

UNIVERSAL POSTAL UNION

CONSTITUTION

GENERAL REGULATIONS

RESOLUTIONS AND DECISIONS
RULES OF PROCEDURE
LEGAL STATUS OF THE UPU

VALID AT THE TIME OF ENTRY INTO FORCE OF THE ACTS OF THE 1989 WASHINGTON CONGRESS AND ANNOTATED BY THE INTERNATIONAL BUREAU

VOLUME 1 OF THE ANNOTATED CODE

BERNE 1991

INTERNATIONAL BUREAU OF THE UNIVERSAL POSTAL UNION

Note on the printing of the Annotated Acts of the 20th Congress, Washington 1989

The boldface type in the texts indicates amendments (alterations, additions or deletions of words, passages, figures, signs, etc) to the 1984 Hamburg Congress Acts.
However, as the Postal Financial Services Acts were extensively recast, it was considered preferable in volume 4 not to indicate amendments to the text of the 1984 Hamburg Congress Acts in boldface type.
The forms are all printed in ordinary type.

CONTENTS

	Page
Foreword	V
The Universal Postal Union. Its creation and development	VII
Bibliography	XXI
Abbreviations	XXVII
Constitution of the UPU	1
– Final Protocol (Vienna 1964)	63
– Additional Protocols	65
– Fourth Additional Protocol (Washington 1989) (extract)	65
Declarations made on signature of the Acts of the 1989 Washington Congress	69
General Regulations of the UPU	75
List of decisions of the 1989 Washington Congress other than those amending the Acts of the Union	139
– Text of decisions relating to the Constitution and General Regulations	146
Rules of Procedure of Congresses	189
Rules of Procedure of the Executive Council	211
Rules of Procedure of the Consultative Council for Postal Studies	229
UN–UPU Agreements	267
Legal status of the UPU	285
– On Swiss territory	285
– Outside Switzerland	303
Alphabetical index	319

FOREWORD

The annotated edition of the Acts of the Universal Postal Union, better known as the "Annotated Code", was first published in 1940 as the result of a decision by the 1939 Buenos Aires Congress. A fresh edition has appeared after each Congress since then, the annotations being carefully brought up to date and supplemented by the International Bureau. Its purpose is to make clear the scope, evolution or application of certain provisions, noting in particular the decisions made by bodies of the Union. The Annotated Code may thus be considered an official commentary; this makes it a useful tool for administrations and a valuable document for research workers who want to get beyond the legal austerity of the Acts and reach an understanding of the practice and evolution of our organization. The 20th Congress, which was held at Washington from 13 November to 14 December 1989, revised the Acts of the Union and adopted a number of decisions concerning the organization and operation of the Union as well as the various branches of the international postal service.

The main results of the 20th Congress included:

a with regard to the organization and functioning of the Union:
- *the introduction, with immediate effect, of a faster mechanism for taking decisions and measures between Congresses, by transferring legislative powers as regards the Detailed Regulations to the Executive Council, and by strengthening the role of the CCPS for setting and revising technical standards;*
- *the election of the members of the new Executive Council and of the new Consultative Council for Postal Studies;*
- *the re-election of the Director-General and the election of a new Deputy Director-General of the International Bureau;*
- *the transfer to the Director-General of the International Bureau of the remaining functions still exercised by Switzerland on behalf of the Union;*
- *replacement of the gold franc by the International Monetary Fund (IMF) Special Drawing Right (SDR) as the official currency of the UPU and as the monetary unit for settlement of international postal accounts;*

b from the postal point of view:
- *conversion of basic letter-post charges into guideline charges;*
- *adoption of a Framework Agreement for EMS, officializing and strengthening the service while retaining the flexibility required to adapt the Agreement to changing customers needs;*
- *generalization of the use of bar codes and standardized methods of identification for such purposes as tracking and tracing of items;*

- *introduction of an optional international business reply service;*
- *introduction of an international recorded delivery service;*
- *approval of separate terminal dues rates for exchanges of letters and printed papers exceeding an annual threshold of 150 tonnes and of a single combined rate for exchanges of letters and printed papers below that threshold, as well as a 12.5 percent increase in rates;*
- *approval of new statistical and accounting systems for the new terminal dues structure based on actual weights;*
- *restructuring of the Convention and its Detailed Regulations in order to incorporate provisions concerning airmail in the corresponding letter-post provisions;*
- *recasting of the Postal Financial Services Agreements and of their related Detailed Regulations;*

c *in the technical assistance field:*
- *setting of priorities and principles of action;*
- *engagement of UPU regional advisers.*

The subject of the General Debate conducted within the framework of the 20th Congress was "Caring for the customer – Commercial and operational strategies of the Post". It led to adoption of the "Washington General Action Plan" (WGAP), the primary policy and guidance document for the next five years.

Congress also adopted a permanent project to safeguard and enhance the quality of and to modernize the international postal service. The project includes the following main components: monitoring the quality of postal exchanges, transport flow studies, development of EMS, monitoring the competition and market research.

The International Bureau has kept the division of the Annotated Acts into four volumes. In the first volume, the 1964 Vienna Constitution (the only permanent Act of the Union) is given with the amendments made by subsequent Congresses. It also contains the General Regulations, the Rules of Procedure of the various bodies and texts relating to the legal status of the UPU.

The second volume contains the Convention and its Detailed Regulations, the third the Postal Parcels Agreement and its Detailed Regulations, and the fourth all the Agreements and Detailed Regulations relating to postal financial services (money orders, giro and cash-on-delivery).

To serve administrations by helping them to a better understanding of the Union and its Acts with the aid of comments based on the most reliable sources of information: such is the aim of this edition which, I have no doubt, will be as well received as previous ones.

Berne, 27 May 1991

A C BOTTO DE BARROS
Director-General
of the International Bureau

THE UNIVERSAL POSTAL UNION

Its creation and development

CONTENTS

I. Historical background
II. The foundation of the Union
III. The Acts of the Union
IV. Membership of the Union
V. Universality
VI. The legal status of the Union in Switzerland and in certain other States
VII. The operation of the Union
VIII. Technical cooperation
IX. The finances of the Union
X. Relations with the UN and other international organizations
XI. Conclusion

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 1989 Washington 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. The Acts of the Union

Under a resolution adopted by the Ottawa Congress, the Executive and Liaison Committee (ELC) (now called the Executive Council) was given precise instructions to consider a recast of the general structure of the Convention and to study a procedure for bringing the technical provisions into force which would be simpler and quicker than the traditional ratification

method. With the cooperation of several countries which were not members of the Committee, and of a Subcommittee specially set up for the purpose, the ELC submitted to the Vienna Congress a plan for dividing the Convention and its Detailed Regulations into four distinct Acts. The Vienna Congress approved the principle of such a division by a very large majority. Each of the Acts is summed up below.

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 in the narrow sense but agreements concluded at postal administration level. The 1989 Washington Congress transferred to the Executive Council the power of enacting and amending the Detailed Regulations which can, if the internal legislation of the country requires, be ratified or approved by the same procedure as the Act to which they belong.

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; it is also reproduced in this volume.

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 168 at 1 January 1991. 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 19 April 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 January 1991, 89 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

Congress, the supreme authority of the Union, 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. It is not an assembly devoted simply to discussing professional matters, but a Conference of Government plenipotentiaries whose main task is to revise the Acts of the Union. Congress has therefore essentially legislative duties. From the administrative standpoint, it appoints the members of the Executive Council and of the Consultative Council for Postal Studies, takes cognizance of the report on the work of each of these bodies, elects the Director-General and Deputy Director-General of the International Bureau, approves the Union's accounts for the years that have elapsed since the previous Congress, fixes the ceiling of the Union's annual expenditure pending the enforcement of the Acts of the following Congress, issues instructions regarding the operation of the Union's various

bodies and lays down their respective duties. Since 1964, Congress has also been dealing with technical assistance (see chapter VIII).

So far the Union has held the following twenty ordinary Congresses:

Berne	1874	Buenos Aires	1939
Paris	1878	Paris	1947
Lisbon	1885	Brussels	1952
Vienna	1891	Ottawa	1957
Washington	1897	Vienna	1964
Rome	1906	Tokyo	1969
Madrid	1920	Lausanne	1974
Stockholm	1924	Rio de Janeiro	1979
London	1929	Hamburg	1984
Cairo	1934	Washington	1989

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 (now the Executive Council); 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 fr per kg for letter-post items (not including printed papers sent in special bags) and 2 gold fr 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 fr 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 (resolution C 91/ 1989), the principal policy document of the UPU for the five years following that Congress.

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.

The *Executive Council* (EC). This body, originally called the Executive and Liaison Committee, was created by the 1947 Paris Congress. It is a permanent body, currently composed of 40 members, which normally meets once a year at the Union's headquarters. Its role is threefold: that of an administrative council responsible for ensuring the proper functioning of the Union, that of a study committee charged by Congress with carrying out a number of studies and reporting thereon to Congress for its decision and generally for amendment of the Acts of the Union and that of a legislative body empowered to enact and amend the Detailed Regulations. The functions of the Executive Council are essentially those specified in article 102 of the General Regulations.

The *Consultative Council for Postal Studies* (CCPS) has replaced, since the 1969 Tokyo Congress, the Consultative Committee for Postal Studies and its Management Council which had been set up by the 1957 Ottawa Congress. It consists of 35 members elected by Congress and it normally meets annually at Union headquarters.

Its job is to study technical, operational, economic and technical cooperation problems of interest to postal administrations and to draw up information and opinions on them. The 1989 Washington Congress also authorized it to prepare and submit, in the form of recommendations, standards in fields under its jurisdiction. The work programme of the Consultative Council for Postal Studies is laid down by Congress. However, the Executive Council

and administrations can, between Congresses, propose for its examination matters within its scope.
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. It is not qualified to intervene in relations between those administrations and their users. Although this is not the place to list all the International Bureau's functions, some of them deserve mention. The Bureau is above all a secretariat which prepares the documentation for the meetings of the Union's bodies and provides the secretariat for them. It also publishes copious documentation for the postal services of member countries.
Under article 114 of the General Regulations, the Bureau has the task, within the framework of international technical cooperation, of developing all forms of postal technical assistance.
Moreover, having a library and a film library which it is continually enlarging and modernizing, the International Bureau is in a position to offer administrations valuable sources of information, particularly in the fields of postal technology and operation. In this connection, it is gratifying to point out that the International Bureau's lending and documentation service is rapidly developing.
The International Bureau may 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. The role of arbitrator may also be performed by postal administrations, in accordance with article 127 of the General Regulations. The relatively small number of arbitrations which have taken place since the Union's inception is evidence of the excellent spirit prevailing among postal administrations. During the long period which has elapsed since 1874, only twenty-eight arbitration decisions have been given.

VIII. Technical assistance

By resolution 902 (XXXIX), of 2 August 1962, the United Nations Economic and Social Council accepted the UPU's request to participate in the United Nations Expanded Programme of Technical Assistance (EPTA) on the same footing as the UN and the other specialized agencies.
Aware of its mission in face of the myriad problems which have emerged as a result of the mass accession of new developing countries, the UPU had to

go beyond the normative framework assigned to it by tradition in order to pay special attention to the urgent needs of the young countries. As an organization participating in the United Nations Development Programme (UNDP), the UPU at the moment administers postal projects financed by the UNDP. These projects are aimed at developing and modernizing the services of postal administrations.

The aid provided by the UPU in this field takes various forms: recruiting and dispatching experts, granting vocational training or further training fellowships, supplying equipment or training and demonstration material. 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, which remains the main source of finance for postal projects, 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 multibilateral 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 (C 21/1989) aimed at creating six regional advisers' posts with effect from January 1991. These regional advisers are responsible for the following tasks, among others:

- project programming and design;
- project execution and follow-up;
- 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.

IX. 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 124 of the General Regulations. Expenditure, including that relating to Congress, the Executive Council, the Consultative Council for Postal Studies 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 Executive Council. 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.

X. Relations with the UN and other international organizations

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, which was signed on 4 July 1947, went into force 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".
At the moment, UPU cooperation with the UN and the specialized agencies mainly revolves around the joint problems which they have to solve, administrative problems of coordination mainly concerning management, finance and staff. These questions come within the purview of the Administrative Committee on Coordination (ACC) which consists of the heads of the specialized agencies under the chairmanship of the UN Secretary-General and which includes the Consultative Committee on Substantive Questions (CCSQ), which has authority in the fields of programming, operational activities and technical cooperation, and the Consultative

Committee on Administrative Questions (CCAQ), which has authority in the fields of staff, general administration, finance and budgeting.
Relations link the UPU to the International Civil Aviation Organization (ICAO), which participates in meetings of the Executive Council at which matters relating to airmail hold an important place. In this particular field, relations are also maintained with the International Air Transport Association (IATA) through the IATA–UPU Contact Committee, which also operates under the Executive Council.
The UPU has set up a working and consultative body (Publishers–UPU Contact Committee) with the following three international press and publishing organizations: International Federation of the Periodical Press (FIPP), International Federation of Newspaper Publishers (FIEJ) and the International Publishers' Association (IPA), all major customers of the Post.
A UPU–Customs Co-operation Council (CCC) Contact Committee has also been set up to seek methods of accelerating and simplifying customs formalities in the postal service.
Moreover, the UPU maintains relations with the International Organization for Standardization (ISO) to solve the question of addressing of postal items, especially the location and size of the transparent panels on envelopes, and related questions which should lead to development of an international standard for postal addresses. Cooperation in this area is also developing through an ISO–UPU Contact Committee.

XI. 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

NB. – The abbreviations listed below are normally used only in the annotations.

ACC	Administrative Committee on Coordination (UN)
Add Prot	Additional Protocol to the Constitution of the Universal Postal Union
adm(s) or administration(s)	postal administration(s)
Agr	Agreement
APPU	Asian-Pacific Postal Union
APTU	African Postal and Telecommunications Union
APU	African Postal Union
arbit	arbitration
art(s)	article(s)
asst	assistance
c	centime
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
CCSQ	Consultative Committee (of the ACC) on Substantive Questions
CEPT	European Conference of Postal and Telecommunications Administrations
cf	confer (= compare)
circ(s)	circular(s)
circ let(s)	circular letter(s)
cm	centimetre
COD	Cash-on-Delivery Agreement or Detailed Regulations
col	column
Comm	Committee
Compendium	Compendium of Information (Convention, Agreements, etc) published by the International Bureau
Conf(s)	Conference(s)
Const or Constitution	Constitution of the Universal Postal Union
Conv or Convention	Universal Postal Convention
Det Regs or RE	Detailed Regulations
dm	decimetre

Doc(s)	Document(s) (of Congresses, Conferences, Executive Council, etc)
doc	document
EC	Executive Council
ECOSOC	United Nations Economic and Social Council
eg	for example
ELC	Executive and Liaison Committee (up to 1964)
et seq	and those that follow
FAO	Food and Agriculture Organization of the United Nations
Fin Prot	Final Protocol (to the respective Act)
fr	franc
g	gramme
g c	gold centime
g fr	gold franc
Gen Ass	General Assembly
Gen Regs	General Regulations
Gen Rev	General Revision of the 1957 Ottawa Convention
Giro	Giro Agreement or Detailed Regulations
h	hour
IAEA	International Atomic Energy Agency
IATA	International Air Transport Association
IB	International Bureau of the Universal Postal Union
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
Ins	Insured Letters Agreement or Detailed Regulations (up to and including the 1974 Lausanne Agreement)
ISO	International Organization for Standardization
ITU	International Telecommunication Union
JIU	Joint Inspection Unit
Journal or Periodical	*Union Postale* (quarterly publication of the International Bureau)
kg	kilogramme
km	kilometre

lb (16 oz)	pound avoirdupois (453.59 grammes)
m	metre
max	maximum
min	minimum
mm	millimetre
mn	minute (of time)
Money Orders	Money Orders Agreement or Detailed Regulations
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 or Detailed Regulations
Periodical	*Union Postale* (quarterly publication of the International Bureau)
prop(s)	proposal(s)
Prot	Final Protocol (to the respective Act)
prov(s)	provision(s)
PTT	Posts, Telegraphs and Telephones
PUAS	Postal Union of the Americas and Spain
Rep	Report on the work of the Union (Management Report until 1952), published by the International Bureau
Rules of Proc	Rules of Procedure
SDR	Special Drawing Right
Subcomm	Subcommittee
subpara	subparagraph
SWAPU	South and West Asia Postal Union
t	tonne
TCDC	Technical Cooperation among Developing Countries
TCT	Technical Committee on Transit
t-km	tonne-kilometre or kilometric tonne (unit used in connection with conveyance)
tech asst	technical assistance
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UPA	Arab Postal Union
UPU or Union	Universal Postal Union
vol	volume

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

Constitution of the Universal Postal Union

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

Table of contents

Preamble

Section I

Organic provisions

Chapter I

General

Art
1 Scope and objectives of the Union
2 Members of the Union
3 Jurisdiction of the Union
4 Exceptional relations
5 Seat of the Union
6 Official language of the Union
7 Monetary **unit**
8 Restricted Unions. Special Agreements
9 Relations with the United Nations
10 Relations with international organizations

Chapter II

Accession or admission to the Union. Withdrawal from the Union

11 Accession or admission to the Union. Procedure
12 Withdrawal from the Union. Procedure

Chapter III
Organization of the Union

13 Bodies of the Union
14 Congress
15 Extraordinary Congresses
16 Administrative Conferences (deleted)
17 Executive Council
18 Consultative Council for Postal Studies
19 Special Committees (deleted)
20 International Bureau

Chapter IV
Finances of the Union

21 Expenditure of the Union. Contributions of member countries

Section II
Acts of the Union

Chapter I
General

22 Acts of the Union
23 Application of the Acts of the Union to territories for whose international relations a member country is responsible
24 National legislation

Chapter II
Acceptance and denunciation of the Acts of the Union

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

26 Notification of ratifications and other forms of approval of the Acts of the Union
27 Accession to the Agreements
28 Denunciation of an Agreement

Chapter III

Amendment of the Acts of the Union

29 Presentation of proposals
30 Amendment of the Constitution
31 Amendment of the General Regulations, the Convention and the Agreements

Chapter IV

Settlement of disputes

32 Arbitration

Section III

Final provisions

33 Coming into operation and duration of the Constitution

Final Protocol to the Constitution of the Universal Postal Union

Sole article Accession to the Constitution

Constitution of the Universal Postal Union (1) (2) (3)

1) 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. This splitting up of the "old style" Conv is one of the chief results of the Gen Rev of the Conv which was decided upon at the 1957 Ottawa Congress, and the preliminary work which was entrusted to the expanded ELC. The docs concerning this Revision are contained in Gen Rev docs, 1959 and 1960. For the discussion about the splitting up of the Conv at the 1964 Vienna Congress, see II 95–131 and 635–639, Doc 1 and props 1000 and 1001 (cf also art 25, note 1).

2) The present Const contains the amendments made by the 1969 Tokyo, 1974 Lausanne, 1984 Hamburg and 1989 Washington 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, and 1989 Washington Congress, III/1 27–32.

3) 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 (1) (2)

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 (3),

the plenipotentiaries of the Governments of the contracting countries have, subject to ratification (4), adopted this Constitution.

1) 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, and forms an integral part of the treaty.

2) The preamble to the Conv (Ottawa 1957), as well as those to previous Convs and Agrs, confined itself to a list of the contracting countries. However, this soon became obsolete owing to new admissions, changes in the names of countries, etc. On the occasion of the Gen Rev of the Conv, it was therefore considered advisable to omit the list, whose out-of-dateness would have been emphasized by the permanent nature of the Const. For this reason the 1964 Vienna Congress adopted the prop of the expanded ELC that the list of contracting countries should be

omitted in the preambles to all the Acts of the UPU, and drew up the present preamble which gives the Const the same presentation as treaties of similar scope. For the discussions on this preamble, see 1964 Vienna Congress, II 386 (Doc 67), 686 and 864–869.
The List of Member Countries of the Union will henceforth be drawn up by the IB, in accordance with the Gen Regs, art 112.

3) This preamble is a solemn statement of the purpose and aims of the UPU. These aims are also defined in art 1.

4) See art 25, notes 3, 4 and 5.

Section I

Organic provisions

Chapter I

General

Article 1
Scope and objectives of the Union

1 The countries (1) adopting this Constitution shall comprise, under the title of the Universal Postal Union, a single postal territory (2) for the reciprocal exchange of letter-post items. (3) Freedom of transit shall be guaranteed throughout the entire territory of the Union. (4)

2 The aim (5) 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. (6)

3 The Union shall take part, as far as possible, in postal technical assistance sought by its member countries. (7) (8)

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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 (1874 Treaty of Berne, art 17). 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.

2) 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 (see 1934 Cairo Congress, II 597 and 598), 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. From the concept of "a single postal territory", derives, inter alia, the theory which aims at equivalent rates in all member countries. 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 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 notes).

3) The 1964 Vienna Congress substituted the phrase "envois de la poste aux lettres" ("letter-post items") for the term "correspondances" ("correspondence") which previously appeared in the Conv (Ottawa 1957), art 1, para 1. This substitution raised some problems, because there was disagreement over the definition of the old term "correspondence". According to one view, it was the equivalent of the phrase "objets de correspondance" ("articles of correspondence"), which was replaced at the same Congress by "envois de la poste aux lettres" ("letter-post items") and which corresponds to the definition given in the Conv, art 19. Another view, however, was that it applied to all postal items whose international exchange is regulated by the Acts of the UPU (see definitions of this phrase in the Multilingual Vocabulary of the international postal service). Eventually the first interpretation prevailed (1964 Vienna Congress, II 872, prop 1507).

4) 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 (II 873 and 874). 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 (see also arbit, 1913 Rep, pp 10 and 11, and IB opinion, 1970 Rep, pp 84 and 85).
For the practical application of freedom of transit, see Conv, art 1, and the relevant notes.

5) The objectives of the Union also follow from the preamble.

6) The words "and to promote in this sphere the development of international collaboration" were added at the 1947 Paris Congress.

7) This prov is the result of prop 1512 submitted by the ELC to the 1964 Vienna Congress. In the Const, the principle of tech asst has been framed in general terms so as to allow the executive bodies the necessary flexibility in the future use of all forms of asst. In addition, props 2019 and 2037, submitted by the ELC to the same Congress, have supplemented the provs of Gen Regs, arts 102 and 114 (see 1964 Vienna Congress, II 877–885, Doc 6).
The additions thus made to the Acts of the UPU testify to the interest always shown by the former ELC in the expansion of the Union's tech asst activities. Of particular importance in this respect was its setting up in 1959 of a Subcomm for the development of direct tech asst between adms.

The Subcomm's responsibilities were later extended to include multilateral technical cooperation (see Summary Records, 1959 session, p 17, and 1960 session, p 16). Subsequently, the EC appointed, to deal with the increased work in this field, a Technical Cooperation Comm which started to operate in 1970.

Direct tech asst granted to each other by member countries of the UPU is very important and includes asst 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 Gen Ass, 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).

EPTA was set up under resolution 222 (IX) (15 August 1949) of the United Nations Economic and Social Council (ECOSOC) and resolution 304 (IV) (16 November 1949) of the UN Gen Ass, with a view to the economic development of insufficiently developed countries by means of an increase in the international exchange of technical knowledge. Although its value in this latter field was clearly recognized, it became apparent that a separate fund would have to be devoted to relatively large-scale projects which would play the greatest possible role in the economic, social and technical development of less developed countries, particularly in promoting the investment of fresh capital. Thus, on 14 October 1958, the UN Special Fund came into being under resolution 1240 (XIII) of the UN Gen Ass.

By its resolution 2688 (XXV) of 11 December 1970, the UN Gen Ass laid down the main foundations of radical changes in the UNDP, aimed at improving and increasing its asst capacity and that of the organizations participating in the Programme. Country programming harmonized with national development plans and objectives was instituted, under which tech asst projects in different economic fields are integrated; the powers of UNDP Resident Representatives in regard to programming and implementation are strengthened and the amalgamation of the UNDP Technical Assistance and Special Fund Components has been put into effect.

Tech asst 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 Governing Council of the UNDP – an intergovernmental body with 48 members – defines and directs the general policy of the Programme as a whole. It examines and approves the planning of global resources, national and multinational programmes and certain projects; in addition it supervises the operations and the results of the Programme.

The UPU became a participating organization in EPTA/UNDP by virtue of ECOSOC resolution 902 (XXXIV) of 2 August 1962. However, its multilateral tech asst activities under the aegis of the UN actually began 10 years before by the provision of asst 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, following resolution CE 2/1966, it concluded an agreement with the UNDP on the implementation of Special Fund Component projects.

The UPU has also made an active contribution to the preparation and the implementation of the Second UN Development Decade (1971–1980), proclaimed by resolution 2626 (XXV) of the UN Gen Ass at the session marking the 25th anniversary of the UN on 24 October 1970, in cooperation with the other bodies of the UN system. In its resolution C 9/1969, the 1969 Tokyo Congress gave its support to this cooperation, requesting the IB to continue it and to seize every favourable opportunity to call attention to the leading role which the Post could play in countries' economic and social development.

In the same resolution it appealed to member countries of the Union to help in speeding up the development of postal and financial services by means of plans drawn up in the light of the targets set for the Second Decade.

Preparatory work relating to examination of the repercussions in the postal field of the objectives and international strategy for the Second Decade have enabled the UPU to work out the following four objectives in the postal and financial services fields:

i one post office to serve on the average either an area of 20 to 40 km² or 3000 to 6000 inhabitants, as the case may be;
ii the delivery of priority items the day after posting, within a radius of 500 km;
iii a gradual increase, in the international service, of the percentage of parcels conveyed by airmail, up to 30 percent of the total number of parcels;
iv the general installation of postal financial services (savings bank, giro and savings certificates) so as to bring up to 5 or even 10 percent the ratio between the assets of these services and the gross domestic product (GDP).

In the light of the efforts made and the results obtained, the 1974 Lausanne Congress, in resolution C 78/1974, laid down six priority fields of action in order to step up UPU participation in the work of the Second Decade. The 1979 Rio de Janeiro Congress adopted resolution C 37/1979 specifying four priority areas of action within the general context of the new international economic order (NIEO). That Congress also decided to increase the volume of aid available (resolution C 38/1979), to promote technical cooperation among developing countries (resolution C 66/1979) and to further develop cooperation between the UPU and the Restricted Unions in tech asst matters (resolutions C 79/1979 and C 90/1979).

Since 1981, the UPU's general policy in regard to tech asst has developed within the framework of the International Development Strategy for the Third United Nations Development Decade (1981–1990). This strategy, adopted by resolution 35/56 of the UN Gen Ass on 5 December 1980, set the following principal targets:

- acceleration of the development of the least developed countries and of other disadvantaged countries (landlocked or island developing countries and countries severely affected by the economic crisis or by natural disasters);
- implementation of the 1979 Vienna Programme of Action for Science and Technology for Development;
- promotion of economic and technical cooperation among developing countries;
- support of the international community for regional cooperation, particularly as regards the implementation of the United Nations Transport and Communications Decade in Africa, 1978–1988.

The UPU also supports achievement of the objectives of the Transport and Communications Decade for Asia and the Pacific (1985–1994) and is participating actively in the preparation of the Second Transport and Communications Decade in Africa (1990–2000).

By resolution C 38/1984, the 1984 Hamburg Congress established priorities specific to each region receiving postal tech asst and five priority fields of action at world level. That Congress aimed at obtaining an increase in the UPU budgetary credits allocated to tech asst (resolution C 37/1984), continuing efforts to promote the strengthening of technical cooperation among developing countries (resolution C 67/1984), adopting a special programme for the least developed countries (resolution C 66/1984) and implementing a specific tech asst action with regard to international payments (recommendation C 23/1984).

For its part, the 1989 Washington Congress adopted six resolutions and one doc dealing with:

- UPU tech asst priorities and principles (resolution C 6/1989);
- financing UPU tech asst activities (resolution C 7/1989);
- technical cooperation among developing countries (resolution C 20/1989);
- increased UPU presence in the field in the area of tech asst (resolution C 21/1989);
- UPU action on behalf of the least developed countries (LDCs) (resolution C 28/1989);
- guidelines to be emphasized in UPU tech asst activities (resolution C 29/1989);
- human resources and training (Congress – Doc 54).

Congress also decided to strengthen and develop technical cooperation thereby assisting adms to implement the Washington General Action Plan (WGAP), adopted following the General Debate on the topic "Caring for the customer – Commercial and operational strategies of the Post" (Congress – Doc 70 and resolution C 91/1989).

8) The idea that the UNDP should remain the principal source of finance for tech asst activities was retained in Tokyo Congress resolution C 6/1969, in Lausanne Congress resolution C 80/1974, in Rio de Janeiro resolution C 38/1979 and in Hamburg Congress resolution C 37/1984, as well as in Washington Congress resolution C 7/1989. Nevertheless, these five Congresses recognized the need to increase the available resources of the UPU Special Fund in order to supplement the aid which could be obtained from multilateral tech asst bodies.

Operational activities have gained a new dimension since the 1969 Tokyo Congress, mainly because there has been an effective start on the training centres, multinational or national, set up with the financial help of the UNDP.
In the training of teachers, mention should be made of the success achieved by the courses organized in London and Paris, in which Fellows of the UNDP, bilateral tech asst and the UPU Special Fund take part. Because of the magnitude of needs in this area, postal instructors for the national schools are being trained at developing-region level; this activity very successfully supplements the teacher-training programme organized in France and Great Britain.
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 asst. Similarly, to heighten political authorities' awareness of major problems, the UPU organizes confs for Ministers and symposia for Directors-General responsible for the postal services.
The 1969 Tokyo Congress considered that there should be six allrounders, competent in development matters, who could carry out missions in training and operations.
However, 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 adms in order to undertake highly specialized technical work in countries so desiring.
By resolution C 38/1979, the 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. With regard to consultants' missions, mention should be made of the substantial financial contributions made by the adms which second their specialists for this purpose and continue to pay their salaries throughout the period of the missions.
Since 1981, two funding sources (UPU budget and UPU Special Fund) have been used to finance the programme of tech asst under the UPU's own resources, which helps to make up for the insufficiency of UNDP aid.

Article 2
Members of the Union (1) (2) (3)

Member countries of the Union shall be:

a countries which have membership status at the date on which the Constitution comes into force; (4) (5) (6) (7) (8)

b countries admitted to membership in accordance with article 11. (9)

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1) 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 (on this subject see note 2 to the preamble). The expanded ELC 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 (1964 Vienna Congress, II 104).

2) The General Postal Union set up in Berne by the Treaty of 9 October 1874 had 22 Member States and quasi-States: Austria, Belgium, Denmark, Egypt, France, Germany, Great Britain, Greece, Hungary, Italy, Luxembourg, Netherlands, Norway, Portugal, Romania, Russia, Serbia, Spain, Sweden, Switzerland, Turkey and the United States of America.
The List of Member Countries of the Union is now drawn up by the IB in accordance with Gen Regs, art 112.

3) 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 expanded ELC 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. However, in conformity with the prevailing practice in treaty law, Congress laid down in the sole art of the Prot to the Const that member countries admitted before 1 January 1966, but not having signed the Const, could accede to it at any time. 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, note 5). At the time of the Gen Rev of the Conv, it was feared that insistence upon precise formalities with regard to the Acts would alter the previous practice and have awkward consequences for certain member countries (Doc Gen Rev Conv 1959, p 202).

4) 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, note 1).
The only territories still enjoying this position at the time when the 1989 Washington 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.

The detailed composition of these collective members generally appears in the notification of ratification or accession of the whole of the group concerned; this is published by the IB in a circ at the same time as the ratification or approval of the Acts of a Congress, as well as in an annex to the Rep and in the various Compendia mentioned in the Conv, Det Regs, art 111.

