Agreement between the UN and the UPU. Interpretation	Decision C 1/1947
	Agreement between the UN and the UPU. Article IV – Recommendations of the UN	Decision C 2/1947
	Agreement between the UN and the UPU. Article XVI – Revision	Decision C 3/1947
	United Nations postal administration	Resolution C 2/1952
	Application of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Resolution C 26/1969
	Relations with the United Nations and other international organizations	Decision C 56/1994
	Implementation by the specialized agencies of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Decision C 57/1994
6.3 Specialized agencies	Perishable biological substances. Cooperation with WHO	Decision C 2/1957

## List of Congress decisions (Paris 1947 to Seoul 1994)

Classification key	Subject	Resolution, decision, etc
6.4	Other organizations	
	Customs treatment of postal items: International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention)	Formal opinion C 40/1984
	Use of the EDIFACT electronic message rules of syntax	Recommendation C 36/1989
	Use of the UN Trade Data Elements Directory	Recommendation C 37/1989
	Reconstitution of the CCC-UPU (Customs Co-operation Council-Universal Postal Union) Contact Committee	Resolution C 15/1994
	Reconstitution of the Publishers-UPU Contact Committee	Resolution C 20/1994
	Reconstitution of the Private Operators-UPU Contact Committee	Resolution C 71/1994
6.5	Public information	
	International letter-writing week	Recommendation C 13/1957
	International letter-writing week	Recommendation C 5/1964
	General policy on public information	Resolution C 11/1969
	Letter-writing competition for young people	Formal opinion C 67/1969
	Letter-writing competition for young people	Formal opinion C 88/1974
	General policy on public information	Resolution C 101/1979
	World Post Day	Resolution C 32/1984

# Chronological list of decisions

Type and number of decision		Title
<b>Paris Congress</b>		
Decision	C 1/1947	Agreement between the UN and the UPU. Interpretation
Decision	C 2/1947	Agreement between the UN and the UPU. Article IV – Recommendations of the UN
Decision	C 3/1947	Agreement between the UN and the UPU. Article XVI – Revision
<b>Brussels Congress</b>		
Resolution	C 1/1952	Opinions, interpretations and formal opinions adopted by a Congress
Resolution	C 2/1952	United Nations postal administration
<b>Ottawa Congress</b>		
Decision	C 2/1957	Perishable biological substances. Cooperation with WHO
Resolution	C 7/1957	"Union Postale"
Recommendation	C 13/1957	International letter-writing week
Resolution	C 17/1957	Relief Fund
<b>Vienna Congress</b>		
Recommendation	C 1/1964	Accession to the Agreements
Recommendation	C 4/1964	Periodicals sent to the International Bureau by administrations
Recommendation	C 5/1964	International letter-writing week
Recommendation	C 8/1964	List of documents published by the International Bureau
Recommendation	C 9/1964	Dispatch of International Bureau circulars to administrations
Resolution	C 9/1964	Provident Scheme of the Universal Postal Union
<b>Tokyo Congress</b>		
Resolution	C 11/1969	General policy on public information
Resolution	C 17/1969	Financial consequences of proposals involving expenditure for the Union until the next Congress
Formal opinion	C 20/1969	Contributions to the UPU Special Fund
Resolution	C 26/1969	Application of the Declaration on the Granting of Independence to Colonial Countries and Peoples
Resolution	C 32/1969	Preparation of documents published by the International Bureau
Formal opinion	C 34/1969	Election of the Doyen of Congress
Formal opinion	C 67/1969	Letter-writing competition for young people

## List of Congress decisions (Paris 1947 to Seoul 1994)

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Type and number of decision		Title
<b>Lausanne Congress</b>		
Resolution	C 1/1974	Publication of the Resolutions and decisions other than those amending the Acts (recommendations, formal opinions, etc) adopted by Congress
Resolution	C 3/1974	Participation by national liberation movements in the meetings of the UPU
Resolution	C 4/1974	Assistance to national liberation movements
Resolution	C 32/1974	Union practice concerning reservations
Resolution	C 38/1974	Relations between the UPU and the Restricted Unions
Recommendation	C 79/1974	Increased participation by developing countries in the preparation and implementation of technical assistance programmes
Recommendation	C 83/1974	Faster implementation of UPU projects under the UNDP
Resolution	C 84/1974	Reimbursement of programme support costs resulting from UPU participation in the UNDP
Recommendation	C 86/1974	Recruiting of UPU experts
Formal opinion	C 88/1974	Letter-writing competition for young people
Decision	C 92/1974	Representation of the Organization of African Unity (OAU)

### Rio de Janeiro Congress

Resolution	C 7/1979	Participation by the League of Arab States in the meetings of the UPU
Resolution	C 43/1979	Functions of the Executive Council, CCPS and International Bureau as regards technical cooperation
Resolution	C 51/1979	Conditions of service of elected officials
Resolution	C 52/1979	Retirement pensions of elected officials
Resolution	C 101/1979	General policy on public information
Resolution	C 106/1979	Introduction of Chinese, German, Portuguese and Russian for the supply of documents