5) The problem of the representation of non-self-governing territories has been of concern to the UPU since the first years of its existence, and has been discussed at length at nearly all the Congresses. The reports on these discussions may be found in the following docs:
1876 Berne Conf, pp 40 and 47–50;
1878 Paris Congress, pp 397, 398, 508 and 509;
1885 Lisbon Congress, II 59, 60, 65, 71–73, 95–99 and 377;
1891 Vienna Congress, pp 381–383, 419, 731 and 732;
1897 Washington Congress, pp 435–437 and 715;
1906 Rome Congress, II 197–203, 252, 561–564, 589–595, 634 and 635;
1920 Madrid Congress, II 217–221 and 786–790;
1924 Stockholm Congress, II 204–218, 270, 665 and 705–707;
1929 London Congress, I 21, 1372–1376 and 1378–1380, II 136–140, 149–154, 565 and 566;
1934 Cairo Congress, I 1266; II 192–213, 544, 545, 596, 601–606 and 623;
1939 Buenos Aires Congress, II 43–54, 250 and 251, 520 and 521;
1947 Paris Congress, II 277–294;
1952 Brussels Congress, II 327 and 328, 454–456 and 462–465;
1957 Ottawa Congress, II 317–321 and 323;
1964 Vienna Congress, II 917–926;
1974 Lausanne Congress, II 1226–1230;
1979 Rio de Janeiro Congress, II 1352–1354 and 1356–1368.
The member-country status of these territories or groups of territories was disputed at several Congresses. Formal props aimed at abolishing this practice were submitted to the 1947 Paris Congress, props 5 and 708 (II 107, 234 and 277–296); to the 1964 Vienna Congress (II 917, props 1587, 1597, 1900) and to the 1974 Lausanne Congress. The latter, in response to prop 1001.1/Rev 2, adopted resolution C 15/1974 (II 1226–1230) instructing the EC to study this problem and report to the 18th Congress (II 977).

Following this study, the EC submitted to the 1979 Rio de Janeiro Congress three solutions for changing the situation of the non-self-governing territories in the UPU (Doc 20), but the status quo was retained (see note 4).

6) At the 1947 Paris Congress, props were submitted for the creation of a category of associate members with the right of representation at Union Congresses and confs, but without voting rights. After lengthy discussion, these props were rejected (I 32–34, 38 and 39; II 68–80, 107, 108, 234–238, 277–294, 296–299, 1078–1087, props 752 and 792). Similar props were submitted to the 1964 Vienna Congress (II 917, prop 1597) and to the 1979 Rio de Janeiro Congress (II 1352–1354, 1356–1368, props 0012, 1002.1, 1003.1, 1011.91 and 1023.1).

7) Chronological note on the acquisition and loss of the status of member country of the UPU by sovereign States and colonies. The IB publishes from time to time an "Aide-mémoire" which can be obtained from its documentation service.

8) The territories and groups of territories with the status of member countries have generally signed and ratified the Acts independently of the mother country.

9) This prov concerns countries admitted to the Union or acceding to it after the coming into force of the 1964 Vienna Const.

Article 3
Jurisdiction of the Union (Const 2 and 23) (1)

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; (2)

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. (3)

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1) 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. Furthermore, this art was originally concerned only with offices and territories falling under b and c; it was the 1964 Vienna Congress which decided to include the whole of the jurisdiction of the Union in this art (II 960, prop 1524).

2) As there are virtually no more post offices established by member countries on the territory of another country, the abolition of this prov was proposed. It was finally retained, but the Hamburg Congress, by its decision C 72/1984 (II 335–339, prop 1003.1), 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.

3) The territories in question were formerly mentioned in the Conv or its Det Regs (see Genesis of the Acts of the UPU–R 112.21). The 1947 Paris Congress decided not to continue listing in this art the territories mentioned under art 10, b to g, of the Conv (Buenos Aires 1939), but to leave to the IB the task of including them either in a note to that art or in an annex (1947 Paris Congress, II 299, 300 and 1108). Such territories are mentioned in an annex to the Rep entitled "Membership of the Union". They consist mainly of Andorra and UN trust territories the administration of which has been entrusted to UPU member countries.
It should be noted that this 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 (1)

Postal administrations which provide a service with territories not included in the Union (2) are bound to act as intermediaries for other administrations. (3) (4) The provisions of the Convention and its Detailed Regulations shall be applicable to such exceptional relations. (5)

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1) 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 but which maintain postal relations with a member country on the basis of a bilateral Agr.

2) The phrase "Postal administrations which provide a service with territories not included in the Union..." was introduced by the 1929 London Congress on the prop of the 1928 Paris Preparatory Comm (I 2, 19 and 21, II 651). The corresponding art of the Conv (Stockholm 1924) (II 168 and 846) reads as follows: "Administrations of the Union which maintain relations with countries outside it are bound, etc", which seems to correspond better to the idea underlying this art.

3) A similar principle is applied in the parcels service (see Parcels, art 58).

4) The obligation to act as intermediaries for the adms of other member countries was however withdrawn by the 1924 Stockholm Congress in respect of the money order service (I 336, Belgium; see Money Orders, art 13, para 2) and the giro service (II 826; see Giro, art 17, para 2).

5) As there was a risk that this 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 in reply to the question of a delegation 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" (II 136).

Article 5
Seat of the Union (1)

The seat of the Union and of its permanent organs (2) shall be at Berne. (3) (4)

1) The seat of the Union refers to the place considered as the centre of activities of the UPU.

2) For the "permanent organs", see notes to art 13.

3) The 1874 Berne Congress instructed the Swiss adm to establish the IB (Docs of that Congress, p 82) and to that end invested it with supervisory authority over the latter (see notes on art 20). The question whether the headquarters should remain at Berne was raised at the 1947 Paris Congress (II 955–960).

4) 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 vol under "Legal status of the UPU" (see note 1, p 285). For the legal status of the Union outside Switzerland, see note 1, p 303.

Article 6
Official language of the Union (Gen Regs 107)

The official language of the Union shall be French. (1) (2)

1) **Background to the 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 IB. 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 IB. 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 Proc provided, in exceptional cases, for the possibility of delegations using interpreters designated by themselves to speak in French on their behalf (1920 Madrid Congress, II 326, 796 and 797; 1924 Stockholm Congress, II 28–31, 310 and 311; 1934 Cairo Congress, II 16–18, 33, 72 and 176; 1939 Buenos Aires Congress, I 1 and 60, II 21 (art 9), 35 and 56; 1947 Paris Congress, II 42 (art 10), 109–112 and 300–317). 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 props in French or in one of the other admissible languages (see II 270 and 271, prop by Portugal). As from this Congress it was judged advisable, in view of the measures necessary before confs to ensure the smooth working of the new system (installing technical equipment, engaging highly qualified interpreters, etc), to insert into the actual Conv binding provs 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, including the ELC (see Rules of Proc of Congresses, art 7 (Ottawa 1957) and art 12 (Vienna 1964)). At present these provs appear in the Gen Regs, art 107, paras 9 to 12 (see Rules of Proc, EC, art 17 and Rules of Proc, CCPS, art 13).
The question of the languages to be used for the Acts and documentation of the Union was the subject of various props at the 1947 Paris Congress, the 1952 Brussels Congress and the 1957 Ottawa Congress. These props were not adopted (Paris 1947, II 109–112 and 300–317, props 724 and 758; Brussels 1952, II 328 and 329, prop 1293; Ottawa 1957, II 325–330, 332–338, 1115 and 1122, props 373 and 697, Docs 16, 18 and 103). At the 1964 Vienna Congress, various props were submitted with a view to radically changing the UPU's language system (props 1518, 1589, 1592, 1593, 1599 and 2030). These props were supplemented by various docs (Docs 11, 20, 38, 46/Rev and 84 and Add). This subject was debated at great length in

Comm 4 (II 927–959 and 981–988). Finally Congress 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 Gen Regs, art 107 (see relevant notes), 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 Gen Regs, art 107.
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 Gen Regs, art 107, paras 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.

2) This basic prov applies in so far as art 107 of the Gen Regs constitutes no derogation therefrom. Consequently, French is the working language of the IB and the language used for contacts between the various adms, unless the latter agree to correspond in a different language (see Gen Regs, art 107, para 13).

Article 7
Monetary **unit** (Conv 9 and 13, Conv, Det Regs 103 and 104)

The monetary unit **used** in the Acts of the Union shall be the **accounting unit of the International Monetary Fund (IMF).** (1)

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1) 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. However, props to change the monetary standard of the Union or to amend art 7 were rejected at both the 1979 Rio de Janeiro and 1984 Hamburg Congresses (see 1979 Rio de Janeiro Congress, II 1088, 1265–1270 and 1277–1286; 1984 Hamburg Congress, II 272–275).
The 1989 Washington Congress abolished the g fr and replaced it with the IMF accounting unit (II Congress/C 3 – PV 3). That decision was not only consistent with the wishes of the great majority of Union member countries, but corresponded to a fact widely observed in most of the adms. Only a few adms still use the g fr for preparing accounts, the totals of which are then converted into SDR for settlement.
Introduction of the SDR into the Acts of the Union shortens the text of the provs and simplifies the procedures for settlement of accounts.

Article 8
Restricted Unions. (1) Special Agreements (2) (Gen Regs 116)

1 Member countries, or their postal administrations if the legislation of those countries so permits, may establish Restricted Unions (3) (4) 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. (5) (6) (7)

2 Restricted Unions may send observers to Congresses, Conferences and meetings of the Union, to the Executive Council and to the Consultative Council for Postal Studies. (8) (9)

3 The Union may send observers to Congresses, Conferences and meetings of Restricted Unions. (10)

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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.

2) 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.

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

i The Conference of Posts and Telecommunications Administrations of Central Africa (CAPTAC) founded at Brazzaville on 26 October 1984. Its Convention was signed by the following countries: People's Republic of Angola, Republic of Burundi, Republic of Cameroon, Central African Republic, Republic of Chad, People's Republic of the Congo, Republic of Equatorial Guinea, Gabonese Republic, Rwandese Republic, Democratic Republic of Sao Tomé and Principe and Republic of Zaire.
The Secretariat-General of CAPTAC is at Yaoundé (Cameroon).

ii The European Conference of Postal and Telecommunications Administrations (CEPT) grouping the following adms: Austria, Belgium, Bulgaria (People's Rep), Cyprus, Czech and Slovak Fed Rep, Denmark, Finland, France, Germany, United Kingdom of Great Britain and Northern Ireland, Greece, Hungary (Rep), Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland (Rep), Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, Vatican and Yugoslavia.
Formed on 26 June 1959 at Montreux, this Conf did not initially consider itself a Restricted Union within the meaning of the present art 8. It turned itself into a Restricted Union by a resolution adopted at Lugano on 4 July 1969 (circ 138/1969).
The CEPT is managed by one of the member adms in rotation. In addition, there is a liaison office at Berne which handles the organization's day-to-day business.

iii The African Posts and Telecommunications Union (APTU). Set up on 24 October 1975, this Restricted Union succeeds the African and Malagasy Postal and Telecommunications Union (AMPTU) which had been set up on 8 September 1961 (circ 72/1962). It is composed of the following countries: Republic of Benin, Burkina Faso, Central African Republic, Republic of Chad, People's Republic of the Congo, Republic of Côte d'Ivoire, Republic of Mali, Islamic Republic of Mauritania, Republic of the Niger, Rwandese Republic, Republic of Senegal and Togolese Republic.
The headquarters of this Union are at Brazzaville (People's Rep of the Congo).

iv The Arab Postal Union (UPA), created in 1952. Since 1989, all activities of this Union are the responsibility of the General Secretariat of the League of Arab States, whose permanent headquarters are in Cairo (Egypt).

v The Postal Union of the Americas, Spain and Portugal (PUASP), composed of the following 25 countries: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras (Rep), Mexico, Nicaragua, Panama (Rep), Paraguay, Peru, Portugal, Spain, Suriname, United States of America, Uruguay and Venezuela.
Although historically its beginnings go back to the Convention signed at Bogotá between Colombia, Venezuela and Ecuador in 1838, the PUASP originated in the South American Postal Union, founded at Montevideo in 1911. In 1921 it was expanded at Buenos Aires into the Pan–American Postal Union, and, as a result of the admission of Spain in 1923, Canada in 1931 and Portugal in 1991, it adopted its present title in January 1991 (Journal 1938, pp 319–325 and 388–396, circ 338/1989). The Union is presently governed by the Constitution adopted at Santiago de Chile in 1971 and amended by the 1976 Lima, 1981 Managua and 1985 Havana Congresses, as well as by the General Regulations and the Congress resolutions.
The Secretariat-General is at Montevideo (Uruguay).

vi The African Postal Union (APU), composed of the Republic of Burundi, the Arab Republic of Egypt, the Republic of Ghana, the Republic of Guinea, the Republic of Guinea-Bissau, the Republic of Liberia, the Libyan Arab Jamahiriya, the Republic of Mali, the Islamic Republic of Mauritania, the Democratic Republic of Somalia, the Democratic Republic of the Sudan and the Republic of Zaire. It was set up at Tangier on 2 December 1961.
The Union is at present governed by the Convention, adopted at Cairo on 14 April 1969 and put into force on 1 April 1970. Its permanent Bureau is at Cairo (Egypt).

vii The Asian–Pacific Postal Union (APPU) comprising Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, China (People's Rep), Korea (Rep), India, Indonesia, Japan, Lao People's Dem Rep, Malaysia, Maldives, Nauru, Nepal, New Zealand, Pakistan, Papua New Guinea, the Philippines, Singapore, Sri Lanka, Thailand and Viet Nam.
The basic Convention was signed on 23 January 1961 at Manila (circ 63/1962). It was revised at Kyoto on 17 November 1970, at Melbourne on 27 November 1975 and at Yogyakarta on 27 March 1981. The Convention revised in 1981 took effect on 1 July 1982.
The headquarters are at Manila (Philippines).

viii The Pan African Postal Union (PAPU), founded in 1980 on the initiative of the Organization of African Unity (OAU). The Convention establishing this Union was signed by the following countries: People's Democratic Republic of Algeria, People's Republic of Angola, Republic of Benin, Republic of Botswana, Burkina Faso, Republic of Burundi, Republic of Cameroon, Central African Republic, Republic of Chad, Federal and Islamic Republic of the Comoros, People's Republic of the Congo, Republic of Côte d'Ivoire, Arab Republic of Egypt, Republic of Equatorial Guinea, Democratic People's Republic of Ethiopia, Gabonese Republic, Gambia, Republic of Ghana, Republic of Guinea, Republic of Kenya, Republic of Liberia, Libyan Arab Jamahiriya, Democratic Republic of Madagascar, Malawi, Republic of Mali, Kingdom of Morocco, People's Republic of Mozambique, Republic of the Niger, Federal Republic of Nigeria, Republic of Senegal, Republic of Sierra Leone, Somali Democratic Republic, Republic of the Sudan, Kingdom of Swaziland, United Republic of Tanzania, Togolese Republic, Tunisian Republic, Uganda, Republic of Zambia and Republic of Zimbabwe.
Its headquarters are at Arusha (United Rep of Tanzania).

ix The Nordic Postal Union (UPPN) (Denmark, Finland, Iceland, Norway, Sweden). Initially there were only bilateral Agrs between these States. A collective Agr has linked Denmark, Norway and Sweden since 1919, and Finland and Iceland have belonged to it since 1934. This was revised in 1946 and as a result the formal title "Nordic Postal Union" appeared for the first time in the text of the Agr. The last revision went into force on 1 January 1981 (circ 197/1981).
Each of the adms of this Restricted Union acts as managing adm in rotation.

x The South and West Asia Postal Union (SWAPU), comprising three member countries (the Islamic Republic of Iran, Pakistan and Turkey), was reactivated and a new Constitution concluded at Ankara on 12 March 1988.
The headquarters of this Union are at Teheran (Islamic Rep of Iran).

4) 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 Organization of Cooperation of Socialist countries for Posts and Telecommunications and the Conference of Postal and Telecommunications Administrations of the States of West Africa (CAPTEAO).
In addition, some mother-countries apply in relations with their overseas territories a system of concessions (reduced charges, etc) similar to that covered by art 8.

5) For the measures taken to ensure observance of this prov, see Gen Regs, art 116.

6) 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 by one of the following clauses: "unless the administrations concerned arrange otherwise by direct agreement" (Conv, art 11, para 2); "Postal administrations may come to an understanding" (Gen Regs, art 107, para 13; Conv, art 68, para 8); "in the absence of special agreement" (Conv, arts 31, para 2, and 80, para 4) (1939 Buenos Aires Congress, I 53, prop 7).

7) In particular, countries can agree on reduction of charges and transit charges (1920 Madrid Congress, II 215).

8) 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 (1952 Brussels Congress, II 335), and later to the CCPS when that body was set up (1957 Ottawa Congress, II 749).
Subsequently, the 1964 Vienna Congress decided that observers from Restricted Unions might also attend Congress Comm meetings (II 574). The Unions may also take part in meetings of the Comms and Working Parties of the EC and CCPS (see EC and CCPS Rules of Proc, art 3).

9) 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 adopted resolution C 90/1979 instructing 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 adopted resolution C 37/1984 laying down the priorities and principles of UPU tech asst.
The 1989 Washington Congress, in a comprehensive series of resolutions on the subject of tech asst, issued a practical definition of:
- priorities and principles of action (C 6/1989, prop 015);
- beneficiaries in order of priority (C 6/1989);
- ways and means of achieving effective tech asst, including an increased UPU presence in the field (recruitment and assignment of six regional advisers beginning in January 1991)

(resolutions C 7/1989, prop 016, C 20/1989, prop 017, C 21/1989, prop 019, C 28/1989, prop 018 and C 29/1989, prop 021).

10) This para was added by the 1964 Vienna Congress, mainly with a view to reciprocity (II 961 and 1344, prop 1528).

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. (1) (2) (3) (4) (5) (6) (7) (8) (9) (10)

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1) 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 arts 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."

2) In accordance with the provs of art 57 of the Charter, the ECOSOC decided, in 1946, to convene a Conf of Postal Experts from the member countries of the UN and the UPU with a view to preparing a draft Agr between the UN and the UPU establishing contact between the UPU, as a specialized agency, and the UN (see circ 165/1946). The Conf met at Lake Success from 10 to 18 December 1946.
The 1947 Paris Congress, having been informed of the prop to conclude the Agr with the UN (I 21 and 23–28, props 550 and 819), authorized a Comm composed of the Chairman of Congress and the Chairmen of the Comms to negotiate with the representatives of the Negotiations Comm of the UN. After a number of interviews between representatives of the two parties and lengthy discussions in Congress, in particular regarding the provs concerning the admission of countries into the Union and assistance by the Union to the UN, the Agr, substantially modified from the original draft drawn up at the 1946 Lake Success Conf, was

adopted by Congress (II 201–233, 426–443, 452–460 and 1040), and signed by its Chairman on 4 July 1947. In accordance with its art XV, the UN–UPU Agr came into force simultaneously with the Paris Conv (dated 1 July 1948), the UN Gen Ass having approved it on the recommendation of ECOSOC (doc A/347) at its second session in 1947 (resolution 124 (II)) (see circs 191 and 258/1947).

3) The Supplementary Agr to the UN–UPU Agr, which concerns only the "laissez-passer" for officials of the Union, was signed on 13 July 1949 by the Chairman of the ELC following consultation of all the member countries in accordance with the procedure laid down under the Conv, arts 28 and 29 (see Summary Record of the ELC 1949 May session, pp 6 and 7). The Supplementary Agr, having been adopted unanimously by those present and voting, was approved by the UN Gen Ass on 22 October 1949 (resolution 361 (IV)); under art II of the said Agr it came into force that same day.

4) The 1964 Vienna Congress deleted the list of Agrs in force between the UPU and the UN from this art so that the Const would not have to be amended solely in order to extend or amend the list of Agrs concluded with the UN (I 119, II 686, 963 and 1388).

5) The annotated text of the Agrs is reproduced in this vol under "UN–UPU Agreements".

6) 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 tech asst and the alignment of the conditions of service of the IB staff on the UN common system.

7) See note 7 to art 1.

8) Regarding UN participation in the work of Congress, see Gen Regs, art 101, note 4.

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

10) a **The United Nations postal administration** was created in 1951. Between the April 1948 session and that of 1951, the ELC dealt with the problems resulting from the creation of the UN adm (see Summary Records of the sessions: April 1948, p 11; October 1948, pp 11 and 12; May 1949, p 9; May 1950, p 11 and May–June 1951, p 13).
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, p 13)."
b The UN Gen Ass in turn adopted several resolutions concerning the creation of a UN adm (see resolutions: 159 (II) of 20 November 1947, 232 (III) of 8 October 1948 (1952 Brussels Congress, II 99), 342 (IV) of 20 October 1949 (ibid), 454 (V) of 16 November 1950 (see 1952 Brussels Congress Docs, II 100) and 657 (VII) dated 6 November 1952); for the other UN Docs, see A/367, A/C 5/191, A/490, A/655, A/663, A/671 rev 1, A/988 and Add 1, A/1002, A/1015, A/C 5/355, A/1155, A/1394 rev 1, A/1453, A/1507, A/2191 and Add 1, A/2237 and A/2249.

c The UN adm went into operation on 24 October 1951 in pursuance of the Postal Agr between the UN and the United States of America, concluded on 28 March 1951 (for text of Agr see Docs of 1952 Brussels Congress, II 100–102). The provs of the Agr 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.
d The 1952 Brussels Congress adopted the following resolution with regard to the UN adm (II 96–103 (Doc 15 and 15/Adds 1 and 2), pp 372–379 and 1348–1351):

"United Nations postal administration

"The 13th Congress of the Universal Postal Union,
"Having noted the letter and memorandum of the Secretary-General of the United Nations concerning the United Nations postal administration,
"1 Recognizes, as regards postal matters, the establishment of a United Nations postal administration, in conformity with the provisions of the resolution of the General Assembly of the United Nations of 16 November 1950 (454 V) and the agreement concluded between the postal administration of the United Nations and the United States of America;
"2 Notes with satisfaction that the Secretary-General is prepared to make a declaration undertaking to respect the provisions of the Convention of the Universal Postal Union as well as the Regulations applicable to the postal operations of the United Nations;
"3 Notes that the postal administration of the United Nations is an administrative unit of the United Nations Secretariat, placed under the authority of the Secretary-General, and, consequently, bears in mind that the United Nations, as regards postal and all other matters, shall be represented at the Congresses and Conferences of the Union in accordance with the provisions of article II of the Agreement concerning relations between the United Nations and the Universal Postal Union;
"4 Expresses its general agreement with the suggestion of the Administrative Committee on Coordination that the United Nations should act on behalf of the specialized agencies in respect of all subsequent postal activity;
"5 Recommends to the member countries of the Universal Postal Union that all subsequent postal activity envisaged by the United Nations or by a specialized agency be subject to consultation with the UPU through the intermediary of Congress or of the Executive and Liaison Committee and that after such consultation no agreement be concluded without a favourable recommendation by the United Nations General Assembly."
Paras 4 and 5 of the above resolution concern the regulation of the future postal activity of the UN and the specialized agencies. This question was raised by the UN ACC in its report to the ECOSOC (E/2203; see 1952 Brussels Congress Docs, II 99, Doc 15).
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 agr 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 adms in the issue of postage stamps (Conv, art 9), it

declared its confidence in the adms of the UN and Switzerland with regard to the implementation of the envisaged agr, it being understood that this agr:

- 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.
As regards the issue of special postage stamps at the request of the UN and the specialized agencies, see Conv, art 10, note 4.

Article 10
Relations with international organizations (1)

In order to secure close cooperation in the international postal sphere, the Union may collaborate with international organizations having related interests and activities. (2) (3) (4) (5) (6) (7)

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1) New art introduced by the 1964 Vienna Congress. It affirms the principle of cooperation between the UPU and international organizations other than the UN (II 963 and 964, prop 1531 Netherlands).

2) 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);
World Health Organization (WHO);
International Civil Aviation Organization (ICAO);
World Bank/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).
The Union also cooperates with some non-governmental organizations (eg IATA, ICS, ISO, CCC, ISBI (International Savings Banks Institute)).

3) 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 EC, which establishes the necessary contact through the IB. See on this point Gen Regs, art 102, para 6.17, and art 109, para 2.4. See also Gen Regs, art 102, note 23.

4) For the postal activities of the various specialized agencies, see art 9, note 10, d.

5) Relations between the UPU and the international organizations are dealt with in particular in the Rep and the Comprehensive report on the work of the EC (see Gen Regs, art 103, para 2).

6) Cooperation between the UPU and the specialized agencies also extends to activities other than postal. In particular the UPU participates in the UN ACC, which meets under the chairmanship of the Secretary-General of the UN and includes the heads of specialized agencies. With the assistance of its subsidiary organs, the ACC examines all administrative problems common to these agencies. See note on UN–UPU Agrs.

7) As regards the participation of international organizations in Congresses, see Gen Regs, art 101, note 4; for the invitation of intergovernmental organizations to Congresses, see Gen Regs, art 102, note 25, and art 5 of the Rules of Proc of Congresses.
For UPU representation at meetings of international organizations, see art 20, note 5.

Chapter II

Accession or admission to the Union. Withdrawal from the Union

Article 11
Accession or admission to the Union. Procedure (1)

1 Any member of the United Nations may accede to the Union. (2)

2 Any sovereign (3) country which is not a member of the United Nations may apply for admission as a member country of the Union. (4)

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. (5) (6) It shall be **addressed by** the Government of the **country concerned to the Director-General of the International Bureau,** (7) **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** (8) to the Governments of member countries. It shall take effect from the date of such notification. (9) (10)

1) **General.** 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 unilteral 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 (II 958, 964, 968–971 and 1360, prop 1533 ELC); in such cases no consultation takes place with member countries. This same Congress also rejected a prop to grant the possibility of unilateral accession to the UPU not only to members of the UN but to all countries, whether sovereign or not (II 964–967, prop 1583).
Moreover, the 1969 Tokyo and 1974 Lausanne Congresses also rejected various props to make it possible for any sovereign country, whether a member of the UN or not, to accede to the Union by a unilateral declaration (1969 Tokyo Congress, II 1320–1322, prop 1305; 1974 Lausanne Congress, II 1223–1226, prop 1011.3).
At the 1979 Rio de Janeiro Congress, a prop designed to reintroduce the principle of an "open Union" was withdrawn before being discussed (prop 1011.1).

2) The countries which have used the accession procedure provided for in para 1 are the following:

Country	*Date of accession*	*IB circular*
Singapore (Rep of)	8 January 1966	22/1966
Malawi	25 October 1966	226/1966
Guyana	22 March 1967	75/1967
Mauritania (Islamic Rep of)	22 March 1967	75/1967
Zambia (Rep of)	22 March 1967	75/1967
Maldives (Rep of)	15 August 1967	180/1967
Lesotho (Kingdom of)	6 September 1967	205/1967
Barbados	11 November 1967	256/1967
Botswana (Rep of)	12 January 1968	36/1968
Yemen (People's Dem Rep of)[1]	28 June 1968	126/1968
Mauritius	29 August 1969	165/1969
Swaziland (Kingdom of)	7 November 1969	217/1969
Equatorial Guinea (Rep of)	24 July 1970	148/1970
Fiji	18 June 1971	135/1971
United Arab Emirates	30 March 1973	89/1973
Bahrain (State of)	21 December 1973	276/1973
Bahamas (Commonwealth of)	24 April 1974	102/1974
Gambia	9 October 1974	205/1974
Suriname (Rep of)	20 April 1976	118/1976
Papua New Guinea	4 June 1976	154/1976
Comoros (Islamic Fed Rep of the)	29 July 1976	195/1976
Cape Verde (Rep of)	30 September 1976	251/1976
Angola (People's Rep of)	3 March 1977	47/1977
Sao Tome and Principe (Dem Rep of)	22 August 1977	196/1977
Seychelles (Rep of)	7 October 1977	235/1977
Grenada	30 January 1978	33/1978
Djibouti (Rep of)	6 June 1978	132/1978
Mozambique (People's Rep of)	11 October 1978	238/1978
Dominica (Commonwealth of)	31 January 1980	38/1980
Saint Lucia	10 July 1980	187/1980

[1] This country united with the Yemen Arab Rep on 22 May 1990

Country	*Date of accession*	*IB circular*
Saint Vincent and the Grenadines	3 February 1981	39/1981
Zimbabwe (Rep of)	31 July 1981	246/1981
Vanuatu (Rep of)	16 July 1982	152/1982
Belize	1 October 1982	199/1982
Solomon Islands	4 May 1984	106/1984
Brunei Darussalam	15 January 1985	19/1985
Saint Christopher and Nevis	11 January 1988	19/1988
Western Samoa	9 August 1989	235/1989

3) The word "sovereign" was introduced by the 1947 Paris Congress. A prop to replace the words "sovereign country" by "State" was not adopted by the 1964 Vienna Congress (II 967 and 1360, prop 1534).
As regards non-sovereign territories which are members of the UPU, see art 2, notes 4 and 5. 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.

4) The following countries have been admitted by this procedure since its adoption at the 1947 Paris Congress:

Country	*Date of admission*	*IB circular*
Sri Lanka (Dem Soc Rep of)	13 July 1949	129/1949
Myanmar	4 October 1949	177/1949
Israel	24 December 1949	223/1949
Vietnam (Soc Rep of)	20 October 1951	254/1951
Cambodia	21 December 1951	306/1951
Lao People's Dem Rep	20 May 1952	141/1952
Libyan Arab Jamahiriya (Soc People's)	4 June 1952	151/1952
Monaco (Principality of)	12 October 1955	196/1955
Sudan (Rep of the)	27 July 1956	124/1956
Nepal	11 October 1956	167/1956
Ghana (Rep of)	10 October 1957	182/1957
Malaysia	17 January 1958	22/1958
Guinea (Rep of)	6 May 1959	112/1959
Kuwait	16 February 1960	25/1960
Cameroon (Rep of)	26 July 1960	98/1960
Mali (Rep of)	21 April 1961	69/1961
Benin (Rep of)	27 April 1961	70/1961
Côte d'Ivoire (Rep of)	23 May 1961	90/1961
Niger (Rep of the)	12 June 1961	105/1961
Senegal (Rep of)	14 June 1961	106/1961
Chad (Rep of)	23 June 1961	116/1961
Central African Rep	28 June 1961	117/1961
Congo (People's Rep of the)	5 July 1961	123/1961
Nigeria (Fed Rep of)	10 July 1961	124/1961
Gabonese Rep	17 July 1961	126/1961
Madagascar (Dem Rep of)	2 November 1961	193/1961
Cyprus (Rep of)	23 November 1961	200/1961
Sierra Leone (Rep of)	29 January 1962	19/1962
Togolese Rep	21 March 1962	39/1962
Liechtenstein (Principality of)	13 April 1962	54/1962
Burkina Faso	29 March 1963	47/1963
Tanzania (United Rep of)	29 March 1963	47/1963
Burundi (Rep of)	6 April 1963	48/1963
Rwandese Rep	6 April 1963	48/1963
Trinidad and Tobago (Rep of)	15 June 1963	79/1963
Mongolian People's Rep	24 August 1963	150/1963

Country	*Date of accession*	*IB circular*
Jamaica	29 August 1963	119/1963
Uganda (Rep of)	13 February 1964	17/1964
Algeria (Democratic and Popular Rep of)	28 May 1964	59/1964
Kenya (Rep of)	27 October 1964	135/1964
Malta	21 May 1965	74/1965
Qatar (State of)	31 January 1969	25/1969
Bhutan (Kingdom of)	7 March 1969	39/1969
Nauru (Rep of)	17 April 1969	69/1969
Oman (Sultanate of)	17 August 1971	178/1971
Tonga (Kingdom of)	26 January 1972	35/1972
Bangladesh	7 February 1973	54/1973
German Dem Rep[1]	1 June 1973	135/1973
Guinea-Bissau (Rep of)[2]	30 May 1974	138/1974
Korea (Dem People's Rep of)[2]	6 June 1974	139/1974
Tuvalu	3 February 1981	39/1981
Kiribati (Rep of)	14 August 1984	171/1984

[1] This country acceded to the Fed Rep of Germany on 3 October 1990.
[2] For the admission of this country, see 1974 Lausanne Congress, II 877 et seq and 923 et seq.

This list does not include countries which, before becoming independent, already possessed the same rights and duties as member countries, pursuant to art 4 of the Conv (Ottawa 1957), and which simply submitted a declaration of continuity after attaining independence. The following countries had recourse to this procedure during the period in question: Indonesia (circ 281/1951), Morocco (circ 172/1956), Tunisia (circ 183/1956), Somalia (circ 16/1961), Congo (People's Rep) (circ 86/1961).

5) 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.

6) For the compulsory Acts, see art 22.

7) 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 EC conducted a study in 1985 (decision CE 33/1985). On the basis of the findings of that study, the 1989 Washington Congress decided to transfer that power to the Director-General of the IB (props 1011.1, 1012.1, 1023.1, 1026.1, 1033.91, 1509.2 and 1522.1).

8) See note 7 above.

9) The sentence referring to effectiveness of notification was proposed by the expanded ELC and adopted by the 1964 Vienna Congress; it merely confirms former practice.

10) For the financial obligations of new member countries, see art 21 and Gen Regs, art 124, para 7.

Article 12
Withdrawal from the Union. (1) 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 (2) and by **him** to the Governments of member countries. (3)

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**. (4) (5)

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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).
Nor is it considered a case of withdrawal when a territory which is already a full member of the UPU attains independence (see art 11, note 4).

2) Power transferred to the Director-General of the IB by the 1989 Washington Congress (see art 11, note 7).

3) Props were submitted to the 1964 Vienna Congress (prop 1540), to the 1979 Rio de Janeiro Congress (prop 1012.1) and the 1984 Hamburg Congress (prop 1012.1) to regulate the expulsion of members from the Union. They were withdrawn by their sponsors before being discussed. Moreover, a similar prop was rejected by the 1974 Lausanne Congress (II 1231–1236, prop 1012.91). However, the 1979 Rio de Janeiro Congress adopted, by a majority of the member countries present and voting, a resolution (C 6/1979) on expelling the Rep of South Africa from the UPU.
Basing itself on its status of UN member, the Rep of South Africa became a member country of the UPU again in 1981. By resolution C 7/1984, the 1984 Hamburg Congress confirmed the exclusion of the Rep of South Africa from the UPU and decided that it could not take advantage of its status as a member of the UN to obtain readmission to the Union as long as it continued to practise its policy of apartheid.

4) See note 2 above.

5) For the contributions of a member in process of withdrawal, see Gen Regs, art 124, para 7.

Chapter III

Organization of the Union

Article 13
Bodies of the Union (1)

1 The Union's bodies shall be Congress, the Executive Council, the Consultative Council for Postal Studies and the International Bureau. (2)

2 The Union's permanent bodies shall be the Executive Council, the Consultative Council for Postal Studies and the International Bureau. (3)

1) Introduced by the 1964 Vienna Congress, this art is based on the constituent Acts of the other specialized agencies. The enumeration of the bodies of the UPU in the Const has the value of a declaration of principle (II 687, 913, 972, 973 and 1363, prop 1541).

2) Prior to the 1984 Hamburg Congress, the UPU provided for the possibility of holding Administrative Confs and convening Special Comms. These two bodies were abolished at that Congress (see notes to arts 16 and 19 respectively).

3) Art 5 also contains a reference to "permanent" bodies. The phrase "permanent bodies" gave rise to prolonged discussions in the expanded ELC (see Doc Gen Rev 1960, pp 349–351, 365, 430 and 502–505). Some held the view that only the IB, whose activities are in fact continuous, 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 EC and the CCPS are constant and are maintained throughout the interval between Congresses. In accordance with art 17, it is the EC which ensures the continuity of the work of the Union between Congresses.

Article 14
Congress (Gen Regs 101 and 106)

1 Congress shall be the supreme body of the Union. (1) (2)

2 Congress shall consist of the representatives (3) of member countries.

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 EC and the CCPS. In order of importance, the Congress is the supreme body of the Union.

2) 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 reps on the work of the EC and the CCPS, fixing the annual expenditure ceiling for the next five-year period, deciding the study programme of the EC and the CCPS, considering tech asst matters, electing the Director-General and the Deputy Director-General) (see Gen Regs, art 108). 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 arbit (1964 Vienna Congress, II 874).

3) 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 (see discussion on this subject: Doc Gen Rev Conv 1960 at the expanded ELC, pp 193, 368, 582 and 583). 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, art 2.

Article 15
Extraordinary Congresses (Gen Regs 101) (1)

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. (2) (3) (4)

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1) Instructed by the 1979 Rio de Janeiro Congress to carry out a study on the advisability of retaining or deleting this art, among others (resolution C 18/1979), the EC opted for the retention of this prov (1984 Hamburg Congress, I 1020, para 51).

2) 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 (Docs of that Congress, p 30).

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

4) See Gen Regs, art 101, paras 7 and 8, for the practical organization of such Congresses.

Article 16
Administrative Conferences

(Deleted) (1)

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1) The 1984 Hamburg Congress decided to do away with the possibility of holding Administrative Confs (II 332, prop 1016.1).
It should be recalled that 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
Executive Council (Gen Regs 102) (1)

1 Between Congresses (2) the Executive Council (EC) shall ensure the continuity of the work of the Union in accordance with the provisions of the Acts of the Union. (3)

2 Members of the Executive Council shall carry out their functions in the name and in the interests of the Union. (4)

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1) This body was formerly called "Executive and Liaison Committee (ELC)"; it was created by the 1947 Paris Congress (II 377–418, 420, 421, 950–1008, 1014, 1015, 1041 and 1049). Its present title dates from the 1964 Vienna Congress (II 912, prop 1546 ELC). It is regarded as a permanent body of the Union (see art 13).

2) A new expression introduced by the 1964 Vienna Congress (II 1318, prop 1548). Like the preceding phrases "in the interval between Congresses" and "during the period which separates two successive Congresses", this 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 EC and CCPS into force as soon as it has adopted them; the most recent was Hamburg Congress resolution C 87/1984.

3) This body has a threefold role: it is an administrative council responsible for the smooth operation of the Union, in accordance with the Acts of the Union, a legislative body responsible for adopting and amending the Det Regs, and a Study Comm which is required to consider certain problems and report on them to Congress for its decision. The EC was created 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 Comms previously set up on an occasional basis for the study of special problems.

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

Article 18
Consultative Council for Postal Studies (Gen Regs 104 and 105) (1) (2)

The Consultative Council for Postal Studies (CCPS) (3) shall be entrusted with carrying out studies and giving opinions on technical, operational and economic questions concerning the postal service.

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1) Art amended at the 1969 Tokyo Congress to take account of the replacement of the Consultative Comm for Postal Studies and its Management Council by the Consultative Council for Postal Studies (art IV, First Add Prot (Tokyo 1969)) (see Gen Regs, art 104, note 1).

2) **Background**
1 At its inception, the ELC was instructed to deal with technical questions of all kinds, of interest to the international postal service (see Conv (Paris 1947), art 18, para 10, b; Conv

(Brussels 1952), art 15, para 6, b). In this field it has to its credit the establishment within the IB 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 adms became increasingly concerned with their solution, it soon became necessary to entrust these tasks to a special body of the Union.

2 At the May 1955 session of the ELC, the adm of the Netherlands submitted a prop for the setting up of a permanent Special Comm for technical studies, which would devote itself to studies in the field of postal mechanization (see Summary Record of this session, pp 21 and 22). 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 Comm within the meaning of art 16 of the Conv (Brussels 1952) should be set up, and that a Subcomm of the ELC should be created. Finally, the ELC appointed, for the period up to the Ottawa Congress, a Subcomm for Technical Studies (see Summary Record of this session, pp 20 and 21).

3 The Subcomm 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 Comm for Postal Studies and should submit to it, firstly, the props drawn up jointly by its members and sent on their behalf to the Ottawa Congress by the adm of the Netherlands (props 234–243), 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 props of the Netherlands mentioned above (see props 680, 681, 685 and 687) (see Summary Record of this session, p 20).

4 In addition to the props of the ELC and the Netherlands, the 1957 Ottawa Congress considered various props for a new body (props 686 and 1204) to which the various questions would be entrusted for study. A Special Comm was set up (the Comm for the Technical and Economic Studies Programme) to study all these props. 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 props to be inserted into the UPU Acts) were approved by Congress (II 252 and 257–269, Doc 57). As regards the deliberations of the 1957 Ottawa Congress on the subject of the CCPS, see II 199–269.

5 The 1964 Vienna Congress coordinated the functioning of the bodies of the UPU. By a special prov of its Rules of Proc, it decided that the CCPS should meet at the same time as Congress, that it should be one of the Comms of Congress and that the latter should elect the members of the Management Council. These measures for immediate application were subsequently made definitive. Moreover, Congress ratified the creation of the Steering Comm 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 props to Congress subject to the approval either of the EC or of the CCPS, according to the nature of the props; 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.

6 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 Gen Regs, art 104, para 4 (Vienna 1964), the CCPS was supposed to meet at places and on dates fixed by Congresses and to function like a Congress Comm. In fact the CCPS only acted as Comm 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 Comm, the 1969 Tokyo Congress abolished the Consultative Comm for Postal Studies and replaced its Management Council by a Consultative Council for Postal Studies (II 1283 and 1346, prop 1314). The new Consultative Council for Postal Studies, also called hereinafter "CCPS", thus became a body of the Union (see art 13) whose activities are described in the Gen Regs, arts 104 and 105.

3) This abbreviation, which was made official at the 1964 Vienna Congress, at first designated the Consultative Comm for Postal Studies formed by all the member countries of the Union.

Article 19
Special Committees

(Deleted) (1)

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1) The 1984 Hamburg Congress decided to do away with the possibility of convening Special Comms (II 332, prop 1019.1).
It should be recalled that 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 (1885 Lisbon Congress, II 332–336);

2 Study Comm appointed by the 1920 Madrid Congress, for the improvement and simplification of the Acts as regards form and drafting. Seven adms were members (II 792). Meetings at Zermatt 1921, Nice 1922 and Florence 1923;

3 Study Comm set up by the 1924 Stockholm Congress, to simplify and expedite the work of Congress. Fourteen adms were members (II 719, 794–798, 803 and 804, 833). Meetings at Cortina d'Ampezzo in 1925 and, as Preparatory Comm for the London Congress, at Paris in 1928;

4 Preparatory Comm, appointed by the 1929 London Congress and instructed to prepare for the Cairo Congress. Fourteen member adms, elected by secret ballot; two observers were subsequently admitted (II 251–262, 264, 598). Meeting at Ottawa in 1933. In its report, this Comm made the following comment: "The Committee, anxious to remain a simple study and preparatory body, has always and unanimously shown its desire not to depart from this role and to leave to Congress, the plenary assembly of the plenipotentiary delegates of the Union, the possibility of expressing its views, entirely independently, on the opinions formulated by the Committee" (1934 Cairo Congress, I 2);

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. It included 17 member adms, four of them from America, nine from Europe and four from other continents. In order not to complicate the work of the Comm, observers were not admitted (II 556). This Comm was not able to meet until the following Congress, because of the war. Consequently it was formally released from its obligation to submit its report in the time originally stipulated, and the question of its reconstitution was reserved for the decision of the 1947 Paris Congress (circs 7 and 75/1946). The latter confirmed the creation of the Comm and the terms of reference given it at the 1939 Buenos Aires Congress. It designated the 17 countries of which it was to be composed, ie Argentina, Canada, China, Denmark, Egypt, France, Great Britain, India, Italy, Netherlands, Peru, Poland, Portugal, South Africa, USSR, United States of America and Yugoslavia (1947 Paris Congress, II 338–351, 447–450, 460). The TCT held a first session at Interlaken (Switzerland) from 1 to 16 June 1949 and a second at Pontresina (Switzerland) from 6 to 15 June 1951. In the interval a study group met at Axenstein (Switzerland) from 25 to 29 September 1950. The final result of the work of the TCT was the subject of an extensive report, accompanied by a prop, transmitted to the adms of the Union for discussion at the 1952 Brussels Congress (I 309–341) – see also Conv, art 71, note 2.

Article 20
International Bureau (1)

A central office operating at the seat of the Union under the title of the International Bureau of the Universal Postal Union (2), directed by a Director-General (3) and placed under the control of the Executive Council (4), shall serve as an organ of liaison, information and consultation for postal administrations. (5) (6)

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1) The IB was created by art 15 of the 1874 Berne Treaty. The actual installation of the IB took place on 15 September 1875.

2) At the 1885 Lisbon Congress (I 65, II 91) and the 1934 Cairo Congress (I 26 and 28) props were formulated with the aim of merging the IB of the UPU and the ITU, since in most of the countries the same adm was responsible for postal and telegraph services. At Lisbon, the prop was changed into a formal opinion (II 91), at Cairo it was rejected because these two kinds of international service, in view of their manifold activities and of their complexity, justified the formation of two distinct Unions. These two kinds of public service, the nature of which demands very different professional qualifications, are better served and benefit more from their central office if each one is responsible for setting up its own specialized Bureau rather than concentrating everything into a single organization (1934 Cairo Congress, I 1269).

3) The new title of the head of the IB adopted by the 1964 Vienna Congress (II 916 and 1326, prop 1553; see also resolution C 2/1964, II 432 and 696, II 521, Doc 131). As regards the election and powers of the Director-General, see Gen Regs, art 108.

4) 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, and pursuant to resolution C 35/1969 of the Tokyo Congress (III 740), 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" (II 332 and 333).
The Swiss Government continues, however, to audit the Union's accounts free of charge (see Gen Regs, art 124, para 10).

5) 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, note, and UN–UPU Agrs). To that end, the Rules of Proc of the EC 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 (Rules of Proc of the EC, art 7, para 2.9).

6) "Postal administrations" should be understood to mean the adms of the member countries (1952 Brussels Congress, II 466 and 467).

Chapter IV

Finances of the Union

Article 21
Expenditure of the Union. Contributions of member countries
(Gen Regs 124 and 125)

1 Each Congress shall fix the maximum amount which:
a the expenditure of the Union may reach annually; (1)
b the expenditure relating to the organization of the next Congress may reach. (2)

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)

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. (4) 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. (5)

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. (6)

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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).

2) A separate "financial ceiling" is fixed for the expenditure relating to the next Congress as defined in Gen Regs, art 124, para 2, it being understood that this expenditure is charged to the regular budget, of which it forms a separate chapter.

3) The ceiling of the Union's expenditure may be exceeded in certain circumstances in accordance with the rules laid down in Gen Regs, art 124, paras 3 to 6. This prov was introduced by the 1964 Vienna Congress, in order to deal with situations created by new and unforeseen circumstances entailing unavoidable expenditure.

4) 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 107, paras 6, 7 and 12).

5) 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 125).

6) 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 (prop 1021.1).

Section II

Acts of the Union

Chapter I

General

Article 22
Acts of the Union (1) (2)

1 The Constitution shall be the basic Act of the Union. (3) 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. (4) They shall be binding on all member countries. (5)

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. (5)

4 The Agreements (6) 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. (7)

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 **Executive Council, bearing in mind the decisions taken by Congress**. (8) (9)

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. (10) (11) (12)

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1) **Structure of the Acts – Background.** The question of how to divide up the subject matter of the Acts of the Union was raised at the following Congresses:
Vienna 1891. Prop by Austria and Hungary for amending the form of the main Conv to comply with the Telegraphic Conv of St. Petersburg, 1875; the effect of this would have been to include the basic provs of the Conv and Agrs of the UPU in a single treaty, which would have remained as far as possible unaltered. Questions of detail would have been the subject of Det Regs which could be more easily amended according to the needs of the service (pp 370–376, 379, 380 and 632–639).
Washington 1897. Same prop advanced by Norway and the Netherlands (pp 16 and 407–409).
Rome 1906. Prop by Switzerland to merge into a single Act the seven Convs and Agrs governing the various branches of UPU activity (II 103–105, 204 and 253). Report of the Subcomm instructed to examine the desirability of rearranging the UPU docs, either in the form proposed by Switzerland or in some other form (II 302–306).
Madrid 1920. Prop by Italy, repeating in principle the above prop by Switzerland, and aimed at incorporating in a single text all the provs of a general nature (I 566–569). Prop by Sweden, aimed at improving the drafting, and in particular at a more judicious division of the provs between the Conv and the Det Regs, Study Comm (II 792).
Buenos Aires 1939. Prop by Argentina and Switzerland to divide the Conv into a "Main Convention" and an "Agreement concerning letter items" similar to the Agrs relating to other services (II 35, 37–39, 519 and 520).
Paris 1947. A formal opinion expressed by the Fourth Comm that the work of the revision of the text of the Conv and the Agr, from the point of view of drafting changes, should be done by a section of the ELC (II 880), and a suggestion by Great Britain that the ELC should be instructed to study the reorganization of the Conv and the drafting of some of the Agrs, for example the Ins (II 978 and 979).
In accordance with the above, and following a joint prop submitted by the Netherlands and Switzerland, the Interim ELC set up a Subcomm in 1948 to redraft the Conv and rearrange the Acts (see Summary Record, 1948 April session, Interim ELC, p 15). In May 1950, this Subcomm presented its report, in which it proposed that the organic provs 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 (see Summary Record, ELC, 1950 May session, pp 16–18). After consulting the member countries of the UPU it was decided that the props for the 1952 Brussels Congress should be submitted on the basis of these reorganized Acts (circ 26/1951). However, the 1952 Brussels Congress, which had an opportunity of considering the principle of dividing up the Conv during the discussion of prop 1, submitted by Denmark, Finland, Iceland, Norway and Sweden, rejected the proposed division, preferring to maintain a single Act while preserving the arrangement of the matter proposed in the reorganized draft Acts (I 143, II 283–293). Moreover, it instructed the ELC to continue work on reorganizing the Acts which had not yet been reorganized for the 1952 Brussels Congress, namely those concerning airmail and monetary articles (II 311 and 312, prop 2).
The question of the Gen Rev of the Conv was again discussed by the ELC at its May 1955 session. On the prop of the United States of America, the Secretary-General presented a report to the Comm at its May 1956 session on the subject of the revision and proposed three variants of the revised Acts (see Summary Record of that session, pp 21 and 22). The report had previously been transmitted to the adms of the Union with the request that they give their opinion on the versions proposed. The majority which declared itself in favour of a possible Revision of the Conv was considered insufficient to allow the Comm to express an opinion on the principle. Consequently, the question was postponed to the 1957 April session for final consideration. At this session, the ELC adopted a recommendation for the 1957 Ottawa Congress, urging continuance of the study of the question (see Summary Record of that session, p 21).

The 1957 Ottawa Congress in turn adopted this recommendation; at the same time it established the principles of the Revision and the procedure to be followed in an ad hoc resolution (II 59, 299–303, 325, 329 and 330, prop 509, ELC).
In accordance with this resolution, all the countries not members of the ELC which had expressed the desire to participate in the Gen Rev of the Conv were authorized to take part, with voting rights, in the work of the ELC on this item. The following 33 countries constituted the expanded ELC:
Members of the ELC: Argentina, Belgium, Canada, Chile, Germany, Great Britain, Indonesia, Italy, Japan, Lebanon, Libya, Mexico, Norway, New Zealand, Pakistan, Poland (People's Rep), South Africa, Turkey, Venezuela, Yugoslavia.
Non-member countries of the ELC: Bulgaria, Colombia, Czechoslovakia, France, the Whole of the Territories represented by the French Overseas Postal and Telecommunication Office, Peru, Saudi Arabia, Switzerland, Syrian Arab Republic, Tunisia, United Arab Republic (Egypt), USSR, United States of America.
At its May 1958 session, the expanded ELC set up a Subcomm for the Gen Rev of the Conv; it was composed of the following members: Yugoslavia (Chairman), Norway (Vice-Chairman), Switzerland (reporting country), Indonesia, Italy, Libya, United States of America (see Summary Record of the session, pp 10 and 11).
In 1959, a preliminary draft of the revised Acts was submitted for discussion to the adms of the Union for their opinions and comments on certain important questions inherent in the problem of the Gen Rev of the Conv (see Summary Record for 1959, pp 28 et seq).
On the basis of the opinions thus obtained, the expanded ELC completed the definitive version of the revised draft Acts at its 1960 session (see Summary Record for 1960, pp 27 et seq). It then consulted the adms of the Union to see whether they would be willing to present props in connection with those drafts. The adms were in almost unanimous agreement with this procedure.
The results of the Gen Rev of the Conv, completed by the ELC in 1961 (see Summary Record, p 18), were submitted to the 1964 Vienna Congress in prop 1000 and Doc 1 (I 51, II 95). That Congress approved the draft revised Acts (Const, Gen Regs, Conv and its Det Regs); the principle of dividing up the subject matter was approved by a very large majority (II 635–639) and it was decided to take the drafts as the basis for discussion. The proposed amendments were then studied in Comms 4 and 5 (II 863–1128).
The work of the expanded ELC was the subject of a special publication (Documents on the General Revision of the 1959 and 1960 Conventions) which was sent to all the member countries that had taken part in the Revision.

2) By resolution C 56/1984, the Hamburg Congress instructed the EC "to study a different conceptual approach and presentation for the international regulations, particularly those which will have to be drawn up for the introduction of new services, with a view to:
- facilitating their flexible application by adms;
- speeding up their amendment as the need arises, particularly when fundamental principles are not involved; and
- eliminating systematic recourse to Congress for such amendment".

(II 282–284 and 297, props 031, 1022.2, 1502.10 and 1519.92).
On the basis of the conclusions of this study, the 1989 Washington Congress took several important measures:
- in its resolutions C 1/1989 (prop 01) and C 92/1989 (Congress – Doc 88), it transferred to the EC part of the legislative function of Congress, particularly as regards the Det Regs;
- in its resolutions C 2/1989 and C 14/1989, it 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 Conv, the Agrs and their Det Regs;
- in its resolution C 25/1989 (prop 2000.15), it 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.

3) 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 Acts of the Union hitherto, except for the 1885 Lisbon Acts, which were amended by means of additional Acts.
The changes which the 1969 Tokyo, 1974 Lausanne, 1984 Hamburg and 1989 Washington Congresses 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) and the Fourth Add Prot (Washington 1989) respectively.

4) 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.

5) 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, note 7).

6) The Agrs which regulate services other than letter-post services are:

		Established at the Congress held at	*Number of countries signatory to them*
i	Postal Parcels Agr	Paris 1880 (Conf)	141
ii	Money Orders Agr	Paris 1878 (Money Orders)	84
iii	Giro Agr (this Agr replaced the Giro Transfers Agr as from the 1974 Lausanne Congress)	Madrid 1920	62
iv	Cash-on-Delivery Agr	Paris 1947	64

These Agrs were also the subject of a special edition annotated by the IB (see parts 3 and 4 of the Acts annotated by the IB).
The provs of the Ins Agr, which had been established at the 1878 Paris Congress, were incorporated in the Conv by the 1979 Rio de Janeiro Congress, where they are still, however, optional (see note 2 to the preamble to the Conv).
By resolution C 10/1984, the Hamburg Congress instructed the EC to undertake:

a a study on the usefulness of the Agrs concerning postal financial services and of the Subscriptions to Newspapers and Periodicals Agr;
b a substantive revision of the Agrs whose usefulness is established, with a view to bringing them up to date, making them more flexible and simplifying them by endeavouring to keep only the most general provs.

After considering the conclusions of the study the 1989 Washington Congress decided in its resolution C 3/1989 (prop 05):

i to delete from the Money Orders Agr all provs concerning postal travellers' cheques;
ii to delete from the Giro Agr the provs concerning "Giro travellers' cheques" and those concerning "Negotiation by giro transfer of instruments payable at giro centres";
iii to abolish the Collection of Bills Agr, the International Savings Agr and the Subscriptions to Newspapers and Periodicals Agr;
iv to leave adms the possibility of retaining or subsequently reintroducing between themselves all or part of the provs relating to the above-mentioned services.

7) Accession to the Agrs is optional for member countries. In order to accede to them it is, however, necessary to be a party to the Const and the Acts mentioned as binding in paras 2 and 3.

8) 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. According to the 1878 Paris Congress, all the rules governing application which are subject to variation, and consequently count as purely administrative, are reserved for the Det Regs. 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. 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.

9) Before the 1964 Vienna Congress, the Det Regs were not regarded as Acts of the Union, in the sense that they were not included under the art bearing that title; they formed the subject of a separate art. This distinction was eliminated at the 1964 Vienna Congress on the prop of the expanded ELC. (Docs of Gen Rev of the 1959 Conv, pp 216 and 217.)

10) This prov 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 EC with a view to its inclusion in the Prot to the Act concerned. Art 22, para 6, mentioned above endorses a practice in force since the 1929 London Congress, resulting from a decision of that Congress (1929 London Congress, II 155).
The 1974 Lausanne Congress confirmed this practice by adopting resolution C 32/1974. It also adopted resolution C 35/1974 instructing the EC to consider the advisability of adopting a prov to be included in the Acts instead of resolution C 32/1974. The prop submitted to that effect at the 1979 Rio de Janeiro Congress was not adopted (II 1426 and 1427, prop EC 1526.91).

11) As regards general practice on reservations and the UPU's practice, see the study done for the 1974 Lausanne Congress (Congress – Doc 6, II 1244–1246).

12) 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.
At the 1989 Washington Congress, several countries presented declarations of a political nature at the time of signing. These were published at the same time as the Acts of Congress and notified to the member countries of the Union by diplomatic channels (III/1 73 to 77). They are reproduced in this vol after the Add Prots (pp 69–73).

Article 23
Application of the Acts of the Union to territories for whose international relations a member country is responsible (1)

1 Any country may declare at any time (2) 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)

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)

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**. (4)

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. (5)

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1) 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 (II 604, 606, 620 and 621).

2) 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.

3) Before the 1964 Vienna Congress, the instruments of ratification were deposited with the Government of the host country of Congress. The declarations referred to in this art were therefore also made to that authority when they accompanied the Act of ratification. The 1964 Vienna Congress appointed the Swiss Government depositary of the Acts of the Union for the reasons mentioned in art 26, note 1. The 1989 Washinton Congress assigned this function to the Director-General of the IB (see art 11, note 7). Since then, all such declarations must be addressed to the Director-General, with the exception of those made at the time of signing.

4) Authority transferred to the Director-General of the IB by the 1989 Washington Congress (see art 11, note 7).

5) 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).

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. (1) (2) (3) (4)

1) 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.

2) 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 (ruling published in "Union Postale", 1916, p 39).

3) In particular, regulations governing postal items which remain within the boundaries of the country of origin are reserved for national legislation ("Union Postale" ruling, 1877, p 215; 1929 London Congress, II 565).
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 (see in particular Conv, arts 12, para 1, 20, paras 6 to 8, 23, para 1, 35, 45, 48, para 3, and 52, and Parcels, arts 4, para 4, and 14, I) or when the questions which might be involved have been left open in the Acts of the UPU.

4) The 1952 Brussels Congress expressed the following formal opinion: "Member countries of the Union shall endeavour to standardize the working methods of their administrations, adapting them as far as possible to those of the international service." (II 318 and 319, formal opinion C 11/ 1952.)

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) (2)

1 **The** Acts of the Union **arising from the Congress shall be signed** by **the** plenipotentiaries **of the member countries.** (3)

2 The Detailed Regulations shall be authenticated by the Chairman and the Secretary-General of the Executive Council. (2)

3 The Constitution shall be ratified (4) (5) as soon as possible (6) 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. (7)

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. (8) (9)

1) The form of approval of the Acts of the Union was greatly modified at the 1964 Vienna Congress. Previously, there had been a prov that all countries signatory to the Acts should submit them for ratification to the competent national authorities.
The number of Acts submitted for ratification, namely the Conv, the seven Agrs and their Prot, as well as the problems raised by this procedure within the member countries, justified, in the view of certain adms, the introduction of a simplified procedure for the approval of the Acts.
Thus in the resolution concerning the Gen Rev of the Conv, the 1957 Ottawa Congress instructed the ELC to consider "a procedure for the implementation of technical regulations, simpler and quicker than the ratification procedure laid down in article 25 of the Universal Postal Convention of Ottawa", it being understood that ratification should be maintained for the application of the organic rules of the Union. The search for a really satisfactory solution to this problem was complicated by the fact that the approval of treaties is primarily an internal matter, dependent on the constitutional regulations of each country. A simplified procedure could therefore not be comprehensively imposed. However, following the practice adopted in public international law for treaties of similar scope, the expanded ELC specifically admitted the possibility – for each country – of approving the Conv, the Gen Regs and the Agrs by means of a simpler procedure than ratification. This solution is in fact a simplification only for countries whose constitutional regulations permit approval of certain international Agrs by a simpler procedure than that of conventional ratification. The countries which do not have this option may naturally continue to approve all the Acts by the conventional procedure (see 1964 Vienna Congress, II 105).

2) The 1989 Washington Congress inserted the word "authentication" in the title of this art and created a new para 2 concerning the Det Regs established by the EC. These texts are authenticated by the signature of the Chairman and of the Secretary-General of the EC (prop 1025.1).

3) 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 (see 1964 Rep, p 42). It may:
- either definitively bind the country concerned, if internal legislation so permits. This possibility must depend on the powers vested in the plenipotentiaries or must be confirmed ex post facto by the competent national authority; 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 remains the form of approval par excellence for treaties.

4) 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 usually preceded by the approval of the legislative authority of the State.
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.

5) 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, p 438, and 1934 Cairo Congress, II 96–98 and 624–626). 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 (see note 5 to art 22).

6) Despite the flexibility introduced by the 1964 Vienna Congress as regards methods of approving the Acts of the Union, very few member countries complete this formality before the Acts in question go into force.

7) Member countries may, if the rules of their internal legislation so permit and if neither the Const nor the Add Prot is in question, approve the Acts of the Union by a simpler and less formal procedure than ratification, namely, solely by signature of the plenipotentiaries (see the study on "Approval of the UPU Acts", 1964 Rep, pp 42 and 43).

8) See "Union Postale" 1939, pp 554–588, and 1942, pp 260–290. See also the request for the opinion of the IB on the scope of this prov (1946 Rep, pp 18 and 19).

9) As regards the simultaneous implementation of the Acts of a Congress, see art 31, note 3.

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** (1) **who** shall notify **the Governments of** the member countries of their deposit. (2)

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1) 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. This procedure involved continual changes in respect of the authorities competent in the matter and, as a result, practice was not always uniform. Moreover, the creation of a permanent Const which, consequently, had not to be renewed at each Congress, would have made the situation still more liable to criticism. Therefore 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 (art 11) (II 105). Depositing the instrument of ratification or of approval is decisive in determining the date on which these formalities shall come into effect.
The 1989 Washington Congress transferred that power to the Director-General of the IB (see art 11, note 7).

2) The end of this art was amended by the 1969 Tokyo Congress, by analogy with the amendment made to art 11 (II 1324 and 1090, prop EC 1303). The old art 26 provided that the instruments of ratification and, where appropriate, of approval, be addressed to member countries. The new wording of the art, mainly based on the practice at the UN and the ITU, lays down a simpler procedure for the notification of ratifications and approvals. It is no longer necessary for a copy of the instruments of ratification and approval to be addressed to member countries; it is sufficient that the essential elements be notified.
The 1989 Washington Congress also specified that notification of the deposit of the instruments of ratification be addressed to the Governments and not to the adms of member countries.

Article 27
Accession to the Agreements (1) (2)

1 Member countries may, at any time, accede to one or more of the Agreements provided for in article 22, paragraph 4. (3)

2 Accession of member countries to the Agreements shall be notified in accordance with article 11, paragraph 3. (4) (5)

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1) The 1964 Vienna Congress adopted the following recommendation (C 1/1964):

"Accession to the Agreements
"A number of member countries do not sign the UPU Agreements relating to certain optional services even though these services exist in their countries. Instead they conclude bilateral Agreements with other member countries in order to regulate this service at the international level. From this arise rules differing from those of the UPU and also a certain slowing down in the performance of postal operations. Congress therefore recommends that member countries consistently sign all the Acts of the Union which concern a branch of the postal service existing in these countries." (II 658).

2) Various Congresses have urged the adms of the Union to adhere to these optional Agrs (1947 Paris Congress, II 1058; 1952 Brussels Congress, II 319, prop 1286; 1984 Hamburg Congress, resolution C 13/1984 on the development of the postal financial services, particularly the international postal money order service; 1989 Washington Congress resolution C 16/1989 for the introduction and extension of the postal parcels service).

3) 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, or on accession to the Const as provided for in Const, Fin Prot, art I.

4) This notification must be addressed to the Director-General of the IB and transmitted by him to the other member countries. 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.

5) 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. (1)

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1) Art 12 is applicable as regards the procedure to be followed and the date on which denunciation takes effect (see notes on that art).

Chapter III

Amendment of the Acts of the Union (1)

1) Before the 1964 Vienna Congress, the Acts of the Union contained only the provs relative to amendment of the Acts between Congresses. The provs in respect of the amendment of the Acts during a Congress were included in the Congress Rules of Proc. During the Gen Rev of the Conv, it seemed reasonable to the majority of the expanded ELC to include the essential rules governing amendment of the Acts during a Congress in the draft revised Acts as well (Vienna 1964, II 106). This policy was adopted for all the Acts of the Union (see respective arts of the various Acts).

Article 29
Presentation of proposals (Gen Regs 119 and 120)

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. (1) (2) (3)

2 However, proposals concerning the Constitution and the General Regulations may be submitted only to Congress. (4)

1) An art was adopted by the 1957 Ottawa Congress, sanctioning the principle entitling adms to submit props to Congress (II 339, 340 and 342, prop 7, ELC; Conv, Ottawa 1957, art 13). As this art had been inserted, during the Gen Rev of the Conv, in a chapter dealing with all the amendments to the Acts, both during and between Congresses, it became necessary to extend its scope when drawing up the draft revised Acts submitted to the 1964 Vienna Congress.