### Hamburg Congress

Recommendation	C 23/1984	Technical assistance with regard to international payments
Resolution	C 30/1984	Quality control
Resolution	C 32/1984	World Post Day
Recommendation	C 36/1984	Clearing up of arrears by means of the International Bureau's clearing system
Formal opinion	C 40/1984	Customs treatment of postal items: International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention)
Resolution	C 56/1984	Study on international postal regulations
Resolution	C 63/1984	Reproduction of documents in Chinese, German, Portuguese and Russian
Decision	C 72/1984	Jurisdiction of the Union – Interpretation of article 3, b, of the Constitution
Resolution	C 73/1984	Reservations to the Acts of the Union
Resolution	C 74/1984	Summary of the main amendments to the UPU Acts and of the major decisions taken by Congress

Type and number of decision		Title
<b>Washington Congress</b>		
Resolution	C 4/1989	Committee to coordinate the work of the Union's permanent bodies
Resolution	C 5/1989	Permanent control of the quality of service worldwide
Resolution	C 22/1989	Permanent project to safeguard and enhance the quality of and to modernize the international postal service
Resolution	C 29/1989	Guidelines to be emphasized in UPU technical assistance activities
Recommendation	C 36/1989	Use of the EDIFACT electronic message rules of syntax
Recommendation	C 37/1989	Use of the UN Trade Data Elements Directory
Decision	C 48/1989	Institution of a general debate
Resolution	C 61/1989	Clearing up of accounts of all kinds in arrears
Recommendation	C 78/1989	Reserving terminal dues revenue for the purpose of improving the quality of the postal service
<b>Seoul Congress</b>		
Resolution	C 4/1994	Removal of the ban on readmission of South Africa to the Universal Postal Union
Decision	C 5/1994	Study on the possibility of creating a "Customers' Interests Committee" at the next Universal Postal Congress
Resolution	C 15/1994	Reconstitution of the CCC-UPU (Customs Co-operation Council-Universal Postal Union) Contact Committee
Resolution	C 16/1994	UPU technical assistance priorities and action principles
Resolution	C 17/1994	Quality of Service Programme – 1995–1999
Decision	C 18/1994	Number of geographical groups for the distribution of Council of Administration seats
Resolution	C 19/1994	Distribution of Council of Administration seats
Resolution	C 20/1994	Reconstitution of the Publishers-UPU Contact Committee
Resolution	C 21/1994	Strengthening UPU presence in the field
Resolution	C 22/1994	Financing of UPU technical assistance activities
Resolution	C 27/1994	UPU activities in the field of EDI 1995–1999
Recommendation	C 28/1994	Council of Administration and Postal Operations Council – Committee structure
Resolution	C 29/1994	Notification to the International Bureau of information from member countries concerning the designation of the entity or entities to be responsible for fulfilling obligations arising from adherence to the Convention and Agreements and notification of the separation of governmental activities from operational and commercial activities in the case of those countries which apply this separation to postal services
Resolution	C 30/1994	Composition of the Postal Operations Council
Resolution	C 41/1994	Immediate application of the provisions adopted by Congress concerning the Council of Administration (CA) and the Postal Operations Council (POC)
Resolution	C 46/1994	Strategic planning and programme budgeting – roles and responsibilities
Decision	C 54/1994	Entry into force of the Acts of the 1994 Seoul Congress
Resolution	C 55/1994	Postal relations on the Korean peninsula
Decision	C 56/1994	Relations with the United Nations and other international organizations
Decision	C 57/1994	Implementation by the specialized agencies of the Declaration on the Granting of Independence to Colonial Countries and Peoples
Recommendation	C 58/1994	Organization of UPU conferences and meetings
Resolution	C 59/1994	Continuation after the Seoul Congress of the study on improving the management of the Union's work

## List of Congress decisions (Paris 1947 to Seoul 1994)

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Type and number of decision	Title	
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Resolution	C 64/1994	UPU action for the least developed countries (LDCs)
Decision	C 69/1994	Draft 1995–1999 study programme
Resolution	C 70/1994	Draft 1995–1999 study programme
Resolution	C 71/1994	Reconstitution of the Private Operators–UPU Contact Committee
Resolution	C 73/1994	Coordination Committee for the Permanent Bodies of the Union
Resolution	C 74/1994	Efficiency of translation services within the Union
Resolution	C 75/1994	Institutionalization of a high-level meeting between Congresses
Resolution	C 76/1994	UPU Strategic Plan, Operational Plan and financial plan
Decision	C 77/1994	Study on the Union's language system
Resolution	C 78/1994	Information management as a UPU strategic activity
Resolution	C 79/1994	Development of human resources and training
Resolution	C 80/1994	PDAG work plan 1995–1999
Resolution	C 81/1994	Establishment of an institute of higher postal studies under UPU auspices
Decision	C 88/1994	Financing Union activities
Decision	C 89/1994	Proposals referred to the CA and POC
Decision	C 90/1994	Billing date for contributions
Resolution	C 91/1994	Financing the priority activities of the Union
Decision	C 92/1994	Election of the Director-General and Deputy Director-General of the International Bureau of the Universal Postal Union
Decision	C 93/1994	Venue of the 22nd Universal Postal Congress
Resolution	C 95/1994	Seoul Postal Strategy
Resolution	C 96/1994	Principle of zero real growth in budget matters

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