2) The procedure for presenting such props is laid down in the Gen Regs (arts 119 and 120).

3) For the right of the EC and the CCPS to present props to Congress, see Gen Regs, art 102, para 6.20, and art 104, para 11.

4) Until the 1964 Vienna Congress, provs concerning the organization and functioning of the Union could be amended between Congresses, in which case the props dealing with these provs had to be approved by unanimous vote; this proved impracticable, however. Para 2, therefore, merely confirms the existing practice (Doc Gen Rev, Conv 1959, p 231).

Article 30
Amendment of the Constitution (1)

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)

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. (3) (4)

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1) See note 1, heading of present chapter, and art 22, note 2.

2) As regards the quorum required for amending the Const, see Rules of Proc of Congresses, art 18, para 2.

3) During the Gen Rev of the Conv, opinions were greatly divided on the conditions governing the coming into force of amendments to the Const. The 1964 Vienna Congress considered three different possibilities and finally decided on this one (II 1002 and 1003; props 1576, 1577 and 1578).

4) 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 and the Fourth Add Prot, Washington 1989. The text of the present Const was updated on the basis of these four Prots. Their original texts are given in the 1969 Tokyo Docs (III 5), the 1974 Lausanne Docs (III 23), the 1984 Hamburg Docs (III 25) and the 1989 Washington Docs (III/1 27).

Article 31
Amendment of the General Regulations, the Convention and the Agreements (1)

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)

2 The Acts referred to in paragraph 1 shall enter into force simultaneously and shall have the same duration. (3) 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.

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1) See note 1 to heading of present chapter.

2) 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, art 18, para 2)

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 (art 128)

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 (art 93)

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 57, Money Orders, art 13, para 3, Giro, art 17, para 3, COD, art 9, para 2).

3) 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, the 1885 Lisbon Congress being the sole exception. The amendments made at that Congress became the subject of additional Acts. The 1964 Vienna Congress confirmed this quasi-constant practice for the Acts as a whole, with the exception of the Const (see art 30 and notes thereto).

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 which alone binds the parties legally.

The period between the closure of the Congress and the day fixed for the entry into force of the revised Acts has varied with each Congress as follows:

Congress		*Closure of Congress*	*Implementation*	*Period*
1	Berne 1874	9 October 1874	1 July 1875 (France, 1 January 1876)	8½ months
2	Paris 1878	4 June 1878	1 April 1879	10 months
3	Lisbon 1885	21 March 1885	1 April 1886	12½ months
4	Vienna 1891	4 July 1891	1 July 1892	12 months
5	Washington 1897	15 June 1897	1 January 1899	18½ months
6	Rome 1906	26 May 1906	1 October 1907	16 months
7	Madrid 1920	30 November 1920	1 January 1922	13 months
8	Stockholm 1924	28 August 1924	1 October 1925	13 months
9	London 1929	28 June 1929	1 July 1930	12 months
10	Cairo 1934	20 March 1934	1 January 1935	9½ months
11	Buenos Aires 1939	23 May 1939	1 July 1940	13 months
12	Paris 1947	5 July 1947	1 July 1948	12 months
13	Brussels 1952	11 July 1952	1 July 1953	12 months
14	Ottawa 1957	3 October 1957	1 April 1959	18 months
15	Vienna 1964	10 July 1964	1 January 1966	18 months
16	Tokyo 1969	14 November 1969	1 July 1971	19½ months
17	Lausanne 1974	4 July 1974	1 January 1976	18 months
18	Rio de Janeiro 1979	26 October 1979	1 July 1981	20 months
19	Hamburg 1984	27 July 1984	1 January 1986	17 months
20	Washington 1989	14 December 1989	1 January 1991	12½ months

Chapter IV
Settlement of disputes

Article 32
Arbitration (Gen Regs 127) (1)

In the event of a dispute between two or more postal administrations of member countries (2) concerning the interpretation of the Acts of the Union or the responsibility imposed on a postal administration by the application of those Acts (3), the question at issue shall be settled by arbitration. (4) (5)

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1) Any dispute existing or arising at international level between two parties may be solved by various means, notably by negotiation, inquiry, mediation, conciliation, arbit 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 113, para 2). This opinion is not, however, binding on the parties;

b recourse to the arbit procedure laid down in arts 32 of the Const and 127 of the Gen Regs (either unilaterally or by common consent). In this case, the arbit award is binding on the party or 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 users. Disagreements between users 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 (see in this connection "Union Postale" 1916, p 39). If the arbit 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 arbit procedure.

2) Failing an amicable settlement between the adms, disputes within the Union are settled by arbit. Any adm which is party to a dispute may have recourse to arbit in accordance with the procedure defined in art 127 of the Gen Regs. Recourse to arbit does not depend on the previous agreement of the member countries parties to the dispute (see 1952 Brussels Congress, II 366–369, 1327, 1330 and 1331).

3) The arbit procedure applies firstly to the interpretation of all the Acts of the Union (Const, Gen Regs, Conv, Agrs, Det Regs and Prot) (see art 22) and secondly to the responsibility arising from the application of these Acts.
In practice, the question of liability predominates in the arbit awards made hitherto (see note 5).

4) As regards arbit procedure, see Gen Regs, art 127.

5) There is no right of appeal against an arbit 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 (see also Gen Regs, art 127).

Chronological summary of published arbit awards (see also list of arbit awards reproduced in the UPU Catalogue, vol II, under G (Reps)).
Note. – Of the 28 arbit awards summarized below, 21 were pronounced with the joint agreement of two arbitrators chosen by the adms involved, one case (N° 26) was decided by one of the adms involved and the IB, which appointed the other arbitrator, ex officio, in accordance with the provs of Gen Regs, art 127; five, Nos 6, 12, 16, 18 and 20 by a third arbitrator, the two arbitrators chosen by the adms involved being unable to reach agreement; two (Nos 25 and 28) by the IB, which was chosen as the sole arbitrator by a special compromise agreement of the parties to the dispute.

1 *Internal legislation. Inviolability of sealed letters.* Periodical 1877, p 215 et seq. The adm of a country whose internal legislation prohibits the insertion in letters of negotiable instruments payable to bearer, opened a registered letter from another UPU country and imposed on the addressee a supplementary charge in view of the negotiable instruments contained therein. That was inadmissible. In so far as a matter is settled by the Conv, the latter applies to the exclusion of internal legislation, which therefore applies only to correspondence which does not leave the territory of origin. There are, of course, reservations in respect of special Agrs governing insured values. But in this case no Agr existed between the countries concerned, and the mere fact of this reservation in the Conv does not amount to an option to apply internal legislation without further procedure. Moreover, letters are protected by the superior principle of the inviolability of sealed letters which may, to some extent, give way to requirements of a public nature (which did not exist in the case in question), but never to purely fiscal interests. This principle, though not written into the Berne Treaty, is undeniably one of the bases of international correspondence.

2 *Various transit questions. Special Agreements.* 1896 Rep, p 6.

a Through the good offices of the adm of Montevideo, and under its supervision, mails conveyed by an overseas steamer are first transhipped in the open roadstead on to a tender, then delivered to the central post office and forwarded on steamships granted privileges or subsidized by the Uruguayan Government. There they remain under the supervision of a Uruguayan postal official (river courier), who accompanies them to Buenos Aires, where they are handed over to the Argentine adm. Such conveyance constitutes a local service, of the nature of land transit. This represents more than mere warehousing in a port of sealed mails brought by one steamer and intended for forwarding by another. On the other hand, transport by transatlantic steamer between Montevideo and Buenos Aires of mails not transhipped in the first port forms part of the sea service performed by such steamers.

b Shipping companies, subsidized in one form or another by the State, have no right to undertake to convey free of charge mails delivered to them by the adms of other countries, to the detriment of the revenue, not of the shipping companies, but of the State subsidizing them. Although reservations are made for special Agrs, these can only be Agrs between contracting parties to the Conv and not Agrs between one such party and a third.

3 *Payment in gold coins.* 1897 Rep, pp 7 and 8. These coins are legal tender, in so far as they remain within the limits of the weight tolerances for wear and tear admitted under the Convention of the Latin Monetary Union.

4 *Liability.* 1910 Rep, pp 6 and 7. The addressee of an insured letter discovered only after having "acknowledged receipt and taken delivery", but immediately thereafter and before actually leaving the post office, that valueless printed matter had been substituted for insured values in the envelope. The arbitrators decided that under such conditions acceptance of delivery could not be invoked as an exemption clause by the adms of destination and they confirmed that responsibility rested with the latter, notwithstanding the regular receipt which the entitled person had given before becoming aware of the theft.

5 *Liability for COD items.* 1913 Rep, pp 7 et seq. An adm of destination which omitted to collect cash for five COD items, instituted proceedings against the addressee with the aim of obtaining judgment against him for payment of the sums claimed. Having had its claim rejected by the competent tribunal, that adm declined liability to the adm of origin. Under the terms of the

arbit award, the adm of destination could only have declined liability if it had provided proof that the adm of origin had not observed the provs governing the make-up of COD items. Such proof had, however, not been furnished. In its place the adm of destination merely alleged a presumption of law, based on later observations of other items of the same type. Such an assumption cannot, however, be accepted as proof.

6 *Transit by quickest route.* 1913 Rep, pp 10 et seq. An adm serving as intermediary during the statistical period, and the territory of which forms part of the quickest route, has the right to demand transit charges in conformity with the result of the statistics, even if afterwards the adm of origin demands that its mails take a different transit route, thus no longer making use of the claimant adm's services. This decision is based on the consideration that mails must be forwarded by the quickest route, that this prov in the Conv is binding and does not leave adms the option to agree on a less rapid route. Moreover, in the case in question, even after the request by the adm of origin, the mails continued to be forwarded occasionally through the services of the claimant adm.
Comment by the IB: the response to this ruling at the 1920 Madrid Congress was that the rule of the quickest route has been modified by the adm of origin's option to indicate at its convenience the routeing of closed mails sent by it (II 225 and 226, Conv, Det Regs, art 156, para 2 (Lausanne 1974)).

7 *"Force majeure" exemption clause.* 1920 Rep, pp 6 et seq. Documents and records of the post office of destination remaining in the evacuated office, having been destroyed as a result of acts of war, delivery of a registered item could no longer be proved when the sender, six months after mailing it, put in a claim in order to know its fate. This was recognized as a case of circumstances beyond control. The exemption clause of circumstances attributable to a cause beyond control applies not only to the actual loss of a registered article but also to the inability to prove delivery to the entitled person.
As a result of this arbit, a prov on these lines was inserted in the Conv by the 1920 Madrid Congress (II 203 ad fin). The 1920 prov was, however, modified at the 1934 Cairo Congress (I 1294) by the addition of the words "provided that proof of their responsibility has not been otherwise established", which did not appear in the text adopted at Madrid (see 1974 Lausanne Conv, art 45, para 2, i, b).

8 *Transit by Simplon–Orient Express.* 1923 Rep, pp 9 et seq; Periodical 1923, pp 145 et seq. Adms usually entrust transport to public or private enterprises which undertake it on conditions mutually agreed between the adm and the enterprise. In such cases, the adms are none the less considered by the other adm of the Union as themselves performing the service. It is therefore not for adms using transit through other countries to arrange such transit themselves with a company direct. Moreover, the adm of the intermediary countries had concluded contracts with the same company for conveyance on their territory not only of their own mails, but also of mails in transit. These countries had thereby actually ensured the conveyance of mails in transit, and the adms of the countries of origin owed them the transit charges.

9 *Liability in the case of prohibited articles.* 1924 Rep, pp 9 et seq; Periodical 1925, pp 33 et seq. Two hundred registered items, admitted at the rates and conditions of samples without value, on which the content had not been specifically indicated, each contained 240 g net of saccharine. One of the transit adms passed these articles on to the Customs, which, by virtue of the legislation of the country concerned, confiscated and destroyed them. This procedure was incorrect and it would have been more appropriate to return the articles to the office of origin. However, since the introduction of these goods was prohibited not only in the intermediary country but also and above all in the country of destination, and since in fact it was not a question of samples without value, but of an important consignment of contraband goods, the illegal character of which allowed the adm of origin to refuse to pay the indemnity claimed by the sender, the intermediary adm was thus relieved of its liability.
The 1929 London Congress accordingly prescribed that samples of merchandise sent in quantity with the object of avoiding payment of customs duties were to be dealt with in accordance with the legislation of the country of the adm establishing their presence (1974 Lausanne Conv, art 33, para 3).

10 *Liability.* 1925 Rep, pp 12 et seq; Periodical 1926, pp 26 et seq. A sealed mail van, containing 269 insured parcels and 936 ordinary parcels, had been rifled. On verification by the office of destination, nine packets were found to be missing, seven of which were insured. Before arriving at the office of destination, the mail van had been opened a first time on leaving the country of origin and a further time on entering the country of destination for customs control. It was impossible to establish on whose territory the theft had occurred. In these circumstances, it was considered correct to apportion the damage equally between the adms concerned, and the arbitrators decided accordingly.

11 *Sea transit.* 1925 Rep, pp 13 et seq; Periodical 1926, pp 50 et seq. Apportionment of transit charges for mails sent from the United States of America to Norway via Great Britain, carried on American mail-boats from New York to Plymouth (3000 nautical miles), then by steamships of the Norwegian shipping line Newcastle–Bergen (404 nautical miles). The question arose whether the distance covered was the sole basis for fixing sea charges. Though the same rates are fixed for the distance from North America to Europe (3000 nautical miles) and for distances of above 300 up to 1500 nautical miles, it is mainly because the Atlantic Ocean shipping lines can, owing to the intense traffic, be more economically used and, therefore, operate more cheaply than other sea transport. Moreover, a pro rata distribution of the distances covered is prescribed only when the total cost of the sea distance covered exceeds the max rate fixed; this did not occur in the case in point. Consequently, each of the two lines was paid 4 fr per kg LC and 50 c per kg AO.

12 *Conversion rates for money orders.* 1926 Rep, pp 8 et seq; Periodical 1926, p 149. Two adms agreed in 1886 to express the amounts of money orders in "francs" in both directions. The franc was the national currency of one of these adms; the other determined the rate of exchange for the conversion of its currency into francs. The monthly balance of accounts was also paid in cheques made out in francs and, with the agreement of both adms, regularly by cheques on Paris. This arrangement was entirely satisfactory at a time when, in the countries of the Latin Monetary Union, there still existed gold-based francs, which hardly differed from one another. However, in August 1914, this classical monetary system came to an end in the respective countries. The result was a great difference between the French franc and the Swiss franc, as a consequence of which difficulties soon arose in relations between the two adms, regarding both the conversion of senders' inpayments and the payment of balances. The adm which in order to make payment had to convert its national currency into "francs", did so at the rate fixed for the French franc, whereas the other adm paid the payees the same number of Swiss francs – the national currency – which had not been so greatly depreciated as the French franc. The public was able to use this circumstance to make a considerable profit at the expense of the Post. The result was a deficit which had to be met by the adm of destination, which had paid the addressees amounts in excess of those which the adm of origin was willing to reimburse. The latter should have realized, from the abnormal increase in the number of money orders issued, that a new situation had arisen which had become untenable. It should have immediately raised the rate of conversion for senders' payments. This, however, it had omitted to do. As the damage incurred was due to its lack of vigilance, it had to meet the deficit.

13 *Declaration of value smaller than the actual value.* 1927 Rep, pp 8 et seq; Periodical 1927, p 93. A parcel insured for 500 fr, containing 70 watches totalling 1441 fr in value, was rifled. On arrival, 23 watches were found to be missing, their total value being 469 fr, an amount less than the total insured value. As adms have the option of fixing a max insured value, such declarations cannot be compared to insurance. Consequently, compensation may not be reduced in relation to the loss suffered by the proportion by which the insured value is less than the original actual value; compensation, though it may not exceed the insured value, should as far as possible cover the actual and entire value of the lost goods.
Props aimed at basing compensation on the relation between the actual and the insured value were subsequently rejected by the 1929 London Congress (I 936 and 1579, II 390) and the 1934 Cairo Congress (I 678 and 1351).

14 *Liability.* 1927 Rep, pp 11 et seq; Periodical 1927, pp 373 et seq. Forty-one postal parcels, sent during the course of three months to various addressees, were all delivered to a single

person – the sender's representative. The sender, after lodging a complaint, first expressed his intention of recovering the amounts of the items concerned, without the intervention of the postal service. Only a year and ten months later did he repeat his complaint. However, by that time, the adm of destination was no longer in possession of the service documents for the period during which the parcels had been delivered. After so long a time, it had the right to assume that the delivery of the parcels to the sender's representative had been recognized as in order. Moreover, the sender would not have stated his intention of dealing with the matter himself, if the parcels had actually been thought to be lost. The adm of destination was pronounced not liable to the adm of origin.

15 *Liability.* 1929 Rep, pp 12 et seq; Periodical 1929, pp 278 et seq. A mail dispatch containing 30 registered items arrived completely empty at its destination. From an investigation into the circumstances of delivery by one service and circumstances of acceptance by the other service, it became clear that neither could provide sufficient proof, the first one, that it had delivered the mail in good condition and the second that the mail had, on the contrary, been delivered in a damaged state. The arbitrators decided that the damage would have to be shared equally between the two adms concerned.

16 *"Franc effectif"* (gold-based franc). 1930 Rep, pp 8 et seq; Periodical 1930, pp 381 et seq. For the balance of 54 280 fr, resulting from the reciprocal balance of accounts in respect of postal parcels exchanged during 1919, the debtor adm sent a cheque made out in drachmas, the national currency of the creditor adm, whereas art XVIII, para 5, of the Regs of the 1906 Rome Parcel Conv refers to "francs effectifs". (Note by the IB: This term signifies the franc as defined in gold by the Latin Monetary Union, and as part of a gold-based currency; thus, the fluctuations in the exchange rate of such currency were very restricted, which in practice made it equal to the g fr.)
Up to August 1914, the French franc had been a gold-based franc, as had the drachma, which formed part of the same monetary system; consequently, the table of equivalents in art II of the above-mentioned Regs did not even mention the conversion factor between these two currencies, as a franc had the value of a drachma and vice versa. These two adms had therefore, in earlier cases, settled balances established in francs by an equal number of drachmas. However, the situation changed during the 1914–1918 war. The French franc, which was no longer gold-based, fluctuated greatly, without the charges levied in French francs being increased. Nevertheless, in 1917 and 1918 the debtor adms credited the creditor adms with the amount of the balance established in francs in drafts made out in drachmas; this resulted in a considerable loss to the debtor adm, the drachma having then suffered less depreciation than the French franc. In 1919 the opposite occurred, the drachma having depreciated to a greater extent than the French franc. Not until then did the creditor adm demand that settlement be no longer in drachmas, but in the identical number of g fr, the 54 280 drachmas being barely equivalent to 3500 g fr. The arbitrator considered that in the circumstances it was out of the question that an equivalent number of g fr be substituted for the number of francs owing. However, the creditor was awarded in g fr the amount obtained by the conversion of the national currency in relation to the dollar, at the 1919 mean exchange rate, namely 27 122 g fr.

17 *Liability.* 1931 Rep, pp 10 et seq; Periodical 1931, pp 91 et seq. Three insured letters forwarded by the same office of origin to the same office of destination were rifled in the same way, newspaper having been substituted for the articles of value. The office of destination omitted to send the dispatching adm a report drawing attention to the irregularity by the first available post after the check. In these circumstances, the adm of destination could not be relieved of its liability. On the other hand, envelopes specially made available by the adm of origin for the transmission of insured items had been used for the above-mentioned letters. In various ways, these envelopes did not conform with the prescriptions, and thus facilitated the theft that had occurred. Consequently, the two adms concerned had to share the liability equally.

18 *Liability.* 1931 Rep, pp 14 et seq; Periodical 1932, p 141. All the insured articles had been abstracted from a mail, including 74 items which in due time resulted in claims for a total of 3700 g fr. It could not be established with certainty on whose territory or in whose service the theft had occurred. Consequently the two adms had to share the damage equally.

19 *Liability.* 1932 Rep, pp 8 et seq; Periodical 1932, pp 201 et seq. From 1923 to 1925 a number of mails sent by one adm in transit through several countries arrived damaged at the adm of destination. The principles agreed upon by the arbitrators in order to settle the dispute were as follows:

a the 1920 Madrid Conv does not lay down that an intermediate adm must be notified if a mailbag has been delivered in bad condition or if the office of destination notices mistakes or irregularities in the mails checked. As the arbitrator's award was concerned only with the controversy between the adms of origin and destination, it could not pronounce judgment in respect of the liability of intermediate adms, which were not represented;

b if an office omits to send a verification note in duplicate to the adm under which the office of dispatch comes, or if it has omitted to attach to the duplicate in question the bag, string, label and lead or seal, in accordance with the provs of the Madrid Conv, Det Regs, art XXIII, para 6, the defaulting office is liable;

c this is also so when there has been delay in sending a verification note announcing errors or irregularities;

d an adequate explanation on the part of the adm of destination aimed at establishing that it would have been impossible for the irregularity in question to have been verified in its service can usually be taken as "proof to the contrary", as mentioned in the 1920 Madrid Conv, Det Regs, art XXIII, para 8.

In accordance with these rules, the arbitrators decided in 18 cases that liability rested with the adm of destination, and in two cases with both adms equally; in seven cases the adm of destination was declared not liable.

As regards subpara a, a verification note for the last intermediate office has been prescribed in such cases since the 1924 Stockholm Congress (Conv, Det Regs, art 158, paras 6, 7 and 9 (Lausanne 1974)).

20 *Liability.* 1932 Rep, pp 18 et seq; Periodical 1933, pp 1 et seq. A dispatch exchanged between two neighbouring countries and containing 203 insured letters representing a total of 19 400 g fr was tampered with. The mailbag arrived in perfect outward condition, but was found to contain only packing paper. The very thorough investigation by the arbitrators established that the weight of the mailbag handed over at the frontier was 2.5 kg, whereas the authentic consignment had weighed 5.4 kg; consequently, not only the counterfeiting but also the substitution of the counterfeit for the real mail must have occurred earlier and, therefore, in the country of origin. The adm of the country of origin was accordingly held responsible.

21 *Transit statistics.* 1933 Rep, pp 8 et seq. A sea transit postal service noted that the average number and weight of mails sent by another adm to its colonies during the May 1929 statistical period amounted to barely half the volume conveyed before and after that period. Concluding that correspondence had been held back or forwarded by a different route during the statistical period, it declared itself unable to accept the results of the statistics. This supposition was confirmed by a further statistical period spread over two more years, which however the adm using the transit service refused to admit. The dispute ended in a compromise suggested by one of the arbitrators, and agreed to by both adms, whereby 75 percent was added to the results of the May 1929 statistics.

22 *Liability.* 1934 Rep, pp 8 et seq; Periodical 1934, pp 273 et seq. An insured letter with a declared value of 15 000 g fr, forwarded through two transit countries, was inserted in the first into a closed insured mail intended for the country of destination. On arrival at the post office of destination, the letter had disappeared, although the bag was outwardly intact. The grounds of the arbitrators' award were as follows:

Firstly, the second transit country could not be held responsible, since its postal service handed over to the service of destination, in perfect outward condition and without comment or reservation on the part of the latter, the mailbag containing the insured articles which had been entrusted to it by the preceding adm; moreover it had not received a verification note from the adm of destination.

However, the adm responsible for the make-up of the bag had, by neglecting to put a wax seal on the insured packet, contravened the provs of the Ins Agr (London 1929 revision), Det Regs, art 8, para 2. The adm of destination had, in turn, not strictly observed either the prescriptions of the

Agr, Det Regs, art 9, para 3, or art 20, para 1, iii, or of the Conv, Det Regs, art 58, para 3, at the time of opening the mail. Accordingly, responsibility could not be ascribed to only one of the two adms concerned. Moreover, as it had not been possible to establish on whose territory or in whose service the loss of the insured letter had occurred, the compensation payable would have to be borne in equal shares by both adms.

23 *Liability.* 1935 Rep, pp 8 et seq; Periodical 1935, pp 43 et seq. Two insured letters with a declared value of 1000 fr each had been addressed, according to the vouchers retained by the sender and the adm of origin, to two different persons. They were, however, both delivered to the same addressee, who maintained – without producing proof of this – that both letters were meant for him. The adm of destination denied that there had been a misdelivery. After very thorough investigation the arbitrators established that while a mistake on the part of the adm of origin appeared to be out of the question, it seemed possible on the part of the adm of destination. Consequently, the latter was declared bound to reimburse to the adm of origin the compensation paid to the sender.

24 *Compensation in respect of sea conveyance.* 1945 Rep, pp 7 et seq; Periodical 1946, pp 10 et seq. Under the 1906 Rome Conv, adms A and B had agreed that charges resulting from the transport of mails containing correspondence sent by adm A to adm B and carried by the "Royal Dutch West India Mail Line" (RDL) and the "Holland–America Line" (HAL) would be calculated and paid according to the actual weight of the mails.
Following the entry into force on 1 January 1922 of the Madrid Conv, adm B substituted new contracts for those concluded with the two shipping companies. Under the new contracts the RDL and HAL were entitled to the transit charges laid down in the provs of the Conv, for the transport of mails from countries other than adm B. The contracts were to take retroactive effect, as from 1 January 1920 in respect of RDL and 1 January 1922 for HAL.
By IB circ 211 dated 30 June 1921, adm B transmitted to the adms of the Union the list of shipping lines appertaining to it, which it was placing at the disposal of those adms, mentioning inter alia the services of RDL and HAL. However, it was not until 11 August 1922 that adm B advised adm A by letter of its desire to receive payment of transit charges on the basis of the statistics as laid down in the Conv, thereby terminating the former "agreement to the contrary".
In a letter dated 3 January 1925 adm B, considering that the letter mails conveyed by RDL from 1 January 1920 to 31 December 1923 and by HAL from 1 January 1922 to 31 December 1923 should be paid for at a fixed rate calculated on the basis of the provs of the Conv concerning statistics (art 3, paras 2 and 4, of the Rome and Madrid Conv), claimed the sum of approximately 962 000 g fr from adm A, in addition to the transit charges already received for the period from 1920 to 1923, calculated on the basis of the actual weight of each dispatch conveyed (special Agr).
Adm A refused to accept the May 1921 statistics which applied under the Conv as the basis for the calculation of the transit charges owing to the RDL and HAL shipping lines for the period from 1920 to 1923, and considered that the only acceptable settlement was on the basis of the real weight of the mails actually transported, as agreed between the two adms.
The arbitrators, taking into account all the circumstances of the dispute, restricted the amount which adm B could claim from adm A on an equitable basis to 100 000 g fr.

25 *Liability.* 1948 Rep, pp 14–20. A parcel insured for 980 g fr was posted in 1943 in country A to a business address in country B. This addressee requested that the parcel should be forwarded to a new address in country C. During this rerouteing the parcel was sent by mistake to country D; from there it was sent to country E, which redirected it to the office of destination in country C, where the parcel was found to have been rifled. The IB considered that in the circumstances the provs of art 44, para 1, iii, of the Parcels Agr (Buenos Aires 1939), applied. These lay down, inter alia, that if the theft occurs during conveyance without it being possible to establish on whose territory or in whose service it has occurred, the adms concerned shall share the damage equally.
As country C appeared to be exonerated, the IB was of the opinion that the three countries B, D and E should contribute equally to the compensation, amounting to 980 g fr.
This opinion had the full weight of an arbit award, because the parties concerned had decided, by special arrangement, to choose the IB as sole arbitrator.

26 *Setting off debts. Legal succession.* 1956 Rep, pp 24–28; Periodical 1956, pp 90A–93A. In statement C 21 relating to transit charges for the period 1951 to 1953, the adm of State A deducted from the amount due to the adm of State B two sums, one of 30 g fr and one of 266 g fr, which had been disputed by the adm of State B and on which the two adms had not been able to reach agreement. The sum of 30 g fr represented an amount payable to the adm of State A on a statement in respect of international reply coupons issued by the adm of State C, which was set up on the territory of State B during the last world war. The sum in question was accepted in April 1944, by the adm of State C, but the adm of State B refused to pay it, and argued that as its Government had categorically refused to recognize the existence of State C, State B was completely uninterested in the credits or debits of the said State. The amount of 266 g fr represented transit charges for mails sent from the territory of State B and conveyed in transit through the territory of State A for the period from 19 April to 31 December 1941, when the territory of State B was occupied by the enemy. The adm of the last-named State did not agree with the setting off of 296 g fr; it argued that its country had been occupied by the enemy as from the beginning of April 1941 to the end of 1944 and that consequently it felt responsible neither for the debts contracted by the adm of the former State C, nor for those contracted by the occupation authorities on its territory during the last world war.
In interpreting the provs of the Conv the arbitrators found that the two credits of the adm of State A could not be disputed, but that they did not result from postal operations by the adm of State B, to which the former adm had turned for settlement. The adm of State A had taken the mere fact that the territory on which the adm of the former State C and the occupation authorities had operated constituted an integral part of the present State B as sufficient grounds for application to the adm of State B, which it assumed should be considered the legal successor of the authorities which had exercised power over the same territory during the last world war.
The settlement of debts by setting off is subject to certain conditions. In particular, the creditor has no power to replace the original debtor by another, considered by him as the legal successor, if such succession is recognized neither by the new debtor nor under a special international agr or by an unchallenged rule of public international law.
As in this instance the legal succession was contested by State B, and as there was no special international agr or any unchallenged rule of public international law under which it was recognized, and as the authorities competent to deal with such questions had not yet given an opinion, setting off was not possible.
Consequently, as the question of responsibility for obligations contracted during the war by State C and the occupation authorities on the territory of State B had not been settled by the competent authorities, the adm of State A had no grounds on which to demand settlement of the disputed amount (total 296 g fr) by setting off balances.

27 *Liability.* 1966 Rep, pp 62–67. On this occasion two adms were at variance about the liability incurred for the loss of a number of parcels and the rifling of other parcels sent at intervals of two months by the same mail steamer and for the same destination. The adm of destination (adm B) stated that on opening the bags containing the parcels in dispute, its services had noted the disappearance and rifling of several parcels and had made out the verification notes required for the adm of origin. That adm therefore considered that the loss and rifling had occurred outside its jurisdiction and that because of this it was entitled to decline any responsibility for the parcels concerned.
The dispatching adm (adm A) for its part claimed that the bags comprising the dispatch had been transferred in perfect condition to adm B which had not, moreover, expressed any reservations at that time. The verification notes prepared several days after the transfer did not entitle it to put liability for these losses and riflings on to the dispatching adm.
The inquiry established that adm B did not prepare the verification note at the time of transfer and under the conditions required by the Parcels Agr, Det Regs, art 134, para 1 (Ottawa 1957) (Conv, Det Regs, art 123 (Lausanne 1974)), and that it had also not sent adm A the items required by art 135 of the same Det Regs (Conv, Det Regs, art 125 (Lausanne 1974)) (bags, string, lead, seals, labels). Consequently, the arbitrators concluded that adm B bore the legal liability.
However, in view of the circumstances which had prevented adm B from opening and verifying the dispatches immediately, and because of the conciliatory attitude of adm A which had beforehand stated it was prepared to take over half the compensation to be paid to the senders, the arbitrators decided that adms A and B should each pay half of this compensation, in order to

reconcile the parties in dispute and in the interest of continuing smooth cooperation in the exchange of international postal dispatches.

28 *Conversion rate for an account expressed in g fr.* 1981 Rep, pp 94–97. Early in 1979, adm A paid, in the currency selected by the creditor B, an account expressed in g fr, first converting the g fr into its own currency A using the conversion rate notified by the IB in 1973 and then converting the result thus obtained by applying the rate of currency B valid on the day prior to payment on its country's main exchange market. Adm B, for its part, demanded payment on the basis of the conversion rate of its currency in relation to the g fr, also notified by the IB in 1973. In the general monetary situation created by the demonetization of gold with effect from 1 April 1978 decided on by the International Monetary Fund (IMF), neither art 7 of the Const, nor art 12 of the Conv (Lausanne 1974), nor art 103 of its Det Regs offered two member countries of that UN specialized agency an acceptable solution for the conversion into currency of payment of an international postal account expressed in g fr. In view of the fact that the revision of rates and charges by the 1974 Lausanne Congress had been approved on the basis of fixed relations between each currency and the g fr, the Union's standard currency, which is the common denominator, and that the establishment of postal accounts in g fr was designed to ensure the stability of debts under a system of fixed but adjustable parities, it seemed that it was not so much a question of finding a theoretical value for the g fr as of knowing how the constant price value in 1974 of international postal services could be maintained and guaranteed under the system of general floating of currencies. Under the given circumstances, the use of the Special Drawing Right (SDR) as intermediate currency in accordance with resolution CE 5/1977 was considered an acceptable solution for both parties involved and in line with the position adopted by the 1974 Lausanne Congress with regard to the uncertain monetary situation at that time.
Thus, the IB as sole arbitrator fixed in SDR the amount still owed by the debtor adm A and ruled that this amount was to be paid in the currency of country B at the conversion rate in force at the date of payment and within six weeks of the date of receipt of the award.

Section III

Final provisions

Article 33
Coming into operation and duration of the Constitution (1)

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 (2) 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. (3) 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.

1) 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.
Props have been submitted to the effect that the signatories should specifically state in the actual Conv that the signed Acts should be provisionally implemented if, at the date fixed for their entry into force, they have not been ratified. The question was discussed at length at the Prep Comm, Ottawa 1933, and at the 1934 Cairo Congress; finally, however, these props were rejected (I 20–23, 204, 1267 and 1268; II 95–98, 151, 152 and 624–626, props 16, 1275 and 1392). A prop that the entry into force of the Const should be dependent on the deposition of the instruments of ratification or accession was not accepted by the 1964 Vienna Congress (II 1004 and 1005, prop 1582).

2) Several declarations of a political nature were made on signing the Acts of the 1964 Vienna Congress (III 58–61), the 1969 Tokyo Congress (III 31–37), the 1974 Lausanne Congress (III 49–55), the 1979 Rio de Janeiro Congress (III 25–32) and the 1984 Hamburg Congress (III 65–77). For those made at the 1989 Washington Congress, see III/1, 73–77.

3) 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.

(Signature) (1) (2) (3)

For Afghanistan:
M. Azim Gran

For the People's Republic of Albania:
G. Nesho

For the Democratic and Popular Republic of Algeria:
A. Amrani

For the Argentine Republic:
Dr A. Pages Larraya
A.B. Gazzolo
E.S. Kalbermatten

For the Commonwealth of Australia:
R.J. Page
W.K. Waterson
E.A. Young

1) For the signatures, see 1964 Vienna Congress Docs, III 18–33.

2) Of the 125 members of the Union at the opening of the 15th Congress, 120 signed the Acts. The five member countries which did not sign were the Rep of Haiti, the Rep of Panama, the Portuguese Provinces in West Africa, the Portuguese Provinces in East Africa, Asia and Oceania and the Rep of South Africa.

3) The names of several countries have been changed since the 1964 Vienna Congress. See the list of the signatory countries of the Fourth Add Prot, Washington 1989 (III/1) 33–69.

For the Republic of Austria:
Dr B. Schaginger
Dr H. Grascher
Dr P. Machold
Dr J. Paroubek

For Belgium:
L. Colot
E. Struyf

For Bolivia:
A. Azurduy Estenssoro

For the United States of Brazil:
C.F.D.G. da Rocha
R. Ricupero
C. de Oliveira Araújo

For the People's Republic of Bulgaria:
V.I. Makarski

For Burma:
Hla Gyaw Pru

For the Kingdom of Burundi:
B. Ntawigaya

For the Byelorussian Soviet Socialist Republic:
P. Afanassiev

For the Kingdom of Cambodia:
H. Sam Ath

For the Federal Republic of Cameroon:
G. Tamba

For Canada:
W.H. Wilson
F. Pageau
R. Gosselin
W.M. MacLean

For the Central African Republic:
T. Sokony

For Ceylon:
W.S.A. Gunasekera

For the Republic of Chad:
J. Golsala

For Chile:
A. Urra Pinto

For China:
Dr K. Wang
Y.-S. Yü
P.-W. Sieh

For the Republic of Colombia:
T. Muñoz Bolaños
A. Salazar Paez
J.C. Castillo Lopez
Dr H. Zimmermann

For the Republic of the Congo (Brazzaville):
M. Mavounia

For the Republic of the Congo (Léopoldville):
T. Simpson
S. Mukendi
G. Kenda
A.G. Mubiay

For the Republic of Costa Rica:
G.L. Herzog

For the Republic of Cuba:
D. Portela Placeres
Dr L. Sola Vila
F. Marty Valdes

For the Republic of Cyprus
P. Hajioannou

For the Czechoslovak Socialist Republic:
J. Mǎnák

For the Republic of Dahomey:
G. Gounongbe

For the Kingdom of Denmark:
Dr A. Krog
J.M.S. Andersen
T.W. Madsen

For the Dominican Republic:
Dr A.A. Asmar Sanchez

For the Republic of Ecuador:
R. de Ycaza Cucalon

For the Republic of El Salvador:
Dr J. Contreras Chavez

For Ethiopia:
M. Hanna
T. Stéphanos
G. Gebre Wold

For the Republic of Finland:
O.J. Saloila
T.A. Puolanne

For the French Republic:
I. Cabanne
R. Joder
C. Girard
E. Chapart
E. Mouilleseaux
A. Gouyon
R. Morillon
A. Vatteone

For the Whole of the Territories represented by the French Overseas Postal and Telecommunication Office (1):
E. Skinazi
M. Chapron
M. Chappe

For the Gabonese Republic:
E. Mefane

For Germany:
R. Stücklen
Dr H. Steinmetz

For Ghana:
J.M. Aggrey

For the United Kingdom of Great Britain and Northern Ireland, including the Channel Islands and the Isle of Man:
K.S. Holmes
K. Hind
H.C. Hainworth
C.E. Haynes
T. Scott
V.C. Lucas

For the Overseas Territories for whose international relations the Government of the United Kingdom of Great Britain and Northern Ireland is responsible:
K.S. Holmes
K. Hind
H.C. Hainworth
C.E. Haynes
T. Scott
V.C. Lucas

For Greece:
H. Dimopoulos
G. Yannopoulos
P. Kiosséoglou

For the Republic of Guatemala:
R.A.M. Hernández

For the Republic of Guinea:
J. Montlouis
S. Diarra

For the Republic of Haiti (2)

For the Republic of Honduras:
A. Englander

For the Hungarian People's Republic:
D. Horn

For the Republic of Iceland:
G. Briem
R. Júlíusson

For India:
M. Dayal
S.M. Gosh
K.V. Raja

For the Republic of Indonesia:
S.H. Simatupang

For Iran:
Dr A.N. Mir-Eskandari

For the Republic of Iraq:
N. Al-Mudarris

For Ireland:
L.O. Bróin
P.A. Duignan

For Israel:
Ch. Ben-Menachem
A. Ranan
Y.L. Landau

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1) The "Whole of the Territories represented by the French Overseas Postal and Telecommunications Office" has not had the status of member country since 22 December 1977. These territories have been included since then in the jurisdiction of the Union under art 23 (circ 46/1977).

2) Haiti acceded to the Const in accordance with the procedure described in the Const, Fin Prot, sole art (circ 164/1975).

For Italy:
Dr A. Ponsiglione
Dr B. Brunetti

For the Republic of the Ivory Coast:
M. Boguifo

For Jamaica:
K.A. Jones
H.A. Fairweather

For Japan:
F. Uchida

For the Hashemite Kingdom of Jordan:
M. Aoun

For the Republic of Korea:
C.H. Lee
M.K. Bang

For Kuwait:
I.Y. Al-Abd Al-Razzak

For the Kingdom of Laos:
I. Cabanne
R. Joder
C. Girard
E. Chapart
E. Mouilleseaux
A. Gouyon
R. Morillon
A. Vatteone

For the Lebanese Republic:
M. Aoun

For the Republic of Liberia:
B. Page
B. Andrews

For Libya:
K. Marabutachi
A.B. Shehab

For the Principality of Liechtenstein:
J. Büchel

For Luxembourg:
Dr E. Raus
R. Fournelle

For the Malagasy Republic:
J. Ralaivao
G. Carillon

For Malaysia:
I. Varshay
K.L. Ong
S. Martin

For the Republic of Mali:
B. Diall

For the United States of Mexico:
L.F. Ramirez Umaña

For the Principality of Monaco:
H.P. Masmejean

For the Mongolian People's Republic:
M. Tchimidorj
L. Natsagdorj

For the Kingdom of Morocco:
M. El Fassi el Halfaoui
A. Berrada

For Nepal:
J.L. Satyal

For the Netherlands:
L.T. Hoolboom

For the Netherlands Antilles
and Surinam (1):
E.G. Lede
P.H.J. Breusers

For New Zealand:
J.B. Darnell
L.T. Heath
F.J. Jeffery

For Nicaragua:
Dr H. Romich de Gloger

For the Republic of the Niger:
M. Zakara
B. Bolho

For the Federal Republic of Nigeria:
L.O. Bassey

For Norway:
K. Johannessen
W. Sjögren
E. Døving
K. Strømsnes

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1) Following the accession of Suriname to independence, the official name is now "Netherlands Antilles and Aruba".

For Pakistan:
H.B. Kazi
A. Shakoor
Z.N. Ahmad

For the Republic of Panama (1)

For Paraguay:
K. Bene

For the Republic of Peru:
H. Merino Machuca
Dr E. Cáceres Boluarte

For the Republic of the Philippines:
E. Palomar
A.S. Navarro

For the Polish People's Republic:
F. Ladosz

For Portugal:
Dr M. de Fontes Pereira de Mello Fonseca
Dr J. Braga
D. Duarte Belo
J.R. de Matos Pereira
J. Luciano Viegas de Matos
C.A. de Melo

For the Portuguese Provinces in West Africa (2)

For the Portuguese Provinces in East Africa, Asia and Oceania (3)

For the People's Republic of Romania:
M. Grigore
A.P. Matescu
I. Petraru
P. Postelnicu
I. Seefeld

For the Rwandese Republic:
G. Kamanzi

For the Republic of San Marino:
D. Forcellini
W. Müller-Fembeck

For the Kingdom of Saudi Arabia:
I. Zarai
S.A. Akki
A. Sheikh Jamal Ellil
M.S. Karkadan

For the Republic of Senegal:
I. N'Diaye
M. Ouattara
A. Sarda
D. Sow
C. Migné

For Sierra Leone:
C.S. Davies

For Somalia:
Dr G. Thorel

For the Republic of South Africa (4)

For Spain:
J.S. de Erice y O'Shea
M. González y González
A.M. Garcia
S. Casasblanco
L.J. Gil

For the Spanish Territories in Africa (5):
J.A. Prendes
R.A. Arenas

For the Republic of Sudan:
M. Salih Sulieman
H.I. Beshir

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1) The Rep of Panama acceded to the Const in accordance with the procedure described in the Const, Fin Prot, sole art (circ 19/1985).

2) This member country ceased to exist on 11 November 1975 (circ 95/1976).

3) This member country ceased to exist on 28 December 1977 (circ 32/1978).

4) The Rep of South Africa acceded to the Const in conformity with the procedure described in the Const, Fin Prot, sole art (circ 167/1964). It was expelled from the Union by the 1979 Rio de Janeiro Congress (resolution C 6/1979). Basing itself on its status as a member of the UN, it became a member country of the UPU again in 1981. The 1984 Hamburg Congress, by its resolution C 7/1984, confirmed the exclusion of the Rep of South Africa from the Union and decided that it could not take advantage of its status as a member of the UN to obtain readmission to the UPU as long as it continued to practise its policy of apartheid.

5) The member country "Spanish Territories in Africa" ceased to exist on 28 February 1976 (circ 97/1976).

For Sweden:
A.E.V. Swartling
K.A.S. Löfgren
T.B. Seiden

For the Swiss Confederation:
Dr V. Tuason
F. Sauser
E. Buzzi
C. Chappuis
M. Marguerat

For the Syrian Arab Republic:
A.K. Baghdadi
M. El-Mahamid

For Thailand:
T. Kiranandana
S. Sukhanetr
C. Thongma
T. Yaowakhandha

For the Togolese Republic:
E. Lawson
I. Ekue

For Trinidad and Tobago:
K. Mohammed
G. Lee
N. Warren
S. Carmudden

For Tunisia:
S. Bezzaouia
A. Fendri

For Turkey:
F. Alpiskender
A.E. Kutkan
N.N. Ekinci

For Uganda:
H.Z.E. Ramogi
R.H. Newel

For the Ukrainian Soviet Socialist Republic:
G. Sintshenko

For the Union of Soviet Socialist Republics:
K. Sergueitchuk

For the United Arab Republic:
Dr A. Bakir
T.H. Abdelrahman
A.H. Haggag
A.S. Eldali

For the United Republic of Tanganyika and Zanzibar:
R. Yusuf

For the United States of America:
W.J. Hartigan
F.E. Batrus
G. Allan
D.S. Goodson
F.L. Coolidge
A.J. Rioux
R.K. Hancock

For the Whole of the Territories of the United States including the Trust Territory of the Pacific Islands (1):
W.J. Hartigan
F.E. Batrus
G. Allan
D.S. Goodson
F.L. Coolidge
A.J. Rioux
R.K. Hancock

For the Republic of Upper Volta:
H. Yameogo
R.P.A. Ghintran

For the Eastern Republic of Uruguay:
C.W. Aliseris

For the Vatican City State:
G. Pringione
H. Miehsler
Dr F. Muschl

For the Republic of Venezuela:
O.M. Lips
J.M. Sánchez

For Vietnam:
T. Ran-Văn-Viăn
Vô-Văn-Cái

For the Yemen Arab Republic:
M. Zayed

For the Socialist Federal Republic of Yugoslavia:
P. Vasiljević
M. Mičić
D. Pataki
M. Kristić

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1) The "Whole of the Territories of the United States including the Trust Territory of the Pacific Islands" has not had the status of member country since 22 December 1977. These territories have been included since then in the jurisdiction of the Union on the basis of Const, art 23 (circ 46/1977).

Final Protocol to the Constitution of the Universal Postal Union

At the moment of proceeding to signature of the Constitution of the Universal Postal Union concluded this day, the undersigned plenipotentiaries have agreed the following:

Sole article
Accession to the Constitution (1)

Member countries of the Union which have not signed the Constitution may accede to it at any time. Instruments of accession shall be addressed through diplomatic channels to the Government of the country in which the seat of the Union is situated and by that Government to the Governments of the member countries of the Union. (2) (3) (4)

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1) Before the 1964 Vienna Congress it was customary to include in the Fin Prot to the Conv an art permitting member countries not represented at Congress to accede unilaterally to Congress Acts before they entered into force (Conv, Fin Prot, Ottawa 1957, arts XV, XVI). Member countries which, though represented, had not signed the Acts of Congress, were similarly treated (Conv, Fin Prot, Ottawa 1957, art XIV).
In spite of art 2 of the Const, which accords membership status to countries having such a status under the Ottawa Acts, the 1964 Vienna Congress decided, on the prop of the USSR, to insert an art on the same lines in the Fin Prot to the Const (II 1009 and 1020, Doc 128). As a result, member countries which have not signed the Vienna Const must, in spite of the right they enjoy by virtue of art 2 of the Const, formally accede to it as laid down in this art. The member countries affected by this art are, firstly, those which did not sign the Vienna Acts (cf II 470, b), and secondly, those which had membership status before 1 January 1966, the date on which the Const entered into effect. No time limit is prescribed for their accession.
Accession to the Const also entails a declaration of accession to the compulsory Acts of the Union, by analogy with the provs of the Const, art 11, para 3 (cf also the Const, art 22, paras 2 and 3).

2) Kenya in 1966 (circ 107/1968), Malta (circ 124/1968), the Portuguese Provinces in West Africa and the Portuguese Provinces in East Africa, Asia and Oceania (circ 241/1968) and the Republic of South Africa (circ 167/1964) had recourse to this procedure for acceding to the Acts of the 1964 Vienna Congress. The Republic of Haiti (circ 164/1975) and the Republic of Panama (circ 19/1985) also made use of this prov for acceding to the Const.

3) Accession by virtue of this art takes effect from the date on which the instrument of accession is deposited.

4) There is no longer, at this time, any member country which has yet to accede to the Const.

In witness whereof, the under-mentioned plenipotentiaries have drawn up this 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 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.

(For the signatures, see 1964 Vienna Congress Docs, III 35–50.)

Additional Protocols to the Constitution of the Universal Postal Union (1)

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

Fourth Additional Protocol to the Constitution of the Universal Postal Union (Washington 1989)

(Extract)

Contents

Art		
I	(art 7 amended)	Monetary unit
II	(art 11 amended)	Accession or admission to the Union. Procedure
III	(art 12 amended)	Withdrawal from the Union. Procedure
IV	(art 21 amended)	Expenditure of the Union. Contributions of member countries
V	(art 22 amended)	Acts of the Union
VI	(art 23 amended)	Application of the Acts of the Union to territories for whose international relations a member country is responsible
VII	(art 25 amended)	Signature, authentication, ratification and other forms of approval of the Acts of the Union
VIII	(art 26 amended)	Notification of ratifications and other forms of approval of the Acts of the Union
IX		Notification of accession to the Additional Protocols to the Constitution of the Universal Postal Union
X		Accession to the Additional Protocol and to the other Acts of the Union
XI		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 Washington, 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 I
(Article 7 amended) (1)

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1) For the text, see Const, art 7 (amended).

Article II
(Article 11 amended) (1)

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1) For the text, see Const, art 11 (amended).

Article III
(Article 12 amended) (1)

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1) For the text, see Const, art 12 (amended).

Article IV
(Article 21 amended) (1)

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1) For the text, see Const, art 21 (amended).

Article V
(Article 22 amended) (1)

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1) For the text, see Const, art 22 (amended).

Article VI
(Article 23 amended) (1)

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1) For the text, see Const, art 23 (amended).

Article VII
(Article 25 amended) (1)

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1) For the text, see Const, art 25 (amended).

Article VIII
(Article 26 amended) (1)

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1) For the text, see Const, art 26 (amended).

Article IX
Notification of accession to the Additional Protocols to the Constitution of the Universal Postal Union

From the entry into force of the Acts of the 1989 Washington Congress, instruments of accession to the 1969 Tokyo Additional Protocol, to the 1974 Lausanne second Additional Protocol and to the 1984 Hamburg third Additional Protocol shall be sent to the Director-General of the International Bureau who shall notify the Governments of the member countries of their deposit.

Article X
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. (1)

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.

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1) Accession takes effect on the date of deposit of the instrument of accession with the Director-General of the IB.

Article XI
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 1991 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 Washington, 14 December 1989

(For the signatures, see 1989 Washington Docs, III/1, pp 33–69.)

Declarations made on signature of the Acts of the 1989 Washington 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 87)

II

On behalf of the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man:

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

(Congress – Doc 90)

III

On behalf of the Republic of Afghanistan, the People's Democratic Republic of Algeria, the State of Bahrain, Brunei Darussalam, the Republic of Djibouti, the Republic of Indonesia, the Republic of Iraq, the Hashemite Kingdom of Jordan, Kuwait, the Lebanese Republic, the Socialist People's Libyan Arab Jamahiriya, Malaysia, the Islamic Republic of Mauritania, the Kingdom of Morocco, the Sultanate of Oman, the Islamic Republic of Pakistan, the State of Qatar, the Kingdom of Saudi Arabia, the Syrian Arab Republic, the Republic of Tunisia, the United Arab Emirates, the Yemen Arab Republic and the People's Democratic Republic of Yemen:

"The above-mentioned delegations,

"Considering
the fourth Geneva Convention (1949) relative to the Protection of Civilian Persons in Time of War, on the one hand, and United Nations decision No 3379 D.30 of 10 November 1975 qualifying Zionism as a form of racism and racial discrimination, on the other,

"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 a war which is imposed on them and that, as a consequence, their defence is a just cause as it is designed to end their martyrdom, 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 the entity known as 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 and their declaration No XXVII made at the 1984 Hamburg Congress

"And reaffirm

that their signature to all the Acts of the Universal Postal Union (1989 Washington 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 90/Add 1/Rev 1)

IV

On behalf of Israel:

A

"The delegation of Israel to the 20th 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) and 20th Congress (Washington 1989), 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 90/Add 2)

B

"The delegation of Israel deplores the attempt by a certain delegation to the 20th Congress to introduce proposals and issues of a purely extraneous political nature designed to undermine the objectives of the UPU in attaining international collaboration in the cultural, social and economic fields. Such politicization is contrary to the essentially technical and specialized purpose of the UPU and detracts from the Union's valuable role in the international community.
"The delegation of Israel declares that it is opposed to any proposal or resolution contravening the principle of universality of membership in the UPU or any other of the United Nations bodies or specialized agencies."

(Congress – Doc 90/Add 3)

V

On behalf of Chile:

"All post offices of Chile are established on its own territory of which the Chilean Antarctic sector is an integral part."

(Congress – Doc 90/Add 4)

VI

On behalf of the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man:

"With regard to the declaration made by the delegation of Chile, the United Kingdom wishes to state that Her Majesty's Government has no doubt as to its sovereignty over the British Antarctic Territory and wishes to draw attention to article 4 of the Antarctic Treaty 1959 to which both the Chilean Government and Her Majesty's Government are parties."

(Congress – Doc 90/Add 5)

VII

On behalf of the United States of America:

"With regard to the declaration made concerning post offices in Antarctica, the United States of America declares that it reserves its position and takes note of article 4 of the Antarctic Treaty of 1959."

(Congress – Doc 90/Add 6)

VIII

On behalf of Australia:

"With regard to the declaration made by the delegation of Chile, Australia draws attention to article 4 of the Antarctic Treaty and states that it regards its post offices in the Australian Antarctic Territory as being on Australian territory."

(Congress – Doc 90/Add 7)

IX

On behalf of Israel:

"The delegation of Israel strongly objects to the change of designation of the PLO on the nameplate to that of "Palestine" at the 20th Congress. The delegation of Israel maintains its objection to the granting of observer status to the PLO under any designation, for reasons which are well known. The delegation of Israel considers the action taken to be one which aggravates the situation even further."

(Congress – Doc 90/Add 8)

General Regulations of the Universal Postal Union

Contents

Chapter I

Functioning of the Union's bodies

Art
101 Organization and convening of Congresses and Extraordinary Congresses
102 Composition, functioning and meetings of the Executive Council
103 Documentation on the activities of the Executive Council
104 Composition, functioning and meetings of the Consultative Council for Postal Studies
105 Documentation on the activities of the Consultative Council for Postal Studies
106 Rules of Procedure of Congresses
107 Languages used for **documentation**, for debates and for official correspondence

Chapter II

International Bureau

108 Election of the Director-General and Deputy Director-General of the International Bureau
109 Duties of the Director-General
110 Duties of the Deputy Director-General
111 Secretariat of the Union's bodies
112 List of member countries
113 Information. Opinions. Requests for interpretation and amendment of the Acts. Inquiries. Role in the settlement of accounts
114 Technical cooperation
115 Forms supplied by the International Bureau
116 Acts of Restricted Unions and Special Agreements
117 Union periodical
118 Annual report on the work of the Union

Chapter III

Procedure for the submission and consideration of proposals

119 Procedure for submitting proposals to Congress
120 Procedure for submitting proposals between Congresses
121 Consideration of proposals between Congresses
122 Notification of decisions adopted between Congresses
123 **Entry into force** of **the Detailed Regulations and of the other** decisions adopted between Congresses

Chapter IV

Finance

124 Fixing and regulation of the expenditure of the Union
125 Contribution classes
126 Payment for supplies from the International Bureau

Chapter V

Arbitration

127 Arbitration procedure

Chapter VI

Final provisions

128 Conditions for approval of proposals concerning the General Regulations
129 Proposals concerning Agreements with the United Nations
130 Entry into force and duration of the General Regulations

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 3 (1), of the Constitution, drawn up in these General Regulations the following provisions securing the application of the Constitution and the functioning of the Union. (2)

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1) This prov became art 25, para 4, with the entry into force of the Washington Acts.

2) See Const, art 22, note.

Chapter I

Functioning of the Union's bodies

Article 101
Organization and convening of Congresses and Extraordinary Congresses (Const, 14, 15) (1) (2) (3)

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. (4) (5) (6) (7) 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. (8)

4 In principle, each Congress shall designate the country in which the next Congress will be held. (9) If that designation proves inapplicable, the Executive Council shall be authorized to designate the country where Congress is to meet, after consultation with the latter country. (10)

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. (11) (12) (13)

6 When a Congress has to be convened without a host Government, the International Bureau, with the agreement of the Executive Council 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. (14)

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. (15)

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1) Note on Congresses, their duration, and the number of participants, countries represented and props made.

		Days	*Delegates*	*Officials, experts, etc attached to delegates*	*Total number of participants*	*Countries represented*	*Number of props*
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

		Days	*Delegates*	*Officials, experts, etc attached to delegates*	*Total number of participants*	*Countries represented*	*Number of props*
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

2) The essential task of Congress is to revise or supplement the Acts. In addition:

a it appoints the members of the EC (art 102, para 3) and of the CCPS (art 104, para 2);

b it elects the Director-General and the Deputy Director-General of the IB (art 108, para 1);

c it fixes the ceiling for the annual expenditure of the Union (art 124, para 1) and the expenditure relating to the meeting of the next Congress (art 124, para 2);

d it considers the comprehensive reports on the activities of the EC and CCPS 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 EC (art 102, para 6.18);

g it examines and adopts the CCPS work programme (art 104, para 12);

h it adopts the decisions and the resolutions concerning the operation of the various bodies of the Union;

i it fixes the ways and means of applying certain provs of the Acts of the Union;

j 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;

k it takes certain decisions of principle on the subject of the administration of the IB;

l 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." (II 316 and 317, prop 4.)

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 (see 1984 Hamburg Congress, II 335–339, prop 1003.1); 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).

3) The 1964 Vienna Congress instructed the EC "to study ways and means by which the work of Congress could be simplified and its progress accelerated, taking account of the ideas contained in prop 1002" (II 523, resolution C 10/1964). This question has been considered by the EC from various aspects. With regard more particularly to the possible replacement of the traditional Congress by a Congress of restricted scope and Administrative Confs for postal technical matters, a consultation was held among all adms, a majority of which was opposed to this possibility (Comprehensive Rep on the work of the EC, 1964–1969, section 59).
The EC elected by the 1979 Rio de Janeiro Congress has also had a prop submitted to it by the APPU members requesting that body to make a detailed study of the organization and operation of UPU Congresses with a view to improving its efficiency and speeding its progress (decision CE 4/1980). The 1984 Hamburg Congress adopted a whole series of measures to that end (I 1224–1228, II 285–296) and instructed the EC to round off this work of rationalizing Congress with two new studies, one concerning international postal regulations, with the aim in particular of avoiding systematic recourse to Congress for the revision of the Acts of the Union (resolution C 56/1984), and the other on ways of reducing the duration of Congress to five weeks at most (resolution C 53/1984). At the end of this latest study, the EC took several series of measures (decisions CE 17/1985 and CE 12/1986, as well as resolution CE 2/1988). Moreover, on the basis of its props, the 1989 Washington Congress set up, with immediate effect, a faster mechanism for taking decisions and action between Congresses, transferring legislative power in respect of Det Regs to the EC (Const, art 22) and strengthening the role of the CCPS in preparing and revising technical standards (art 104, para 9.7). The EC was requested to conduct an additional study on the following questions:
- second phase of the transfer to the EC of some of the legislative functions of Congress (resolution C 2/1989);
- structure of the Conv, the Agrs and the Det Regs (resolution C 14/1989);
- reinforcement of the priority activities of the Union (resolution C 67/1989);
- subsequent improvement of the management of the Union's work (resolution C 8/1989).

4) 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, note 5. 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 EC to designate those international intergovernmental 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 6.17).
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).

5) At the 1891 Vienna Congress, the question whether it was not desirable to dispense with the expression "plenipotentiaries", replacing it by "delegates" from the contracting countries, and to replace "ratification" of the Congress Acts by the less formal "approval", was discussed. However, in order to preserve the original diplomatic character of Congress, the prop was rejected.

6) Government signifies here the highest authority having the power to negotiate and conclude treaties and conventions, namely the executive power representing the State (1929 London Congress, II 134 and 135). 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, art 3, para 1.

7) The situation of delegates whose credentials are lacking or are not in order is regulated in the Rules of Proc of Congresses, art 3, para 3.

8) 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 however claim several votes (1924 Stockholm Congress, II 128, 206, 217 and 218).

9) The next Congress will be held in Korea (Rep), in 1994 (1989 Washington Congress, II Congress – PV 10, decision C 49/1989).

10) This para was added by the 1964 Vienna Congress (II 909, 910 and 975–977, prop 2002, ELC amended by France and the United Arab Republic). 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 (circs 89 and 147/1961). 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 (circs 174/1962, 14 and 55/1963). The procedure envisaged, while enabling Congress to designate the host country of the next Congress, allows the EC to settle this question itself if, as a result of special or unforeseen circumstances, the host country designated is unable to meet its obligations.

11) This para was added by the 1964 Vienna Congress (II 978 and 979, prop 2003). This is in fact the official sanctioning of the practice followed hitherto 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.

12) 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".

13) 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 or Conf (1929 London Congress, I 1383, II 155).

14) This para was added by the 1964 Vienna Congress (II 979, prop 2004) to allow Congress to meet even in the absence of a host country.

15) See Const, art 15, notes 2 and 3.

Article 102
Composition, functioning and meetings of the Executive Council (Const 17) (1) (2)

1 The Executive Council shall consist of a Chairman (3) and thirty-nine members (4) (5) who shall exercise their functions during the period between two successive Congresses. (6)

2 The chairmanship shall devolve by right on the host country of Congress. (7) If that country waives this right, it shall become a de jure member and, as a result, the geographical group (8) 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 Executive Council shall elect to the chairmanship one of the member countries belonging to the geographical group of the host country.

3 The thirty-nine members of the Executive Council shall be elected by Congress on the basis of an equitable geographical distribution. (9) At least a half of the membership shall be renewed at each Congress; (10) no member may be chosen by three successive Congresses. (11)

4 The representative of each of the members of the Executive Council shall be appointed by the postal administration of his country. (12) This representative shall be a qualified official of the postal administration. (13)

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

6 The Executive Council shall have the following functions (14):

6.1 to coordinate and supervise all the activities of the Union between Congresses; (15)

6.2 **to revise the Detailed Regulations of the Union within six months following the end of Congress, unless the latter decides otherwise. In case of urgent necessity, the Executive Council may also amend the said Regulations at other sessions;** (16)

6.3 **to take any action considered necessary to safeguard and enhance the quality of and to modernize the international postal service;** (17)

6.4 to promote, coordinate and supervise all forms of postal technical assistance within the framework of international technical cooperation; (18)

6.5 to consider and approve the annual budget and accounts of the Union;

6.6 to authorize the ceiling of expenditure to be exceeded, if circumstances so require, in accordance with article 124, paragraphs 3, 4 and 5;

6.7 to lay down the Financial Regulations of the UPU;

6.8 to lay down the rules governing the Reserve Fund;

6.9 **to lay down the rules governing the Special Activities Fund;** (19)

6.10 to provide control over the activities of the International Bureau; (20)

6.11 to authorize election of a lower contribution class, if it is so requested, in accordance with the conditions set out in article 125, paragraph 6;

6.12 to lay down the Staff Regulations and the conditions of service of the elected officials; (21)

6.13 to appoint or promote officials to the grade of Assistant Director-General (D 2); (22)

6.14 to lay down the Regulations of the Social Fund;

6.15 to approve the annual report on the work of the Union prepared by the International Bureau and where appropriate to furnish observations on it;

6.16 to decide on the contacts to be established with postal administrations in order to carry out its functions;

6.17 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; (23) (24) 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; (25)

6.18 to study, at the request of Congress, the CCPS or postal administrations, administrative, legislative and legal problems concerning the Union or the international postal service and to communicate the results of such studies to the body concerned or to postal administrations, as the case may be. It shall be for the Executive Council to decide whether it is expedient to undertake the studies requested by postal administrations between Congresses;

6.19 **to revise and amend, between two Congresses and in accordance with the procedure laid down in the Universal Postal Convention, the postage charges for letter-post items;** (26)

6.20 to formulate proposals which shall be submitted for the approval either of Congress or of postal administrations in accordance with article 121;

6.21 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 120, 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;

6.22 to recommend, if **necessary**, and where appropriate after 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**; (27)

6.23 to consider the annual report prepared by the Consultative Council for Postal Studies and any proposals submitted by the Council;

6.24 to submit subjects for study to the Consultative Council for Postal Studies for examination in accordance with article 104, paragraph **9.6**;

6.25 to designate the country where the next Congress is to be held in the case provided for in article 101, paragraph 4;

6.26 to determine in due course, the number of Committees required to carry out the work of Congress and to specify their functions;

6.27 to designate in due course, 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;

6.28 to decide whether minutes of meetings of a Committee of Congress should be replaced by reports.

7 In appointing (28) officials to grade D 2, the Executive Council 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. (29)

8 At its first meeting, which shall be convened by the Chairman of Congress, the Executive Council shall elect four Vice-Chairmen (30) from among its members and draw up its Rules of Procedure. (31)

9 On convocation by its Chairman, the Executive Council shall meet in principle once a year, at Union headquarters. (32) (33)

10 The representative of each of the members of the Executive Council participating in its meetings, except for meetings which take place during Congress (34), 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 air ticket. (35)

11 The Chairman of the Consultative Council for Postal Studies shall represent that body at meetings of the Executive Council on the agenda of which there are questions of interest to the body which he directs. (36)

12 To ensure effective liaison between the work of the two bodies, the Chairman, the Vice-Chairman and the Committee Chairmen of the Consultative Council for Postal Studies may, if they express the desire so to do, attend Executive Council meetings as observers. (37)

13 The postal administration of the country in which the Executive 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 Executive Council. (38)

14 The Executive Council may invite any international body or any qualified person whom it wishes to associate with its work to its meetings, without the right to vote. (39) It may also invite, under the same conditions, one or more postal administrations of member countries concerned with questions on its agenda.

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1) The provs concerning the EC come into effect immediately, in conformity with Hamburg Congress resolution C 87/1984.

2) The 1979 Rio de Janeiro Congress, by resolution C 44/1979, assigned to the EC a study on the organization, functioning and working method of the Executive Council and the apportionment of responsibilities between the EC and the CCPS. On conclusion of that study, the EC considered that the existing practice was, generally speaking, satisfactory as regards the composition, organization, frequency of meetings, working methods and documentation system of the EC, and was worth retaining (see 1984 Hamburg Congress, I 1229–1231). It saw fit, however, to make certain amendments to para 6 of the present art in order to clarify the powers of the EC or fill in gaps and to change the order of the functions in accordance with their importance and frequency (prop 1502.6). With regard to the delimitation of powers between the EC and the CCPS, the 1984 Hamburg Congress inserted art 25, governing the assignment of studies to these two bodies, in the Rules of Proc of Congresses.

3) At its May 1953 session (see Summary Record of session, p 5), 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.

4) 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 members. Since the creation of this body, the progression of its membership has been as follows:

	Number of EC (or ELC) members	*Number of UPU member countries*
Paris 1947	19	88
Brussels 1952	20	94
Ottawa 1957	20	96
Vienna 1964	27	125
Tokyo 1969	31	142
Lausanne 1974	40	153

Subsequent Congresses after the 1974 Lausanne Congress did not change either the number of EC members or the distribution key of the seats among the geographical groups.

5) With regard to the composition of the EC since 1947, the distribution of its members among the various geographical groups is as follows (the figures in brackets show the geographical group to which the country belongs). The 1984 Hamburg Congress had instructed the EC to study the question of the geographical distribution of EC seats on the basis of certain regional demarcations, in particular those of the various United Nations Economic Commissions (decision C 91/1984). The study conducted by the EC resulted in maintenance of the status quo. See also note 9 below.

1947 Paris Congress

Argentina (1)
Australia (4)
Brazil (1)
China (4)
Colombia (1)
Czechoslovakia (2)
Egypt (5)
France (3)
Great Britain (3)
India (4)
Mexico (1)
Netherlands (3)
Portugal (3)
Sweden (3)
Switzerland (3)
Turkey (4)
USSR (2)
United States of America (1)
Yugoslavia (2)

1952 Brussels Congress

Australia (4)
Belgium (3)
Brazil (1)
Chile (1)
Denmark (3)
Egypt (5)
France (3)
India (4)
Indonesia (4)
Italy (3)
Japan (4)
Pakistan (4)
Poland (2)
South Africa (5)
Switzerland (3)
Syrian Arab Rep (4)
USSR (2)
United States of America (1)
Uruguay (1)
Venezuela (1)

1957 Ottawa Congress

Argentina (1)
Belgium (3)
Canada (1)
Chile (1)
Germany (3)
Great Britain (3)
Indonesia (4)
Italy (3)
Japan (4)
Lebanon (4)
Libya (5)
Mexico (1)
New Zealand (4)
Norway (3)
Pakistan (4)
Poland (2)
South Africa (5)
Turkey (4)
Venezuela (1)
Yugoslavia (2)

1964 Vienna Congress

Argentina (1)
Austria (3)
Bulgaria (2)
Canada (1)
Egypt (5)
Ethiopia (5)
France (3)
Germany (3)
Great Britain (3)
Hungary (2)
India (4)
Kuwait (4)
Madagascar (Rep) (5)
Malaysia (4)
Mexico (1)
New Zealand (4)
Nigeria (5)
Peru (1)
Senegal (5)
Sudan (5)
Sweden (3)
Syrian Arab Rep (4)
Thailand (4)
Tunisia (5)
Turkey (4)
USSR (2)
United States of America (1)

1969 Tokyo Congress

Australia (4)
Austria (3)
Bulgaria (2)
Cameroon (5)
Colombia (1)
Congo (People's Rep) (5)
Egypt (5)
Ethiopia (5)
Finland (3)
France (3)
India (4)
Indonesia (4)
Iran (4)
Italy (3)
Japan (4)
Lebanon (4)
Morocco (5)
Netherlands (3)
Niger (5)
Nigeria (5)
Pakistan (4)
Peru (1)
Romania (2)
Senegal (5)
Thailand (4)
Trinidad and Tobago (1)
Tunisia (5)
USSR (2)
United States of America (1)
Uruguay (1)
Venezuela (1)

1974 Lausanne Congress

Argentina (1)
Australia (4)
Bangladesh (4)
Brazil (1)
Cameroon (5)
Canada (1)
China (People's Rep) (4)
Colombia (1)
Congo (People's Rep) (5)
Cuba (1)
Czechoslovakia (2)
Germany, Fed Rep of (3)
Great Britain (3)
Guinea (5)
Iceland (3)
Indonesia (4)
Italy (3)
Jamaica (1)
Japan (4)
Kenya (5)
Lebanon (4)
Liberia (5)
Libya (5)
Malaysia (4)
Mali (5)
Mauritius (5)
Morocco (5)
Netherlands (3)
Niger (5)
Pakistan (4)
Romania (2)
Spain (3)
Sri Lanka (Ceylon) (4)
Sudan (5)
Switzerland (3)
Syrian Arab Rep (4)
Ukraine (2)
Uruguay (1)
Venezuela (1)
Yugoslavia (2)

1979 Rio de Janeiro Congress

Algeria (5)
Argentina (1)
Bangladesh (4)
Barbados (1)
Brazil (1)
Canada (1)
Chile (1)
China (People's Rep) (4)
Cuba (1)
Czechoslovakia (2)
Denmark (3)
Egypt (5)
France (3)
Gabon (5)
Germany, Fed Rep of (3)
Great Britain (3)
Guinea (5)
Honduras (Rep) (1)
India (4)
Iraq (4)
Ireland (3)
Ivory Coast (Rep) (5)
Jordan (4)
Kenya (5)
Liberia (5)
Libyan Jamahiriya (5)
Malaysia (4)
Mali (5)
Mexico (1)
Mongolian People's Rep (2)
Saudi Arabia (4)
Senegal (5)
Spain (3)
Sri Lanka (4)
Sudan (5)
Syrian Arab Rep (4)
Thailand (4)
USSR (2)
United States of America (1)
Yugoslavia (2)

1984 Hamburg Congress

Algeria (5)
Australia (4)
Belgium (3)
Benin (5)
Brazil (1)
Cameroon (5)
Chile (1)
Colombia (1)
Egypt (5)
Ethiopia (5)
France (3)
Gabon (5)
Germany, Fed Rep of (3)
Honduras (Rep) (1)
Hungarian People's Rep (2)
India (4)
Iraq (4)
Ireland (3)
Ivory Coast (Rep) (5)
Japan (4)
Jordan (4)
Lebanon (4)
Madagascar (5)
Mexico (1)
New Zealand (4)
Nigeria (5)
Norway (3)
Pakistan (4)
Peru (1)
Polish People's Rep (2)
Portugal (3)
Romania (2)
Saudi Arabia (4)
Senegal (5)
Switzerland (3)
Thailand (4)
USSR (2)
United States of America (1)
Uruguay (1)
Zambia (5)

1989 Washington Congress

Argentina (1)
Australia (4)
Bahamas (1)
Belgium (3)
Benin (5)
Brazil (1)
Cameroon (5)
Canada (1)
China (People's Rep) (4)
Colombia (1)
Costa Rica (1)
Cuba (1)
Ethiopia (5)
Germany, Fed Rep of (3)
Great Britain (3)
Hungary (Rep) (2)
Indonesia (4)
Italy (3)
Japan (4)
Kenya (5)
Korea (Rep) (4)
Kuwait (4)
Lebanon (4)
Mongolian People's Rep (2)
Morocco (5)
New Zealand (4)
Nigeria (5)
Pakistan (4)
Poland (Rep) (2)
Sweden (3)
Switzerland (3)
Tanzania (United Rep) (5)
Togo (5)
Tunisia (5)
United Arab Emirates (4)
United States of America (1)
Venezuela (1)
Yugoslavia (2)
Zambia (5)
Zimbabwe (5)

6) Regarding the interpretation of the phrase "during the period between two successive Congresses", see Const, art 17, note 2.

7) 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 EC, 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 (1974 Lausanne Congress, II 1135–1138 and 1140–1142, prop 1502.20/Rev).

8) On the recommendation of CCPS Working Party A 19, 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. The 1979 Rio de Janeiro Congress adopted this drafting prop (prop 1502.2 R CCPS).

9) For the election of members of the EC, the 1989 Washington Congress retained the five geographical groups which had been defined by the 1952 Brussels Congress and within these five groups it retained the distribution of the seats decided on by the Lausanne Congress, viz (apart from the seat reserved for the host country):
1 Western hemisphere = 8 seats + Chairman;
2 Eastern Europe and Northern Asia = 4 seats;
3 Western Europe = 6 seats;
4 Southern Asia and Oceania = 10 seats;
5 Africa = 11 seats.
(Congress – Docs 42 and 43; see also Congress – Docs 45 and 47.)

10) It will be seen from the table in note 5, that 19 of the 40 member countries of the EC elected at Washington in 1989 were members of the 1984 Hamburg EC, 21 are new.

11) This prov was applied by each Congress from the 1957 Ottawa. The 1964 Vienna Congress and the 1974 Lausanne Congress each rejected a prop to delete the last sentence of para 2 (1964 Vienna Congress, II 912, prop 2018; 1974 Lausanne Congress, II 1142 and 1143, prop 1502.19). The 1979 Rio de Janeiro Congress rejected a prop on renewing two thirds of the EC membership at each Congress (1979 Rio de Janeiro Congress, II 1349 and 1351, prop 1502.3). Not included in this concept of successive periods is the period during which a member country holds the chairmanship of the EC as organizer of the preceding Congress, or becomes a de jure member of the EC for the same reason. The 1984 Hamburg Congress had before it prop 1502.11/Rev 1 for deleting this last sentence and creating a new para providing that "no country may be a member of the EC for more than two successive periods except the host country of Congress, which may be a member for a third period after Congress". This prop was rejected (II 298–302 and 312–314).

12) It is up to each country to define its adm and to appoint in particular the authorities empowered to represent the latter. This may be a qualified official of the adm itself or of the Ministry to which it is answerable. It is important for this representative to be familiar with the issues dealt with in the EC or the CCPS and, in conformity with formal opinion C 53/1989 expressed by the Washington Congress, the delegation to the EC should be led as far as possible and at least during the plenary meetings by a senior official of the adm who can commit his adm.
It should be made clear that this question arises only for the "representative", ie in fact the head of delegation. He may be accompanied by one or more officials who are also authorized to participate in the discussions and to vote (EC Rules of Proc, art 2, para 2), and even by experts or advisers.

13) The 1947 Paris Congress expressed a formal opinion that the term "qualified official" meant an established, experienced and competent official (II 977). On the basis of this prov, the ELC and the EC have refused diplomats the right to represent their country at an ordinary session of this body. However, they have allowed, on several occasions, diplomatic officials (members of embassies or permanent missions) to represent their countries as observers or to accompany the official representative (ELC Docs 1959, p 315; EC Docs 1971, PVs 1 and 2). Nevertheless, the provs of this para do not apply to meetings held during Congress, because some countries elected to the EC are represented at Congress by members of the diplomatic corps (1974 Lausanne Congress, II 1238, prop 1502.1/Rev, resolution C 18/1974).

14) To carry out the tasks assigned to it by the 1989 Washington Congress or resulting from this art, the EC set up the following ten Comms at its 1989 session:
Comm 1 (Human Resource Management)
Comm 2 (Finance)
Comm 3 (General Matters and Structure of the Union)
Comm 4 (Letter Post – Regulatory Aspects)
Comm 5 (Letter Post – Pricing and Remuneration)
Comm 6 (Air Conveyance and Quality Control)
Comm 7 (Parcel Post)
Comm 8 (Postal Financial Services)
Comm 9 (Technical Cooperation)
Comm 10 (Washington General Action Plan)

15) The words "shall coordinate and supervise all the activities of the Union" were added by the 1969 Tokyo Congress (II 1394 and 1632, prop 1307). In order to avoid any conflicts of powers between the permanent bodies of the Union, Congress thought it would be helpful to give one of them – the EC – the job of coordinating and supervising all the work of these bodies between Congresses.

16) This clause, introduced by the 1989 Washington Congress, specifies the conditions under which the EC can revise the Det Regs in accordance with the powers granted to it by that Congress in Const, art 22, para 5 (II Congress/C 3 – PV 2, prop 1502.2).

17) New clause introduced by the 1989 Washington Congress with the aim of enabling the EC to respond better and more quickly to customers' changing needs and to adapt the Union to present commercial and technical requirements (prop 1502.6).

18) The EC's powers in tech asst matters were introduced at the 1964 Vienna Congress (II 880–882, prop 2019, ELC). The 1969 Tokyo Congress also specified the EC's role of coordinator in tech asst matters, in order to avoid overlapping with the CCPS and the IB in this field (II 1355 and 1602, prop 1604, EC). Resolution C 6/1969 which it adopted on this subject was updated by resolution C 43/1979 of the Rio de Janeiro Congress. The Hamburg Congress, by resolution C 38/1984, laid down the priorities and principles of tech asst, while entrusting the EC and the IB with their application. Regarding the priorities and action principles adopted by the 1989 Washington Congress, see resolution C 6/1989 (see also Const, art 1, notes 7 and 8).

19) New clause introduced by the 1989 Washington Congress (II Congress/C 3 – PV 6, prop 1502.5). 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.

20) 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 (see Const, art 20, note 4). 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 (see in this connection Annotated Code, Rio de Janeiro 1979, vol 1, p 97, art 102, note 21).

21) The IB Staff Regulations, revised, have been in force since 1 January 1973. Regarding the conditions of service of elected officials, see art 108, note 5.

22) Under art 102, para 6, j, iii (Lausanne 1974), the EC approved, on the prop of the Director-General, all the appointments of officials of grades D 2, D 1 and P 5. The 1979 Rio de Janeiro Congress confined this competence of the EC 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 EC's competence covered both "appointments" (recruitments) and "promotions" to grade D 2.

For more details and the relevant references, see notes 7 and 8 to art 109 (Duties of the Director-General).
As regards the procedure to be followed for these elections, art 23 of the EC Rules of Proc provides that appointments and promotions to grade D 2 shall be effected by secret ballot, in accordance with the procedure laid down in art 22 of the same Rules for the election of the Deputy Director-General.

23) 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 CCC–UPU (Customs Co-operation Council–UPU) Contact Comm, which deals with customs treatment of postal items (see Conv, art 42, note 1), the IATA–UPU (International Air Transport Association–UPU) Contact Comm for the study of airmail problems (see Conv, art 82, note 3) and the ICS–UPU (International Chamber of Shipping–UPU) Contact Comm for considering sea transit matters (decision CE 18/1975).

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

25) The responsibility for inviting governmental organizations to Congress was transferred to the EC by the 1964 Vienna Congress (II 915, prop 2022 ELC), and that for inviting non-governmental organizations by the 1984 Hamburg Congress. Nevertheless, the EC should ensure that the bodies invited have wide international responsibilities. Thus, in the United Nations framework, these invitations are sent only to the specialized agencies (I 1227, paras 23 and 24, II 287, prop 1502.5).

26) Prov introduced by the 1989 Washington Congress (II Congress/C 3 – PV 4, prop 1502.4; see also Conv, art 20, note 6).

27) 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 (II Congress/C 3 – PV 1, prop 1502.1).

28) 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, which has also been used in the IB Staff Regulations drawn up by the EC. (See art 109, note 7.) The word "appoint" in the meaning of para 7 therefore refers only to appointments (recruitments).

29) Clause by which the 1979 Rio de Janeiro Congress ratified in art 102 the principles which previously appeared at para 3 of decision CE 17/1976 (application of the principle of equitable geographical distribution to management posts), a decision taken following a study by the EC in implementation of Lausanne Congress resolution C 23/1974 (recruitment and promotion policy at the IB) (II 1405–1409, prop 1502.4/Rev 1, II 1253 and 1254, Doc 136/Rev 1).

30) At its constituent meeting on 11 December 1989 at Washington, the EC appointed Cameroon, China (People's Rep), Hungary (Rep) and Italy as Vice-Chairmen.

31) The Rules of Proc adopted by the EC at its May 1990 session are given in this vol (See EC Rules of Proc).

32) A prop to allow the EC occasionally to meet elsewhere than at the seat of the Union was rejected by the 1964 Vienna Congress (II 915, prop 2061). As regards the Comms, it is necessary to safeguard the interests of the Union by planning the meetings to take place wherever it is considered economically most reasonable. (Opening meeting of the 1958 May session of the ELC.)

33) The 1984 Hamburg Congress had instructed the EC to study props 1502.2/Rev 1, 1502.8 and 1504.1 concerning the non-attendance of members of the EC and the CCPS at meetings of

those bodies (decision C 46/1984). At the end of this study, 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 EC and CCPS seats to the obligations which would arise in the event of their election to these bodies (decision CE 21/1985).

34) Specified by the 1969 Tokyo Congress (II 1362 and 1609, prop 1614). Effective participation in EC meetings is a *sine qua non* for repayment of travelling expenses. In addition, these expenses are not reimbursed when the EC meeting is held during Congress, as participation in Congress is the primary reason for the delegates' travel.

35) 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 EC members' travel and to regulate reimbursement of expenses for travel other than by air (II 1241, prop 1502.10/Rev).

36) In inserting this prov, the 1974 Lausanne Congress was only ratifying a practice which had existed since the creation of the CCPS (II 1240, prop 1502.12 EC and CCPS).

37) This para was introduced by the 1974 Lausanne Congress. It gives the CCPS Chairman, who already had the right to represent that body at EC meetings on the agenda of which there were questions concerning the CCPS (para 11 of the present art), the possibility of also attending other meetings. The latter facility was also granted by the 1979 Rio de Janeiro Congress to the Vice-Chairman and Comm Chairmen of the CCPS (II 1340–1342, props 1502.9 and 1504.3/Rev 1).

38) Prov adopted by the 1964 Vienna Congress (II 916, prop 2068).

39) On the basis of Lausanne Congress resolution C 16/1974, the EC made a study on the admission and participation of observers in the plenary meetings, and the meetings of the Comms, Working Parties and Contact Comms of that body (see decisions CE 7/1976, CE 8/1976, CE 9/1976, CE 5/1977 and CE 6/1977 and Comprehensive Rep on the work of the EC 1974–1979, p 40, para 59).

Article 103
Documentation on the activities of the Executive Council (Gen Regs 102)

1 The Executive Council shall send postal administrations of member countries of the Union and Restricted Unions, for information, after each session:

a a summary record;

b the "Documents of the Executive Council" containing the reports, discussions, summary record and resolutions and decisions. (1) (2)

2 The Executive Council 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. (3)

1) Para 1 was supplemented by the 1969 Tokyo Congress (II 1364 and 1609, prop 1615 EC) in order to make official the "Documents du Conseil exécutif" which had already been sent since 1967 to all adms of member countries and to Restricted Unions in accordance with the Conv, Det Regs (Tokyo 1969), art 112, para 1, c. See also decision CE 7/1966.

2) The resolutions and decisions of the EC are published separately each year. The IB has also published a Compendium containing the resolutions and decisions still applicable at the end of the 1989 Washington Congress (1947–1990).

3) The Comprehensive Rep on the work of the EC 1984–1989 was approved by the 1989 Washington Congress (Doc 16) (II Congress – PV 3; see decision C 42/1989).

Article 104
Composition, functioning and meetings of the Consultative Council for Postal Studies (Const 18) (1) (2)

1 The Consultative Council for Postal Studies shall consist of thirty-five members (3) who shall exercise their functions during the period between two successive Congresses. (4)

2 The members of the Consultative Council shall be elected by Congress, in principle on the basis of as wide a geographical distribution as possible. (5)

3 The representative of each of the members of the Consultative Council shall be appointed by the postal administration of his country. This representative shall be a qualified official of the postal administration. (6)

4 The operational expenses of the Consultative 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 Consultative 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 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. (7) (8)

5 At its first meeting, which shall be convened and opened by the Chairman of Congress, the Consultative Council shall choose from among its members a Chairman (9), a Vice-Chairman and the Committee Chairmen. (10)

6 The Consultative Council shall draw up its Rules of Procedure. (11)

7 In principle, the Consultative Council shall meet every year at Union headquarters. (12) The date and place of the meeting shall be fixed by its Chairman, in agreement with the Chairman of the Executive Council and the Director-General of the International Bureau.

8 The Chairman, the Vice-Chairman and the Committee Chairmen of the Consultative Council shall form the Steering Committee. This Committee shall prepare and direct the work of each meeting of the Consultative Council and take on all the tasks which the latter decides to assign to it. (13)

9 The functions of the Consultative Council shall be the following (14):

9.1 to organize the study of the most important technical, operational, economic and technical cooperation problems which are of interest to postal administrations of all member countries of the Union and to prepare information and opinions on them;

9.2 to study teaching and vocational training problems of interest to the new and developing countries;

9.3 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;

9.4 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;

9.5 to take, in consultation with the Executive Council, appropriate steps in the sphere of technical cooperation with all member countries of the Union and in particular with the new and developing countries; (15) (16)

9.6 to examine any other questions submitted to it by a member of the Consultative Council, by the Executive Council (17) (18) or by any administration of a member country; (19)

9.7 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. (20)

10 The members of the Consultative Council shall take an active part in its work. (21) Member countries not belonging to the Consultative Council may, at their request, cooperate in the studies undertaken. (22)

11 If need be, the Consultative Council shall draw up proposals for Congress arising directly from its activities as defined in this article. These proposals shall be submitted by the Consultative Council itself, after consultation with the Executive Council when questions within the latter's competence are concerned. (23)

12 The Consultative 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 requests of member countries of the Union and of the Executive Council **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**. (24) (25)

13 In order to ensure effective liaison between the work of the two bodies, the **Chairman, the** Vice-Chairmen **and the Committee Chairmen** of the Executive Council may, if they express the desire so to do, attend Consultative Council meetings as observers. (26)

14 The Consultative Council may invite the following to take part in its meetings without the right to vote (27):

a any international body or any qualified person whom it wishes to associate with its work; (28)

b postal administrations of member countries not belonging to the Consultative Council.

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1) The 1969 Tokyo Congress decided to give the CCPS (a restricted body) all the tasks for which the CCPS and its Management Council were responsible (II 895, 896, 1283–1295, 1308, 1313 and 1632, props 1651, 1653, 1654, 1660, 1665, 1666 and Doc 156; see also the note to art 18 of the Const).

2) The provs relating to the CCPS come into immediate effect in accordance with Hamburg Congress resolution C 87/1984.

3) The 1974 Lausanne Congress raised from 30 to 35 the number of members of the CCPS (II 946, 947 and 1098–1101).
The 1989 Washington Congress kept the same number of members and elected the following countries: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Canada, China (People's Rep), Cuba, Denmark, Egypt, France, Germany, Fed Rep of, Great Britain, Greece, India, Indonesia, Iraq, Ireland, Italy, Japan, Jordan, Kenya, Mexico, Morocco, Netherlands, New Zealand, Pakistan, Saudi Arabia, Spain, Switzerland, Thailand, Tunisia, USSR, United States of America.

4) Amendment made by the 1974 Lausanne Congress.
With regard to the interpretation to be placed on the words "during the period between two successive Congresses", see Const, art 17, note 2.

5) 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. In introducing this principle, Congress did not wish to apply the idea of equitable geographical distribution in force for the EC, which is based on a purely arithmetical proportion of member countries belonging to a geographical region. Congress thereby stressed the need for increased participation by the developing countries in the work of the CCPS (1974 Lausanne Congress, II 949, 1091–1097). Regarding the participation of these countries, see also recommendations C 81/1974 of the Lausanne Congress and C 29/1984 of the Hamburg Congress.

6) This para was added by the 1964 Vienna Congress (II 826, prop 9007 ELC) to bring the operation of the Management Council (now the CCPS) into harmony with that of the EC (art 102, para 4). See also art 102, note 13.
The provs of this para do not apply to meetings held during Congress, since certain countries elected to membership of the CCPS are represented at Congress by members of the diplomatic corps (Lausanne Congress, II 1238, prop 1502.1/Rev; see resolution C 18/1974).

7) Prov 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 CCPS members among the countries considered to be the least developed by the UN as defined in footnote 1 to Rio de Janeiro Congress resolution C 37/1979, in Hamburg Congress resolution C 38/1984 and in Washington Congress resolution C 6/1989:

I. Least developed countries (41). Afghanistan, Bangladesh, Benin, Bhutan, Botswana, Burkina Faso, Burundi, Cape Verde, Central African Republic, Chad, Comoros, Djibouti, Equatorial Guinea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Lao People's Dem Rep, Lesotho, Malawi, Maldives, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia, Sudan, Tanzania (United Rep), Togo, Tuvalu, Uganda, Vanuatu, Western Samoa, Yemen.

II. Island countries or landlocked countries (not including the least developed countries) (32). Bahamas, Bahrain, Barbados, Bolivia, Brunei Darussalam, Cuba, Cyprus, Dominica, Dominican Republic, Fiji, Grenada, Indonesia, Jamaica, Madagascar, Malta, Mauritius, Nauru, Netherlands Antilles, Papua New Guinea, Paraguay, Philippines, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Singapore, Solomon Islands, Sri Lanka, Swaziland, Territories of Great Britain, Tonga, Trinidad and Tobago, Zambia.

III. Countries most seriously affected by the economic crisis and natural disasters. It is not possible to draw up a stable list of such countries because of the unforeseeable nature of the causes of underdevelopment included under this section of the UN classification.

IV. Countries considered by the UNDP as least developed. Angola, Nicaragua, Senegal.

8) The 1979 Rio de Janeiro Congress instructed the CCPS to undertake a study on the reimbursement of travel expenses of members of the CCPS and to submit the results to the EC (decision C 80/1979). On conclusion of this study the status quo was maintained (1984 Hamburg Congress, Doc 2, paras 20–22).

9) Invited to consider the possibility of granting the Chairman of the CCPS conditions similar to those of the Chairman of the EC in respect of travel expenses and allowances (decision CE 26/1985), the EC elected by the 1984 Hamburg Congress decided to grant the Chairman of the CCPS allowances and entertainment expenses with effect from 1 January 1987 under the terms specified in resolution CE 5/1987.

10) At its constituent meeting in Washington on 12 December 1989, the CCPS assigned the chairmanship to the USSR, the vice-chairmanship to Canada and the chairmanships of the seven Comms to the following countries: Australia, Denmark, Belgium, France, Egypt, Kenya, India (1989 CCPS Summary Record).

11) The Rules of Proc adopted by the CCPS at its October 1990 session are reproduced in the present vol (see Rules of Proc, CCPS).

12) A prov adopted by the 1969 Tokyo Congress (II 1266 and 1593, prop 1659). It meets a concern for economy in the finances of the Union and a desire to bring the operation of the CCPS into line with that of the EC. However, the possibility of the CCPS's meeting elsewhere than at Union headquarters if circumstances justify it has been retained.

13) A prov adopted by the 1964 Vienna Congress (II 826, prop 9007 ELC) which sanctions the factual position since 1960 (see Summary Record 1960, p 7). In 1961 and 1968, the CCPS

Management Council and in 1973, 1978, 1983 and 1988 the CCPS delegated their powers to the Steering Committee to act on their behalf. By virtue of this mandate the Steering Comm met at Berne in 1962, 1974, 1979, 1984 and 1989 and at Paris in 1969 (see CCPS Docs for these years).

14) The CCPS is essentially a study body covering a wide field. The results of its studies are the subject of a report which is published in the Collection of Postal Studies issued by the IB. A summary of this report is published in the periodical "Union Postale" and offprints are supplied free to adms to make up the "Guide to Modernization of Postal Services" (see circ 108/1961). The CCPS also publishes other works of interest to the adms, their partners and their customers. These works take various forms (catalogues, compendia, guides, manuals, etc) some of which can be updated by new editions or by supplements. They are available in adms or at the IB of the UPU (see List of Publications indicating languages, price, etc).

15) The functions of the Union's bodies, in particular of the Consultative Council, as regards technical cooperation are given in Rio de Janeiro Congress resolution C 43/1979.

16) As regards the priorities and principles of UPU tech asst activities, the 1989 Washington Congress adopted resolution C 6/1989.

17) See art 102, para 6.24. On the basis of this prov, the EC has entrusted the CCPS Management Council (and since 1970 the CCPS itself) with the study of the following questions since 1964:

- Maximizing the air conveyance of mail (see Summary Record 1967, p 29; 1970, p 4; 1971, p 10; 1975, p 15).
- Relationship between the operating costs used to calculate basic rates and the route length (see Summary Record 1967, p 29 and Summary Record 1968, p 32).
- Standardization of envelope sizes and of the weight of the paper used for making them (see Summary Record 1967, pp 15 and 18).
- Form and layout of the postal identity card (see Summary Record 1967, p 16, and Summary Record 1968, p 19).
- Adm identification code and adaption of services to the use of electronic equipment (see Summary Record 1967, pp 16 and 20; recommendation C 77/1979 of the Rio de Janeiro Congress).
- Documentation of the bodies of the CCPS Management Council and the form of the publication "Postal Statistics" (see Summary Record 1968, p 15).
- Simplification of CCPS documentation (see Summary Record 1970, p 3).
- Make-up and packing of items (see Summary Record 1970, p 4).

18) As regards distribution of studies between the EC and the CCPS, the Rio de Janeiro Congress adopted recommendation C 4/1979. This text was integrated into the Rules of Proc of Congresses by the 1984 Hamburg Congress (see art 25). The Comm to coordinate the work of the Union's permanent bodies is also responsible for this matter (resolution C 4/1989).

19) Countries which, in the interval between Congresses, propose the study of a particular matter must define it in precise terms; this does not mean however that the CCPS's field of activity is thus limited and cannot go outside the proposed framework (see "Compte rendu analytique 1958", p 12; see also circ 173/1958).
The following props have been submitted by member countries of the Union since 1964:

a prop by Italy: Presentation of publications of the Collection of Postal Studies (see Summary Record 1965, p 12);
b prop by Pakistan: Constitution of teams of experts to study on the spot the degree of development of postal services in developing countries and to assess their needs for development at a reasonable rate of growth (see Summary Record 1967, p 16);
c prop by Sweden: Study relating to the writing of dates in numerical form (see Summary Record 1970, p 4; see also circ 218/1982);
d prop by United States of America: Situation and future of the postal services (see Summary Record 1977, p 11).

In addition, five props by Kuwait were transferred to the EC, by agreement with that adm (see Summary Record 1966, p 16).

20) Prov adopted by the 1989 Washington Congress specifying and sanctioning the role of the CCPS as the body which draws up standards (which it can also amend) in the form of recommendations in the many postal fields concerned with technology and operations. The reasons for the adopted prop 1504.2 mention some of them: make-up of items, content and position of the address and other service indications on envelopes. The CCPS was also instructed to liaise with the ISO on drawing up standards (for joint ISO–UPU questions) and with the ITU/CCITT (for electronic mail). Recently, the CCPS drew up standards for bar codes and the unique identification of items.

21) The 1984 Hamburg Congress had assigned to the study of props 1502.2/Rev 1, 1502.8 and 1504.1 concerning the non-attendance of members of the EC and CCPS at sessions of those bodies (decision C 46/1984). At the end of this study, 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 EC and CCPS seats to the obligations which would arise in the event of their election to these bodies (decision CE 21/1985).

22) The dispatch of the list of studies on the five-year work programme is an occasion for reminding all Union member countries that they can cooperate in the studies undertaken by the CCPS.

23) The 1964 Vienna Congress gave the CCPS power to submit props direct to Congress, a right which had hitherto been confined to Union member countries and the EC. However, as this prov gave rise to differing interpretations, the 1969 Tokyo Congress adopted a more explicit prov (II 1292, prop 1658).

24) By resolution C 19/1989, the 1989 Washington Congress adopted the work programme proposed by the CCPS elected by the 1984 Hamburg Congress, while leaving it to the CCPS to:

a arrange its work as it saw fit;
b decide on the permanent studies to be resumed;
c ensure that the results obtained at the end of certain studies could be widely used in the field for the benefit of the least developed countries;
d modify certain studies, if necessary, so as to meet very specific needs and achieve the greatest effectiveness;
e employ working methods which were best adapted to the subjects to be dealt with so as to get the best results.

In addition to the studies listed in the annex to resolution C 19/1989, the Washington Congress instructed the CCPS to undertake studies on the topics referred to in the following decisions. Individual studies: resolution C 27/1989 and informal decision (II Congress – PV 9, Postal Development Symposium); subjects attached to main studies of the basic work programme: resolutions C 5/1989, C 12/1989, C 13/1989, C 22/1989, C 24/1989, C 25/1989, C 69/1989, C 91/1989 and decision C 82/1989.

25) By adopting prop 1504.3, the 1989 Washington Congress gave the CCPS greater flexibility in designing its work programme and revising it during a five-year period. It also defined the role of the CCPS better with a view to efficiency and innovation.

26) This para, introduced by the 1974 Lausanne Congress (II 1108, prop 1504.4 EC and CCPS), is the counterpart of art 102, para 12. For the reimbursement of travel expenses, see CCPS Rules of Proc, art 19, para 3. While granting observer status to the Chairmen of EC Comms, the 1989 Washington Congress specified that such participation did not give entitlement to reimbursement of travel expenses as provided for in art 102, para 10, for EC meetings (II Congress/C 3 – PV 4, prop 1504.1).

27) This para, introduced by the 1964 Vienna Congress (II 827, prop 9007 ELC), is the counterpart of art 102, para 14. The travel expenses and any fees of persons which the CCPS wishes to associate with its work are only paid by the Union in exceptional cases and after prior

agreement between the CCPS Chairman, the EC Chairman and the IB Director-General (see CCPS Rules of Proc, art 4).

28) The CCPS maintains intensive relations with the International Telegraph and Telephone Consultative Committee (CCITT) and the International Organization for Standardization (ISO), with which it has established Contact Comms.

Article 105
Documentation on the activities of the Consultative Council for Postal Studies (Const 18)

1 The Consultative Council for Postal Studies shall send postal administrations of member countries and Restricted Unions, for information, after each session:
a a summary record;
b the "Documents of the Consultative Council for Postal Studies" containing the reports, discussions and summary record. (1)

2 The Consultative Council shall prepare for the Executive Council an annual report on its work. (2)

3 The Consultative 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. (3)

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1) Para 1 was supplemented by the 1969 Tokyo Congress (II 1294 and 1624, prop 1624 EC) in order to make this doc, which had already been sent since 1967 to all adms by virtue of the Conv, Det Regs (Tokyo 1969), art 112, para 1, c, official. See also decision CE 7/1966.

2) See art 102, para 6.23.

3) The Comprehensive Rep on the work of the CCPS 1984–1989 was submitted to the 1989 Washington Congress (Congress – Doc 17) and was approved (II Congress – PV 4, decision C 43/1989).

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. (1)

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

1) Paras 1 and 2 were added by the 1969 Tokyo Congress, consequent upon the adoption of permanent Rules of Proc of Congresses (II 1113–1115, 1364–1384, 1387, 1388, prop 1625 EC).

2) A Congress may amend its Rules of Proc at any time on the terms laid down in art 28 of the Rules of Proc of Congresses.

Article 107
Languages used for **documentation**, for debates and for official correspondence (1)

1 For the **documentation** of the Union, the French, English, Arabic and Spanish languages shall be used. (2) (3) The Chinese, German, Portuguese and Russian languages shall also be used provided that only the most important basic **documentation is** produced in these languages. (4) Other languages may also be used on condition that the costs to be borne by the Union under paragraph 6 are not thereby increased. (5)

2 The member country or countries which have requested a language other than the official language constitute a language group. (6) The member countries which have not made any express request shall be regarded as having asked for the official language.

3 **Documentation** shall be published by the International Bureau in the official language and in the languages of the duly constituted language groups (7), 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 a rule (8) 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. (9) (10) (11)

6 The cost of translation into any language other than the official language, including those resulting from the application of paragraph 5, shall be borne by the language group which has asked for that language. The Union shall bear the cost of translation into the official language of documents and correspondence received in Arabic, English and Spanish, as well as all other costs involved in the supply of documents. (12) 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. (13)

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. (14) (15)

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. (16) (17) However, the costs of installing and maintaining the technical equipment shall be borne by the Union. (18)

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. (19)

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1) Pursuant to Hamburg Congress decision C 64/1984, 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 17 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".
(II Congress/C 3 – PV 6, prop 1507.1.)

2) The first provs governing the translation of docs and publications were introduced after prolonged discussion at the 1964 Vienna Congress (see Const, art 6, note 1). 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 untertake 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 (see Conv, Det Regs, art 112, note 1). Following these studies the EC took decisions CE 7/1966 and CE 4/1967, introducing a new language system organized and operating as follows:

i since the official language of the UPU is French, documentation is supplied to all adms of the Union in that language;
ii [adms which must translate the docs for their own use benefit from a system of compensation whereby they are not at a disadvantage in regard to adms using French;][1]
iii documentation is translated either by a central service set up at the IB in Berne (English and Arabic systems) or by a decentralized service with a small staff stationed at the IB for translating urgent docs and publications, non-urgent docs being translated at the main centre of the language group concerned (Spanish system). Other systems might be considered, should occasion arise. The translation services have to operate within an autonomous framework;
iv each language group appoints a spokesman with whom the IB can treat questions relating to the operation of the translation service in question. To comply with the prov the English group has appointed as spokesman a Management Committee composed of five member countries of the group. The spokesmen of the Arabic and Spanish groups are the Secretariat of the League of Arab States and the PUAS respectively;
v the cost of providing through the IB, docs and publications in the various languages is payable by the beneficiary countries and shared between them in proportion to their contribution to the Union's expenditure, or according to another apportionment formula. In order that the accounts can be calculated as simply as possible, this policy is generally applied, whether an adm wishes to receive all the documentation translated by the translation service to which it belongs or only a certain number of them. The amounts payable are added to the annual contributions to the Union's expenses;
vi the expenses of the translation services set up at the IB [are paid by the latter and refunded to it by the countries concerned. They] have to be entered in separate accounts [forming an annex to the Union's budget].[1] The Swiss Government agreed [to advance the sums required for running the translation services and][1] to audit the relevant accounts, in the same way as for the Union's expenditure;
vii correspondence sent out by the IB must always be in French. At the request of the countries concerned, however, it can be accompanied by a translation made by the appropriate translation service set up at the IB;
viii correspondence addressed to the IB must be written in French, unless it can be translated by one of the translation services set up at Berne;
ix a post of liaison officer between the translation services and the IB was set up with effect from 1 October 1967 [the UPU pays 50 percent of the costs arising from this, and the language groups together meet the other 50 percent, it being understood that such arrangement shall not constitute a precedent, in the event of other posts of this kind being created in the future];[1]

[1] [] Provs which no longer apply following decisions taken by later Congresses.

x the fixing of the status and conditions of service of the staff of the translation services set up at the IB is a matter solely for the language groups financially responsible for those services. Those language groups expressed the desire that their employees should have the same status as international civil servants and the same conditions of service as the staff of the IB, at the expense of the respective groups.
The financial regulations of the translation services must be in conformity with the provs of the Union's Financial Regulations.

3) After prolonged discussions, the 1974 Lausanne Congress promulgated for the publication of documentation the new language system set out in paras 1 to 6 (II 1180–1222, props 1006.1 to 1006.5, 1507. 1/Rev 3 to 1507.6 and 2512.1 and Docs 42, 43 and 58).
The main changes compared with the previous language system lie in the fact that art 107, 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 in future stand only the cost of translation into their language. The cost of translation into the official language and all the costs relating to the production and supply of documentation are borne by the Union.

4) Following a study undertaken by the EC on the basis of Lausanne Congress resolution C 33/1974, 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) (II 1209–1222, props 0013, 0056, 1507.3 and 1507.11, Doc 27, resolution C 106/1979). The 1984 Hamburg Congress increased the subsidy paid to the aforementioned four groups to 150 000 Swiss fr (II 322 and 323, prop 021/Rev 1 and resolution C 63/1984).

5) 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.

6) Member countries receiving documentation in the official language only do not constitute a language group. As a result, they do not have to pay the cost of translation into that language, such costs being borne by the Union.

7) For the distribution of the documentation in the various languages, see Conv, Det Regs, art 112 and notes relating thereto.

8) The words "as a rule" were added by the 1984 Hamburg Congress; they apply essentially to those languages which are not translated at Berne, documentation printed at Berne continuing to be distributed simultaneously, unless, as the result of exceptional circumstances, a translation could not 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. The adms of the appropriate language group are informed accordingly when supplied with the French copy to which they are entitled (II 323, prop 1507.1).

9) This para was introduced by the 1974 Lausanne Congress (II 1219–1222, prop 1507.2/Rev 2). Until then, there was no prov governing the exchange of correspondence between adms and the IB. The IB very frequently received letters in languages other than the official language, particularly in English. It only requested their translation into French by the services operating in connection with the IB when necessary. On the other hand, correspondence sent to adms was always in French. Since the introduction by the 1964 Vienna Congress of a new language system for the publication of documentation, adms which were members of a language group with a translation service operating in connection with the IB could ask for correspondence sent to them to be accompanied by a translation in the language of that language group. This practice is to some extent made official by the new provs.
Correspondence from private individuals to the IB is very often in languages other than the official language. IB replies are written in French but may be accompanied by a translation in the language of the group to which the addressee belongs.

10) As regards the IB, the working language formed the subject of Conv, Det Regs (Paris 1947), art 175. Since then, that art has ceased to exist, but it is recognized that the working language is the official language. This idea is indirectly confirmed by resolution C 33/1974 (see note 11).

11) The 1974 Lausanne Congress instructed the EC, in cooperation with the IB Director-General to study the possibility of working at the IB in languages other than the official language (resolution C 33/1974). The Rio de Janeiro Congress maintained the status quo.

12) A prov introduced by the 1974 Lausanne Congress. Under this prov and para 5, docs, publications and correspondence sent by the IB to adms and third parties are translated into English, Arabic and Spanish at the language groups' expense, while docs, publications and correspondence received by the IB in English, Arabic and Spanish are translated, as necessary, into French at the Union's expense.

13) Prov introduced at the 1979 Rio de Janeiro Congress as a consequence of props 1507.3 and 1507.11. The 1984 Hamburg Congress increased from 50 000 to 150 000 Swiss fr, the amount allocated each year to the Chinese, German, Portuguese and Russian Language Groups (resolution C 63/1984).

14) Props for adding Arabic, Chinese and Portuguese to the languages of discussion of the Union's bodies were rejected by the 1984 Hamburg Congress (II 326, props 1507.2, 1507.6, 1507.7 and 1507.8).

15) 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 (see for example Rules of Proc of Congresses (Paris 1947), art 10). Since Brussels, the provs relative to this have been included in the Acts of the Union (see Const, art 6, note 1).

16) From the 1952 Brussels Congress to the 1964 Vienna Congress, the costs of interpretation into French were met by the Union, while the costs of interpretation into English, Spanish and Russian were paid by the countries using these languages and divided into three equal parts, each of which was apportioned between the countries of the groups to which they belonged in proportion to their class of contribution to the Union's expenses (1957 Ottawa Conv, art 10, para 4, b). Props for having the costs of interpretation into the languages mentioned in paras 9 and 10 borne by the Union were rejected by the 1984 Hamburg Congress (II 328, props 1507.3 and 1507.5).

17) 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. Instructed by Congress to study this question (1969 Tokyo Congress, II 1390 and 1391, prop 1664 and resolution C 22/1969), 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 (decision CE 21/1971). On the EC's recommendation (resolution CE 6/1972), the CCPS amended its Rules of Proc to the same effect at its 1972 session.

18) 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.

19) 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) (see note 2, subpara vii, above).
An adm may refuse to accept letters in any language other than French if no agreement has been reached (1934 Cairo Congress, I 36, 38, 39 and 1272, props Colombia and Persia).

Chapter II

International Bureau (1)

1) This chapter concerns the management and staff of the IB; it also summarizes the main functions and powers of the IB. Art 109, in particular, forms to some extent a synthesis of all these competences which are detailed in note 4 to that art.
The actual operation of the IB is also the subject of the following provs, which are not given in this vol:

- Staff Regulations, which is drawn up by the EC in accordance with art 102, para 6.12;
- 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 EC in accordance with art 102, para 6.12. In this connection, see also resolutions C 51/1969, C 52/1969 and C 56/1969 of the Tokyo Congress concerning the service conditions, retirement pensions and social security 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 and of the EC;
- 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 EC in accordance with art 102, para 6.14;
- Financial Regulations, which were drawn up by the EC in accordance with art 102, para 6.7;
- Rules on financial administration, accounting organization and control, which are adopted by the Director-General under art 3, para 2, 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 EC in accordance with art 102, para 6.8 (see art 124, note 13);
- 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 108
Election of the Director-General and Deputy Director-General of the International Bureau (1)

1 The Director-General and the Deputy Director-General of the International Bureau shall be elected by Congress (2) 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. (3) 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. (4) (5)

2 **At** least seven months (6) before the opening of Congress, **the Director-General of the International Bureau** (7) 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. (8) **The applications** (9)**, accompanied by a curriculum vitae, must reach the International Bureau at least two months** (6) **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. (10)

4 If the posts of Director-General and Deputy Director-General fall vacant at the same time, the Executive Council 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 Executive Council 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. (11)

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1) The 1979 Rio de Janeiro Congress split the former art 108 (entitled "The Director-General and Deputy Director-General of the International Bureau") and divided its contents between the new arts 108 (Election of the Director-General and the Deputy Director-General), 109 (Duties of the Director-General) and 110 (Duties of the Deputy Director-General).

2) 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 (art 102, para 6, Tokyo 1969). 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 (II 909–911 and 1149–1154, props 1509.2/Rev EC, 1509.4, 1509.5/Rev 2, 1509.7 R and 1509.8/Rev). The 1984 Hamburg Congress rejected two props providing that the posts of DG and DDG should be filled by nationals of two member countries of the Union belonging to two different geographical regions (1984 Hamburg Congress, II 268–272, props 1508.2/Rev 2 and 1508.6).

3) 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 (II 1402 and 1403).
The 1984 Hamburg Congress rejected a prop for excluding any renewal of the term of office of the DG and DDG (prop 1508.1), as well as a prop to provide that Congress could exceptionally, at the request of at least 10 countries, elect the DG and DDG for a third and final term (prop 1508.5); a similar prop (1508.3) had previously been withdrawn in favour of the latter (1984 Hamburg Congress, II 263–267).

4) This prov was applied for the first time by the 1974 Lausanne Congress, which also drew up, in two resolutions, the procedure to be followed for the election of the DG and the DDG. This procedure is today regulated in the Rules of Proc of Congresses, art 22.

5) The service conditions of elected officials (DG and DDG) are currently governed by Rio de Janeiro resolutions C 51/1979 and C 52/1979 (II 1399 and 1400, props 0001 EC and 0011/ Rev 1) and by resolution CE 1/1977 as amended by decisions CE 5/1979, CE 9/1982, CE 11/ 1983 and CE 26/1990.

6) The time limits for announcing that the post of DG and DDG are vacant and for submission of applications were introduced by the 1979 Rio de Janeiro Congress in order to enable the IB to prepare, translate and distribute the documentation necessary for the elections sufficiently in advance of Congress (II 1401–1403, prop 1508.1 EC).

7) Amendment adopted by the 1989 Washington Congress aimed at forgoing the previous procedure whereby applications had to be submitted by the governments of member countries through the Government of the Swiss Confederation, which had sent them a memorandum for that purpose (II Congress/C 3 – PVs 5 and 6, prop 1508.1). It appears that in no other UN specialized agency is provision made for the use of diplomatic channels or the diplomatic services of the headquarters country in calling for applications for the posts of DG and DDG or receiving the relevant applications. There is no justification for retaining this outmoded procedure, to the dropping of which Switzerland has given its full consent. See also Const, art 11, note 7.

8) Amendment introduced by the 1979 Rio de Janeiro Congress to settle the procedure to be followed for the announcement of vacancies if, at the end of his first term, a DG or DDG is interested in having his term of office renewed. It emerges from the reasons for the prop on which this amendment was based (prop 1508.1 EC) that, in such a case, it is not necessary for the government of their country to make a further formal submission of the DG's or DDG's application. A written declaration by the DG or DDG stating his interest in having his term of office renewed shall be considered sufficient (II 1401–1403, prop 1508.1 EC).

9) 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 108 applied to all applications, including those by IB officials (decision CE 8/1983).

10) Amendment made by the 1979 Rio de Janeiro Congress designed to waive, in such a case, the normal procedure for submission of applications (para 2), since the DDG concerned has already been performing the duties of DG ad interim and his application had been formally submitted by his country's government for his election to the post of DDG at the preceding Congress (II 1401–1403, prop 1508.1 EC).

11) This prov, added by the 1979 Rio de Janeiro Congress, is designed to regulate the procedure in case the DDG's post falls vacant and thereby to plug a gap in the former art 108. It authorizes the EC to instruct one of the ADG to take over the duties of DDG ad interim until the next Congress which will elect a new DDG. 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 EC retains his D 2 grade; he simply performs the duties of

DDG ad interim without being appointed to that grade (II 1401–1403, prop 1508.1 EC). Accordingly, para 2, 4th sentence, in fine, and para 3 of art 108 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 109
Duties of the Director-General (1)

1 The Director-General shall organize, administer (2) and direct the International Bureau, of which he is the legal representative. (3) (4) He shall be empowered to classify posts in grades G 1 to D 1 (5) (6) and to appoint and promote (7) officials in those grades. (8) (9) For appointments (10) 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 (11), 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. (12) (13) He shall also consider that, in principle, persons occupying grade D 2, D 1 and P 5 posts must be nationals of different member countries of the Union. (14) He shall inform the Executive Council once a year, in the Report on the work of the Union, of appointments and promotions in grades P 4 to D 1. (15)

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; (16)

2.2 to notify all administrations of the Detailed Regulations drawn up or revised by the Executive Council; (17)

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 Executive Council for consideration; to communicate the budget to the member countries of the Union after approval by the Executive Council;

2.4 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;

2.5 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;

2.6 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.

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1) Art 109 was created by the 1979 Rio de Janeiro Congress (see art 108, note 1).

2) 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 EC.

3) The expression "of which he is the legal representative" was added by the 1974 Lausanne Congress (II 1170–1172, prop 1509.2/Rev EC). This phrase was previously found first in the IB regulations of 20 December 1963 and then in the IB Staff Regulations which came into force on 1 January 1973 in place of the previous Regulations.

4) 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 (CE 1971 – Doc 7 and PV 5). Art 109 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).

General Regulations

6 Where appropriate, serve as intermediary for the sending of invitations to Congress sent by the host government to member countries (art 101, para 5).
7 Send the necessary invitations to the intergovernmental and non-governmental international organizations which the EC has chosen to be represented at a Congress (art 102, para 6.17).
8 Give his agreement to the date and place fixed for the CCPS meeting (art 104, para 7).
9 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 107, para 9).
10 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 108, para 2).

11 Organize, administer and direct the IB and be its legal representative (art 109, para 1).
12 Classify the posts in grades G 1 to D 1 and appoint and promote officials in those grades (art 109, para 1).
13 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 109, para 2.1).
14 Notify all adms of the Det Regs drawn up or revised by the EC (art 109, para 2.2).
15 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 Executive Council for consideration. Communicate the budget to the member countries of the Union after approval by the EC (art 109, para 2.3).
16 Act as intermediary in relations between the UPU and the Restricted Unions, the UPU and the UN, and the UPU and the international organizations whose activities are of interest to the Union (art 109, para 2.4).
17 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 109, para 2.5).
18 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 109, para 2.6).
19 Assume responsibility for the Secretariat of Union bodies which is provided by the IB (art 111).
20 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 65 000 Swiss fr per annum (art 124, para 5).

Rules of Procedure of Congresses

21 Attend meetings of the Bureau of Congress (art 8, para 2).
22 Act as Secretary-General of Congress (art 11, para 1).
23 Attend the meetings of Congress and the Bureau of Congress and take part in the debates without the right to vote. Take part if he wishes, and under the same conditions, in the meetings of Comms or be represented thereat by a senior official of the IB (art 11, para 2).

b Duties assigned to the International Bureau

Constitution

1 Serve as an organ of liaison, information and consultation for adms (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 EC 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 (art 101, para 7).
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 EC at the request of the adm making the prop (art 102, para 6.21).
6 Publish documentation in the official language and in the languages of the 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. Publication in the different languages is made to a common standard (art 107, para 3).

7 Distribute as a rule simultaneously in the different languages requested the documentation which it publishes direct (art 107, para 4).
8 Exchange correspondence with postal adms in any language for which it has a translation service (art 107, para 5).
9 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 107, para 8).
10 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 111).
11 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 112).
12 Be at all times at the disposal of the EC, the CCPS and adms for the purpose of supplying them with any necessary information on questions relating to the service (art 113, para 1).
13 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 113, para 2).
14 Conduct inquiries requested by adms to obtain the views of other adms on a particular question (art 113, para 3).
15 Bring to the notice of the Chairman of the CCPS, for any necessary action, questions which are within the scope of that body (art 113, para 4).
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 113, para 5).
17 Develop postal tech asst in all its forms within the framework of international technical cooperation (art 114).
18 Arrange the manufacture of postal identity cards and international reply coupons and supply them at cost to adms ordering them (art 115).
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 EC of any irregularity discovered by virtue of this prov (art 116, 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 117).
21 Make an annual rep on the work of the Union, which shall be sent, after approval by the EC to adms, the Restricted Unions and the UN (art 118).
22 Publish under a number followed by the letter R drafting props headed "Drafting-prop" by the adms which submit them. Publish with appropriate annotation props not bearing this indication but which, in the opinion of the IB, deal only with drafting points; draw up a list of these props for Congress (art 119, para 4).
23 Act as intermediary for sending to other adms the props referred to in the Gen Regs, art 120, para 1 (art 120, para 2).
24 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 121, para 1).
25 Communicate to the governments of member countries amendments made to the Conv, Agrs and their Fin Prots (art 122, para 1).
26 Communicate to adms amendments made by the EC to the Det Regs and their Fin Prots as well as the interpretations referred to in art 93, para 3, c, ii, of the Conv and in the corresponding provs of the Agrs (art 122, para 2).
27 Inform Congress of any subsequent changes in contribution class notified by member countries before the opening of Congress (art 125, para 4).

28 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 127, para 2).
29 Act as single arbitrator in arbit proceedings, if the parties to the case agree to appoint it (art 127, para 3).
30 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 127, para 5).

Rules of Procedure of Congresses

31 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).
32 Carry out, in conjunction with the adm of the host country, the work of the Secretariat of Congress, the Bureau of Congress and the Comms (art 11, para 3).
33 Make available senior officials to act as Secretaries of Congress, of the Bureau of Congress and of Comms (art 11, para 4).
34 Publish in French the docs prepared during Congress, including draft decisions submitted to Congress for approval (art 13, para 1).
35 Distribute to delegates under the conditions prescribed in art 14, paras 5 and 6, amendments submitted to Congress to props already made as well as props not designed to amend the text of the Acts (art 14, paras 5 and 6).
36 Draw up for the Drafting Comm and the Comms concerned lists of props referred to in art 15, para 1 (art 15, para 1).
37 Act as intermediary between the delegates and the Chairman of a meeting for any comments by delegates on the draft minutes of that meeting (art 23, para 4).
38 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).
39 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).
40 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).

Convention

41 Notify adms, by telegram or telex if necessary, of the suspension or resumption of services (art 4, para 2).
42 Notify all adms of the technical specifications laid down by the CCPS for using bar codes in the international postal service (art 7, para 2).
43 Calculate the weighted average distance of the sectors flown by international mail on the internal network (art 85, para 3).

Convention, Detailed Regulations

44 Arrange the settlement of accounts of all kinds relating to the international postal service. Accounts of telecommunication services may also be included in these special liquidation accounts (art 101, para 3).
45 Notify adms of the equivalents of the postal charges prescribed in the Conv, Agrs and their Fin Prots as well as the selling price of international reply coupons (art 104, para 1).
46 Publish a compendium showing the equivalents of charges, the average value of the SDR and the selling price of international reply coupons (art 104, para 4).
47 Act as intermediary for each adm to notify all other adms of every new issue of postage stamps (art 105, para 1).
48 Act as intermediary for adms for the exchange (in 3 sets) of their new issues of postage stamps (art 105, para 2).
49 Supply postal identity cards (art 106, para 2).

50 Publish an official compendium of information of general interest relating to the implementation of the Conv and its Det Regs. Publish similar compendia relating to the implementation of the Agrs and their Det Regs (art 111, para 1).
51 Publish the lists, compendia, etc, listed in art 111, para 2 (art 111, para 2).
52 Publish the Annotated Acts and a multilingual vocabulary of the international postal service (art 111, para 3).
53 Notify by circ, bulletin, supplement or other appropriate means the amendments to the various publications listed in art 111, paras 1 to 3 (art 111, para 4).
54 Distribute to adms its publications, according to the rules laid down in art 112, para 1 (art 112, para 1);
55 Supply adms at cost with publications requested over and above the number of free copies to which they are entitled (art 112, para 2).
56 Send its publications to the Restricted Unions (art 112, para 3).
57 Act as intermediary to communicate to adms concerned the value in SDR fixed by an adm for each kind of bag used by its offices of exchange (art 173, para 8).
58 Act as intermediary for adms to notify other adms of the special address for the transmission of certain forms (art 191).
59 In the event of discrepancies between corresponding particulars furnished by two adms regarding transit charges and terminal dues, invite those adms to reach agreement and inform it of the sums finally agreed on (art 192, para 6).
60 When only one adm has furnished C 21 or C 21bis statements regarding transit charges and terminal dues, inform the other adm concerned and tell it the amounts on the statements received (art 192, para 7).
61 Prepare, at least twice a year, the liquidation account of transit charges and surface-mail terminal dues (art 192, paras 8 to 11).
62 Produce the general liquidation accounts of transit charges and surface-mail terminal dues in time for the provisional payment to be made on the terms set out in art 190 (art 192, para 9).
63 If the balance of the transit charges and terminal dues resulting from the general liquidation account has not been paid within three months of the expiry of the regulation period prescribed in art 103, para 9, include these amounts in the next general liquidation account to the credit of the creditor adm (art 193, para 1).
64 Notify adms of information received from an adm stating that its legislation does not permit the procedure provided for in art 198, para 1, a and b (art 198, para 3).
65 Print international reply coupons and supply them to adms (art 199, para 1).
66 At the request of an adm indicate the selling price on the reply coupons at the time of printing (art 199, para 2, b and c).
67 Also take back damaged reply coupons sent together with a separate C 23 statement prepared in duplicate (art 199, para 5).
68 By way of exception, take account of international reply coupons destroyed before sale or after exchange (art 199, para 6).
69 Keep appropriate accounts for reply coupons in accordance with art 199, para 7, a and b. Send a statement of account for approval to each adm concerned (art 199, para 7).
70 Prepare a biennial general liquidation account in accordance with the procedures laid down in art 199, para 8 (art 199, para 8).
71 Send the general liquidation account to adms together with an offset table to serve as the basis for settlements (art 199, para 9).
72 Prepare and distribute to adms the publications listed in art 225, para 1 (art 225, para 1).
73 Notify adms by the most rapid means (air or surface) with the min of delay and in the most appropriate form of any amendments to the publications listed in art 225, para 1, and the date on which such amendments take effect (art 225, para 3).

Parcels, Agreement

74 Notify modifications of the inward land rates to the adms concerned at least three months prior to the date of their coming into force (art 47, para 5).
75 Calculate the weighted average distance for parcels for which an adm provides transit (art 48, para 2).

76 Calculate the weighted average distance for the sector distances covered by air parcels of the international service on the internal air network (art 52, para 5).

Parcels, Detailed Regulations

77 Act as intermediary for adms to communicate to other adms information concerning the postal parcels service (art 101).
78 Act as intermediary for each adm to communicate, to other adms if necessary the name of the office specially appointed to receive advices of non-delivery (art 136, para 4).

Money Orders, Detailed Regulations

79 Act as intermediary for adms to communicate to other adms information concerning the money orders and postal travellers' cheques service (art RE 1302, paras 1 and 2).
80 Supply adms, at their request, with the technical characteristics of the MP 1bis and MP 12bis forms and the information concerning their use (art RE 202, para 4).

Giro, Detailed Regulations

81 Act as intermediary for adms to communicate to other adms information concerning the giro service (art RE 1701, paras 2 and 3).
82 Supply adms, at their request, with the technical characteristics of the postcheque (VP 14) and postcheque guarantee card (VP 15) (art RE 201, paras 5.1 and 6).

COD, Detailed Regulations

83 Act as intermediary for each adm to communicate to other adms information concerning the cash-on-delivery service (art RE 902).

5) The clause empowering the Director-General to classify the posts in grades G 1 to D 1 was adopted by the 1979 Rio de Janeiro Congress (II 1253 and 1254, Doc 136/Rev 1, prop 1508.2/Rev 1). Prior to that Congress, the Director-General's powers as regards the classification of posts was governed by the Staff Regulations drawn up by the EC.

6) The 1964 Vienna Congress assigned to the EC the creation of new posts for categories of officials, the appointment of whom was subject to approval by that Council (II 525, resolution C 15/1964). Moreover, at its May 1975 session, the EC ratified in the Staff Regulations the practice according to which the creation and abolition of all posts at the IB came within its purview (EC Docs 1974/1975, EC 1975 – Doc 6).

7) 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 drawn up by the EC. Under the new 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 (II 1253, 1254, 1404 and 1405, Doc 136/Rev 1, props 1502.1 EC, 1502.4/Rev 1 and 1508.2/Rev 1).

8) 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 (II 915, props 2023 ELC and 2058).
At the 1974 Lausanne Congress, the responsibility for appointing the Director-General and the Deputy Director-General was assigned to Congress (II 1149–1151, props 1507.92, 1509.4, 1509.5/Rev 2, 1509.7 R and 1509.8/Rev). That Congress also abolished EC approval for appointments made by the Director-General of officials in grades P 4, P 3 and P 2 (II 1173–1177, props 1502.9 and 1502.16). 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 6.13, 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" (II 1253 and 1254; Doc 136/Rev 1, props 1502.4/Rev 1 and 1508.2/Rev 1).

9) 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 (II 539, recommendation C 3/1964). 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 EC and in force since 1 January 1973. 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).

10) The term "appointment" means recruitment and does not include "promotions" (see note 7).

11) "Candidates recommended by the postal administrations of the member countries of which the candidates are nationals." Amendment made by the 1969 Tokyo Congress (II 1092 and 1093 and 1355–1359, prop 1612). During discussions on this prop, it was specified that it was for the adm of a member country to submit and recommend its candidates for a senior post at the IB and that such candidates must be nationals of the recommending adm. That prov does not concern the promotion of officials already in service at the IB.

12) This sentence, adapted to the enlarged powers of the Director-General with regard to appointments and promotions, corresponds to art 102, para 6, j, iii (Lausanne 1974).

13) 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 (56 posts in 1990) compared with the total number of member countries (168 in 1990), 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).

14) This sentence corresponds to art 102, para 7 (Lausanne 1974). That para had been introduced by the 1964 Vienna Congress (II 915, prop 2058).

15) This sentence was added by the 1979 Rio de Janeiro Congress as a result of the enlargement of the Director-General's powers in respect of appointments and promotions (see note 8).

16) As the Government of the Swiss Confederation had asked to be relieved of these functions, the 1989 Washington Congress decided to transfer them to the Director-General of the IB (Const, art 11, note 7).

17) Up to the 1989 Washington Congress, the Det Regs had been drawn up by the adms meeting in Congress and notified to member countries at the same time as the Acts of Congress. By resolution C 92/1989, the Washington Congress conferred on the EC the power to draw up

and revise these Det Regs which, though binding (Const, art 22), are henceforth notified to adms of member countries by the Director-General of the IB as an EC decision. The UPU does not require them to be subjected to the ratification or approval procedure (Const, art 22, note 8).

Article 110
Duties of the Deputy Director-General (1)

1 The Deputy Director-General shall assist the Director-General and shall be responsible to him. (2)

2 If the Director-General is absent or prevented from discharging his duties, the Deputy Director-General shall exercise his functions. (2) The same shall apply in the case of a vacancy in the post of Director-General as mentioned in article 108, paragraph 3. (3)

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1) This art was created by the 1979 Rio de Janeiro Congress (see art 108, note 1).

2) This prov was taken from art 108, para 11, 2nd sentence (Lausanne 1974).

3) A clarification added by the 1979 Rio de Janeiro Congress, on the prop of the Drafting Comm which had been instructed to split the former art 108 (Lausanne 1974) (see art 108, note 1; II 1784, 1787 and 1788).

Article 111
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. (1) It shall send all the documents published on the occasion (2) 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.

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1) 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 1964 Vienna, 1969 Tokyo, 1974 Lausanne, 1979 Rio de Janeiro, 1984 Hamburg and 1989 Washington Congresses.

2) This provision implies that the secretariat must not only send all the docs published before a session, as laid down in arts 102, para 8, 104, para 13, and 110 (Tokyo 1969), but also those distributed during or shortly after a session, particularly Comm reps and minutes (1974 Lausanne Congress, II 1241, props 1502.7 and 1504.2).

Article 112
List of member countries (Const 2) (1)

The International Bureau shall prepare and keep up to date the list of member countries of the Union (2) (3) showing therein their contribution class (4), their geographical group (5) and their position with respect to the Acts of the Union. (6)

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1) This art was introduced by the 1964 Vienna Congress (I 205, II 991 and 1367, prop 2063). 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 (1964 Vienna Congress, II 106, Congress – Doc 1).

2) In drawing up the list of member countries, the IB uses the name under which each signed the Acts of Congress, subject to changes of names made in the meantime and duly communicated to the IB. For new members, the names are given as transmitted to the IB by the competent authorities (see also annex to Reps on the work of the Union).

3) In addition to the list of member countries prepared under art 112, showing in particular the legal position of the countries in relation to the Acts of the Union (ratification, approval, accession), the IB publishes in the "Report on the work of the Union" a list of countries and territories of the Union, showing their:

a composition and associated territories, by virtue of the Const, art 3;
b capital;
c geographical location;
d area;
e population;
f date on which each country came under the UPU's jurisdiction.

4) For the apportionment of member countries in the contribution classes, see art 125.

5) The showing of the geographical groups was added by the 1974 Lausanne Congress, (II 1242, prop 1508.3). There are five geographical groups (see art 102, note 9). Member countries are classified in these groups according to their geographical situation. However, in border areas, member countries are able to decide to which group they are to belong.

6) The list of member countries parties to the Agrs is based on the same considerations as the list relating to the other Acts of the Union. This list concerns the Agrs enumerated in the Const, art 22, note 6 (1964 Vienna Congress, II 106, Congress – Doc 1).

Article 113
Information. Opinions. Requests for interpretation and amendment of the Acts. Inquiries. Role in the settlement of accounts (Const 20; Gen Regs 120, 121, 122; Conv; Det Regs 101)

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

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 (2), on questions in dispute (3), 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. (4) The result of an inquiry shall not have the status of a vote and shall not be formally binding.

4 It shall bring to the notice of the Chairman of the Consultative Council for Postal Studies, for any necessary action, questions which are within the competence of that organ. (5)

5 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. (6) (7) (8) (9) (10)

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1) In fact, the IB provides the EC, the CCPS 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.

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 (see Rep 1878, pp 4 and 5; Rep 1916, pp 6 and 7; Rep 1918, p 9; Rep 1941, p 7). 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 respective arts of the Annotated Acts. Opinions on non-litigious questions are also published annually in the Reps. For arbit in which the IB may act as sole arbitrator, see art 127, paras 2 and 5.

3) The IB has no power to intervene in the relations between adms and their users, 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.

4) Many inquiries instituted by the IB at the request of adms are mentioned in the Annotated Acts, under the arts concerned.

5) Introduced by the 1957 Ottawa Congress (II 249–251, prop 1207 and Doc 46). The purpose of this prov is to avoid duplication in the work of the IB and the CCPS (Docs CCPS and its MC, 1958, pp 89 and 90, Doc 13/Add 1). See also art 7, para 3, CCPS Rules of Proc.

6) Settlement of accounts and clearing facilities (cf also Conv, Det Regs, art 101, note 3). Art 15 of the 1874 Berne Treaty assigned the IB the task of facilitating international accounting.

However, a project for a central accounting office, worked out and presented by the IB itself in 1876, was not followed up.
Not until the 1891 Vienna Congress (pp 331 et seq) was this service instituted. The reasons given emphasize that the procedure for individual accounts is cumbersome and involves the adms in considerable expense, caused either by the exchange of a large number of special liquidation accounts, or by the purchase and sale of drafts for liquidation of the various balances. It was therefore considered that the creation of a central accounting and clearing office would constitute an important and considerable simplification. Centralized accounting for debits and credits of all services, including the telegraph service, was accordingly envisaged.
The relevant provs were first incorporated in an Agr appended to the Regs of the Conv (pp 498 to 500). The Agr provided that adms using the franc as their monetary unit or agreeing on the rate of conversion of their currencies into hard francs and centimes could accede to it. A uniform monetary unit is, in fact the condition *sine qua non* for a multilateral offsetting service. The adms adhering to this have remained, however, free to indicate for which branches of the services and with which countries they wished to participate in the settlement of accounts and clearing facilities. To this end, they had to act jointly and with the IB, which had been made the clearing-house, and could cease participation unilaterally three months after having so advised the clearing-house. Clearing was effected monthly or quaterly, as convenient.
As it happened, the number of adms using the services of the clearing-house was always limited. Until 1914 there were only thirteen. When, during the First World War, the gold standard ceased to function, as a result of which the hard franc disappeared, clearing inevitably came to an end. It was necessary to wait until a stable monetary unit could again be established as the basis for offsetting.
After 1918, the 1920 Madrid Congress defined the franc as meaning the g fr. Although at that time the latter was a purely theoretical currency, it had nevertheless a fixed and stable relation with a gold-based currency, the dollar. Accordingly, in 1921 an attempt was made to revive the activity of the general clearing system on this basis (circ 175/1921). But the number of adms willing to participate was insufficient to allow the general liquidation account to be resumed with advantage. The services of the IB have therefore been used in this connection only for the annual general liquidation accounts of transit charges and reply coupons (Conv, Det Regs, arts 187 and 196).
A fresh attempt to revive the general clearing system was undertaken in the autumn of 1940 (circ 281). As was to be expected, the result was again negative, as the prevailing world political and economic circumstances only aggravated the difficulties already inherent in any international clearing system.
At the request of an adm which, on this occasion, wished to know whether if necessary this liquidation account would also cover money order accounts, the IB gave the following opinion (circ 300/1940): "The system of offsetting through the International Bureau as clearing office implies balances in, or converted into, gold francs (Buenos Aires Conv, Det Regs, art 190, para 1, 1st subpara). However, the balances resulting from the money order service are in national currency. Administrations wishing to include these balances in the clearing operation should therefore first arrange for their conversion into gold francs. Moreover, as the gold francs is not an actual currency, balances resulting from clearance in gold francs would have to be reconverted, for the purpose of payment, into a national currency, unless the administrations concerned held gold deposit accounts at the Bank for International Settlements at Basle, into which they could make payments of gold. Consequently, in practice, except in the latter cases, clearance through the International Bureau would suit administrations only for balances arising from payments due between the administrations and established at the outset in gold francs. In this connection, in addition to the liquidation accounts of postal charges and fees, the settlement of telegraph and telephone charges could be envisaged."
See also Const, art 7, note 1 (Monetary standard).

7) See Conv, Det Regs, art 101, para 3 and note.

8) At the moment, the IB effects offsetting in respect of:
a transit charges and terminal dues (Conv, Det Regs, art 192);
b international reply coupons (Conv, Det Regs, art 199).

9) The possibility of using the IB as a clearing-house for compensation in cases of loss or damage to postal items was the subject of a prop by Yugoslavia to the ELC, which was, however, unsuccessful (see Summary Record of the ELC 1959, p 25, and 1960, p 14).

10) The 1989 Washington Congress instructed the EC to undertake two studies, one on retention of the IB's role in the settlement of accounts and the other on expanded offsetting arrangements (resolutions C 68/1989 and C 70/1989).

Article 114
Technical cooperation (Const 1) (1)

The International Bureau shall develop postal technical assistance in all its forms within the framework of international technical cooperation. (2)

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1) This art was introduced by the 1964 Vienna Congress (II 882 to 885 and 1320, prop 2037 ELC). With regard to the functions of the various UPU bodies as regards technical cooperation, the 1979 Rio de Janeiro Congress, in resolution C 43/1979, updated the functions defined by the 1969 Tokyo Congress in resolution C 6/1969. By resolution C 38/1984, the Hamburg Congress defined the priorities and principles of UPU tech asst which are to be applied by the EC and the IB in their respective spheres of competence.
For its part, the 1989 Washington Congress adopted six resolutions and one doc dealing with:
- UPU tech asst priorities and principles (resolution C 6/1989);
- financing UPU tech asst activities (resolution C 7/1989);
- technical cooperation among developing countries (resolution C 20/1989);
- increased UPU presence in the field with regard to tech asst (resolution C 21/1989);
- UPU action on behalf of the least developed countries (LDCs) (resolution C 28/1989);
- guidelines to be emphasized in UPU tech asst activities (resolution C 29/1989);
- human resources and training (Congress – Doc 54).

Congress also decided to strengthen and develop technical cooperation so as to assist adms to implement the Washington General Action Plan adopted after the General Debate on the topic "Caring for the customer – Commercial and operational strategies of the Post" (Congress – Doc 70 and resolution C 91/1989; see also Const, art 1, note 7).

2) Cf Const, art 1, notes 7 and 8 and Gen Regs, art 102, note 18. 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 115
Forms supplied by the International Bureau (Const 20; Conv 12, 34)

The International Bureau shall be responsible for arranging the manufacture of postal identity cards **and** international reply **coupons and** for supplying them, at cost, to postal administrations ordering them. (1) (2) (3)

1) The cost of the various forms is fixed by the IB and communicated to the adms by circ.

2) The provs of the regulations concerning the forms mention4ed in this art are set out in Conv, art 12, and Conv, Det Regs, art 106 (postal identity cards) and in Conv, art 34, and Conv, Det Regs, art 199 (international reply coupons).

3) Following the abolition by the 1989 Washington Congress of the postal travellers' cheques service (resolution C 3/1989), cheques and cheque book covers are no longer supplied by the IB.

Article 116
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. (1)

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 Executive Council of any irregularity discovered through applying this provision. (2)

1) 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 (see circ 226/1953). The reduced rates applied in the Restricted Unions and by virtue of Special Agrs are published by the IB in the List of Reduced Charges (see Conv, Det Regs, art 109, para 1, c).

2) The provs given in para 2 were adopted by the 1964 Vienna Congress (II 961, 962 and 1344, prop 2038). The 1952 Brussels Congress had already instructed the IB to see that the Acts of Restricted Unions and the Special Agrs should not include conditions less favourable to the public; this was done, however, in the form of a decision (II 143, 398 and 399). In including this provision in the Acts, the 1964 Vienna Congress also charged the IB to notify the EC of any irregularity discovered in this connection (II 962, verbal prop India).

Article 117
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. (1) (2) (3) (4) (5) (6) (7) (8) (9)

1) This is *"Union Postale"*, a quarterly periodical containing postal information and news of postal and administrative interest, as follows (decision CE 18/1987):

a technical articles on the postal service, particularly on questions of international postal relations, on postal operations, particularly mechanization and modernization of the postal services, and on other questions which may be of interest in postal circles. It is, of course, understood that the adm of the country in which the author is resident shall be consulted regarding any such articles. If the author is a postal official, any articles are transmitted by his adm, which takes responsibility for such transmission;
b articles which have already appeared in other technical or professional journals (complete or abridged);
c legal decisions concerning the postal service and of interest to the adms of the UPU;
d accounts of meetings of UPU bodies (Congress, EC, CCPS);
e brief accounts of meetings of international bodies at which the UPU is represented;
f various communications and information of interest in postal circles;
g analyses of recent important papers which may be of interest to the adms (in particular analyses of studies published on the decision of the EC or analyses of studies and comments published in respect of various questions entrusted to the CCPS);
h Philately (decision 17/1987).

2) The articles in the periodical are published simultaneously in the 7 languages mentioned in this art. The question of presentation of the periodical in the various languages was settled by the ELC (see Summary Record of the 1961 session, p 16). From the outset (1875) the periodical was published in German, English and French. The 1947 Paris Congress discontinued the German edition (II 373–376), but the 1952 Brussels Congress reintroduced it (II 400, prop 84). See also Summary Record of the ELC 1953, May session, p 8. Spanish was introduced by the 1920 Madrid Congress (II 59, 150, 167, 326 and 912). Arabic, Chinese and Russian were introduced by the 1947 Paris Congress (II 373–376, 1061 and 1062).

3) Articles must be strictly objective and free from all political bias (1939 Buenos Aires Congress, II 552).

4) The 1957 Ottawa Congress adopted the following resolution in respect of the periodical *"Union Postale"* (II 64 and 394–396, Doc 68):
"With a view to furthering the exchange of experience and scientific, technical and economic progress in postal communications, and in order increasingly to improve international cooperation and relations between all the member countries of the Union in this field, Congress charges the International Bureau to see that more space in the periodical *'Union Postale'* 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, and to include in the periodical extracts from specialist literature, book reviews, reviews of handbooks and other publications.
"It appeals for the cooperation of the administrations of the Union, to the CCPS and to the ELC to this end."
In pursuance of this resolution, *"Union Postale"* periodically publishes a summary of the general Rep prepared by the rapporteurs of the Working Parties of the CCPS on the respective studies entrusted to these Working Parties.
The IB is authorized to make any adaptations it considers necessary in order to present these summaries in a journalistic style (decision CCEP 18/1986).

5) The ELC instructed its Secretary-General to include in the periodical biographical articles on senior officials of the IB (see Summary Record of the1963 session, p 8).

6) 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." (II 539 and 992–994, prop 2039 ELC.)

7) After various studies by the IB and the EC itself, the latter came to the conclusion that the periodical's production costs not covered by revenue should not be regarded as a deficit in the commercial sense but as expenditure on information on behalf of the Union. At the same time the EC approved the opening of a new "Tenders" section. Lastly, the EC declined to approve an increase in the periodical's subscription rate, the periodical being a working document for adms and at the same time helping the development of tech asst (decision CE 10/1968). Between the 1969 Tokyo and the 1974 Lausanne Congresses, the EC repeatedly looked into the periodical's financial position. In decision CE 11/1973, in particular, it instructed the IB "to investigate continuously ways of reducing the costs of the periodical and, if appropriate, to submit a report on the subject to the Council". The EC elected by the 1974 Lausanne Congress was also apprised of the matter. The EC elected by the 1979 Rio de Janeiro Congress likewise considered the financial situation of the periodical. By decision CE 19/1981, it decided to keep subscription rates at the existing level, leaving it to the Director-General to propose appropriate measures when net annual expenditure on the periodical reached 280 000 Swiss fr. Consequently, although the frequency was reduced to four annual issues, the subscription rate remained the same (decision CE 15/1987).

8) By decision CE 19/1987, the EC decided to amend the annex to resolution CE 7/1971 so as to authorize the IB to publish only the letter of the winner of the gold (silver-gilt) medal, instead of those of the first three prizewinners, as previously.

9) The EC recommended that postal adms should distribute the periodical more widely in their services so as to help increase its circulation (see Summary Record of the 1987 session, p 406/32).

Article 118
Annual report on the work of the Union
(Const 20; Gen Regs 102, paragraph 6.15) (1)

The International Bureau shall make an annual report on the work of the Union, which shall be sent, after approval by the Executive Council, to postal administrations, the Restricted Unions (2) and the United Nations. (3) (4) (5)

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1) Up to the 1947 Paris Congress, the IB had produced an annual administrative rep, transmitted to the adms of the member countries (see 1939 Buenos Aires Conv, art 186).
The provs of the 1947 Paris Conv (art 18, para 11, e (end)) stipulated that the ELC should present its own annual rep to member countries. However, it was decided that the IB rep prepared by the Director would also serve as the ELC rep to the member countries (see Docs ELC 1948, p 169). This state of affairs was confirmed by the 1952 Brussels Congress (Conv, Det Regs, art 109). Until the 1969 Tokyo Congress, the rep prepared by the IB was approved by the Chairman of the EC, subject to EC ratification, then distributed to adms before final approval by the EC, this approval and any amendments and comments being notified to adms by circ. As a result of the amendments made to this art by the 1969 Tokyo Congress (II 1392, 1632, prop 1656) the rep is now not sent to adms until after its approval by the EC. Since the 1974 Lausanne Congress, the EC Chairman no longer signs the annual Rep since it is an IB report.

2) The phrase "the Restricted Unions" was added by the 1969 Tokyo Congress (II 1392, 1632, prop 1656).

3) The phrase "and the United Nations" was added by the 1964 Vienna Congress (II 994, prop 2041). This art was thus brought into line with the UN–UPU Agr, art V, para 2, a (see also UN–UPU Agr, art V, note 1).

4) 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 (II 537). 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 rep by its Director on the finances of the Union. The rep submitted to the 1989 Washington Congress was in Doc 19 (II Congress/C 2 – Rep 1, resolution C 3/1989).

5) This rep includes in annexes:
- the List of UPU Member Countries showing their position with respect to the UPU Acts;
- a list of the countries and territories included in Union membership, showing the capital, geographical situation, area in square kms, population and the date of the application of the UPU Acts;
- the technical cooperation projects under the UNDP;
- the activities under the UPU's own resources;
- UPU special activities financed by special resources;
- the activities of the experts and consultants;
- a list of debtor adms;
- the annual rep of the UPU Provident Scheme;
- the rep on the translation services.

Chapter III

Procedure for the submission and consideration of proposals (1)

1) The title of chapter III was modified by the 1969 Tokyo Congress to take account of the amendment made to art 119, para 1 (II 1392 and 1632, prop 1600 EC; see also art 119, note 4).

Article 119
Procedure for submitting proposals to Congress (Const 29) (1) (2) (3)

1 Subject to the exceptions provided for in paragraphs 2 and 5, the following procedure shall govern the submission of proposals of all kinds (4) 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; (5)
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. (6)

3 Every proposal must, as a rule, have only one aim and contain only the changes justified by that aim. (7)

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. (8)

5 The procedure prescribed in paragraphs 1 and 4 shall not apply either to proposals concerning the Rules of Procedure of Congresses (9) or to amendments to proposals already made. (10)

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1) Publication of props in separate loose sheets for each prop was decided on by the 1939 Buenos Aires Congress (II 517 and 518). It came into effect for the presentation of props to the 1947 Paris Congress. The presentation of props now conforms to precise rules which make it easier to file and examine them. As regards the time limit for the submission of props, the Buenos Aires Congress issued a formal opinion asking adms to submit their props as early as possible before Congress. Since that formal opinion remained without any real effect on adms' practice, the 1952 Brussels Congress instructed the ELC to study the preparation, admissibility and fixing of definite time limits for the submission of props (II 141 and 142 and Doc 28, pp 1361 and 1362). The ELC adopted a resolution which was made applicable for the preparation of the 1957 Ottawa Congress, which, in turn, ratified the procedure thus set up and prescribed in this art.

2) It is incumbent upon the IB in pursuance of art 111 to take all necessary measures in connection with publication of the props for submission to Congress.

3) The procedure regulating the treatment of props in Congress is governed by the Rules of Proc of Congresses, art 15.

4) The words "of all kinds" were added by the 1969 Tokyo Congress (II 1392 and 1632, prop 1600 EC). The procedure described in that art, which formerly applied only to props amending the Acts of the Union, was extended to cover props of all kinds, except for props concerning the Rules of Proc of Congresses.

5) The time limit for submission of props of substance was limited to two months preceding the opening of Congress by the 1984 Hamburg 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 (II 294–295, prop 1519.4).

6) This prov, which applies to props concerning the Const and the Gen Regs, was inserted by the 1984 Hamburg Congress in order that every adm should have time to consider them in depth (II 295, prop 1519.3).

7) New para created by the 1984 Hamburg Congress following the study by the EC on the organization, functioning and work methods of Congress (II 293–294, prop 1519.2).

8) For the 1989 Washington Congress, the drafting props were published in Doc 36.

9) An addition made by the 1969 Tokyo Congress (II 1392 and 1632, prop 1600 EC). 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.

10) The notion of "amendment" is defined in the Rules of Proc of Congresses, art 14, para 4.

Article 120
Procedure for submitting proposals between Congresses
(Const 29; Gen Regs 113) (1) (2)

1 To be eligible for consideration every proposal concerning the Convention or the Agreements submitted by a postal administration (3) 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 Executive Council unless the latter agrees to the urgent necessity. (4)

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1) The practical value of the procedure provided for in this art is evident from the number of cases of props presented and voted on in order to modify or supplement certain provs between Congresses. The table below shows the Congresses which have been followed by such ballots, the number of ballots, distribution of props between the Conv (C), the Agrs on insured items (VD), postal parcels (CP), money orders (MP) and collection of bills (R), and whether adopted or rejected:

Following the Congress of	*Ballots*	*C*	*VD*	*CP*	*MP*	*R*	*Adop-tions*	*Rejec-tions*
Paris 1878	20	(13	3	4	–	–)	19	1
Lisbon 1885	29	(14	1	8	4	2)	25	4
Vienna 1891	28	(21	–	3	4	–)	10	18
Washington 1897	5	(5	–	–	–	–)	5	–
Rome 1906	6	(4	1	1	–	–)	3	3
Madrid 1920	11	(8	–	3	–	–)	8	3
Stockholm 1924	7	(7	–	–	–	–)	6	1
London 1929	2	(2	–	–	–	–)	2	–
Cairo 1934	7	(6	–	1	–	–)	4	3
Buenos Aires 1939	3	(–	–	3	–	–)	3	–
Paris 1947	1	(–	–	1	–	–)	1	–
Brussels 1952	3	(2	–	1	–	–)	3	–
Ottawa 1957	2	(2	–	–	–	–)	2	–
Vienna 1964	10	(1	–	9	–	–)	1	9

The provs of the Insured Items Agr were incorporated in the Conv by the 1979 Rio de Janeiro Congress.

2) 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 (Consultation on exceeding the ceiling of expenditure, see art 124, para 6). This procedure was provided for in the 1874 Berne Treaty, Det Regs, art XXVII, p 12. See also circ 106/1958 and circ let C 100/1963 (delegation of competence to the ELC). Props on the interpretation of the Acts are rare.
See, eg circ lets C 2327 dated 7 August 1954 and C 442 dated 28 February 1965 (authentic interpretation of the provs of art 15, para 9, a – Airmail correspondence).

3) 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.

4) This para was added by the 1989 Washington Congress as a consequence of the transfer to the EC of legislative powers to draw up and revise the Det Regs (see Const, art 22, note 8).

Article 121
Consideration of proposals between Congresses
(Const 29; Gen Regs 113, 120)

1 Every proposal **concerning the Convention, the Agreements and their Final Protocols** (1) 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) (3)

2 Proposals for amending the Detailed Regulations shall be dealt with by the Executive Council. (4)

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

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1) The phrases "concerning the Convention, the Agreements and their Final Protocols" (para 1) and "Agreement or its Final Protocol" (para 3) were inserted by the 1989 Washington Congress so as to adapt the content of these paras to the EC's new legislative powers in respect of the Det Regs (see Const, art 22, note 8).

2) The procedure laid down in para 1 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-passer of the UN (see p 282). 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 (Reps 1948, p 25 and 1949, pp 1–3).
Moreover, this procedure was also followed in 1967 by virtue of the provs now contained in art 102, para 6.20, for the prop to amend the 1964 Vienna Conv, Det Regs, art 113, which the EC submitted to adms in accordance with resolution C 36/1964 of that Congress. This prop was adopted (circ let 8760 of 22.12.1967).

3) Pursuant to art 102, para 6.21, any country presenting a prop in the period between Congresses, may ask the EC 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.

4) This para was added by the 1989 Washington Congress as a consequence of the transfer to the EC of the power to draw up and revise the Det Regs (see Const, art 22, note 8).

Article 122
Notification of decisions adopted between Congresses
(Const 29; Gen Regs 120, 121) (1)

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)

2 Amendments made to the Detailed Regulations and their Final Protocols **by the Executive Council** shall **be communicated** to postal administrations by the International Bureau. The same shall apply to the interpretations referred to in article **93**, paragraph **3**, c, ii, of the Convention and in the corresponding provisions of the Agreements. (3)

1) The different procedures followed to notify amendments adopted between Congresses arise from the distinction made by the UPU, from its foundation and confirmed by art 22 of the Const, between Acts regarded as intergovernmental treaties (Conv and Agrs) and those which are administrative agrs (Det Regs).

2) Notification to the governments of Union member countries, by the Director-General of the IB, of basic Acts having the nature of intergovernmental treaties results from the decision of the 1989 Washington Congress to transfer to the Director-General the function of depositary of the Acts of the Union which was previously exercised by the Government of the Swiss Confederation (see Const, art 11, note 7).

3) This para was amended by the 1989 Washington Congress as a consequence of the transfer to the EC of power to draw up and revise the Det Regs (see Const, art 22, note 8).

Article 123
Entry into force of **the Detailed Regulations and of the other** decisions adopted between Congresses (1)

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)

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.

1) The 1989 Washington Congress amended this art to adapt it to the new legislative functions of the EC regarding the Det Regs (see Const, art 22, note 8).

2) 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 EC.

Chapter IV

Finance

Article 124
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 **1991** and subsequent years (1):

26 070 100 Swiss francs (2) for **1991**;
26 586 900 Swiss francs for **1992**;
26 800 100 Swiss francs for **1993**;
26 773 200 Swiss francs for **1994**;
26 935 600 Swiss francs for **1995**.
The basic limit for **1995** shall also apply to the following years in case the Congress scheduled for **1994** is postponed. (3)

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 **3 676 000** Swiss francs. (4)

3 The Executive Council 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. (5)

4 The Executive Council 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. (6)

5 Notwithstanding paragraph 1, the Executive Council, 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 65 000 Swiss francs per annum. (7)

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. (8)

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. (9)

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 Executive Council. These contributions shall be paid not later than the first day of the financial year to which the budget refers. (10) 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. (11) (12)

9 To cover shortfalls in Union financing, a Reserve Fund shall be established the amount of which shall be fixed by the Executive Council. 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. (13)

10 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. (14) That Government shall supervise, without charge, book-keeping and accounting of the International Bureau within the limits of the credits fixed by Congress. (15)

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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 (fixing of amounts: 1989 Washington Congress, II Congress – PV 14, Docs 19 and 68).

2) 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 (1974 Lausanne Congress, II 234–236, 800 and 1000).

3) As the ceiling had been fixed for each year from 1991 to 1995 in accordance with a recurrent method based on an initial sum of Swiss fr 24 390 000, the 1989 Washington Congress decided that the amount of the ceiling that would apply to the following years should the 21st Congress be postponed would be determined by extrapolating, in accordance with the same method, the basic limit thus fixed for 1991 (1989 Washington Congress, II Congress – PV 14, Docs 19 and 68).

4) 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 (fixing the amount: 1989 Washington Congress, II Congress – PV 14, Docs 19/ Add 1 and 68).

5) This prov, introduced by the 1969 Tokyo Congress, authorizes the EC to exceed the ceiling in order to apply to IB staff the increases in salary and allowance scales for staff of the UN Office in Geneva.

6) 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 EC 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 (II 318, 1089 and 1268).

7) With regard to possible repairs to the IB building, the 1974 Lausanne Congress rejected the formation of a maintenance fund, preferring to authorize the EC, or in the case of extreme

urgency, the Director-General, to exceed the ceiling of expenditure fixed at art 124, para 1, up to 65 000 Swiss fr per annum.

8) 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.

9) Wording introduced by the 1964 Vienna Congress (II 995) in conformity with the usage long followed by the UPU. It should be noted that, in the other specialized agencies in the common system, the initial contribution is calculated on a pro rata basis.

10) 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 (II 889–929 and 1370–1379).

11) 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 (II 890 and 1375–1379).

12) With regard to charging interest for IB supplies not paid for within the prescribed time limit, see art 126.

13) 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. Rather than establish a new fund, the 1979 Rio de Janeiro Congress expanded for that purpose the scope of the Reserve Fund set up by the 1957 Ottawa Congress (II 68, 75, 76, 80 and 1155) to stabilize contributions. The Reserve Fund, which is the property of the Union, is checked by the EC which fixes its level and supervises its use in accordance with the methods set out in the UPU Financial Regulations (1979 Rio de Janeiro Congress, II 889–929 and 1370–1379).

14) 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 (1979 Rio de Janeiro Congress, II 889–929 and 1370–1379; CE 1981 – Doc 6).

15) 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. The 1989 Washington Congress approved the accounts for 1984 to 1988 in resolution C 9/1989 and expressed its gratitude to the Government of the Swiss Confederation for its assistance in connection with the Union's finances (resolution C 23/1989) (see also art 118, note 4).

Article 125
Contribution classes (Const 21; Gen Regs 112, 124) (1)

1 Member countries shall contribute to defraying Union expenses according to the contribution class to which they belong. (2) 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 Executive Council.

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. (3)

4 Member countries may subsequently change contribution class on condition that this change is communicated to the International Bureau before the opening of Congress. (4) 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. (5) 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 Executive Council 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. (6)

1) 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 (Doc Telegraphic Conf, 1868 Vienna, p 453; 1874 Berne Congress, p 57). To the six classes originally adopted, the 1878 Paris Congress added a seventh. Subsequently, props aimed at reducing the number of contribution classes were rejected (1934 Cairo Congress, II 214, 619, 627, 651; 1939 Buenos Aires Congress, I 63 and 248, II 58 and132 and 1947 Paris Congress, II 134 and 135).
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 also rejected (I 65 and 66, II 1015–1022, prop 808). Cf also the study presented by the IB to the same Congress on the distribution of IB maintenance costs among the countries of the Union (II 122–133). The 1952 Brussels Congress instructed the ELC to study the question of apportioning the expenses of the Union on the basis of a system comprising four contribution classes (II 371, prop 41, Argentina). The ELC considered the question at its 1953 session. After emphasizing the complexity of the problem and the difficulties inherent in the introduction of a scientific system for classifying the countries, it decided not to continue with the study of this question and expressed itself by a strong majority in favour of the status quo (see Summary Record, 1953 ELC, p 15). The 1957 Ottawa Congress 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.
With several props for revising the contribution class system before it, the 1964 Vienna Congress instructed the EC "to study a new basis for apportioning the costs of the Union" (1964 Vienna Congress, II 995–999; resolution C 21).
At the end of its study, 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 Council did, however, envisage the possibility of Congress or the body responsible for confirming this choice of judging it on the basis of comparability criteria to be determined (cf CE 1967 – Doc 13, Doc 13/Annex 5 and PV 15; CE 1969 – Doc 19 and Annexes 1–3, and PV 10: 1969 Tokyo Congress, II 407–415).
The 1969 Tokyo Congress considered, independently of the above-mentioned EC study, a prop that international outward letter-post mails should be adopted as a classification criterion (prop 1020) 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 (prop 1650). 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 (prop 1523.1). 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. At its 1975 session, the EC asked the IB Director-General to repeat the appeal every year at an appropriate time (resolution CE 3/1975). But in 1976, the EC slightly modified this decision by leaving it to the Secretary-General to take the steps he considered useful for obtaining the best result (decision CE 1/1976).
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. The member countries that were in the one-unit class at the time of the 1984 Hamburg Congress were authorized to choose the 0.5-unit class provided

that they were classed as LDCs by the UN and that they notified their choice to the IB by 31 December 1984 (resolution C 39/1984). In addition, member countries have the option of contributing more than 50 units to the Union's expenditure (II 305–312, props 032, 1502.4, 1525.3 and 1525.4).

2) 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. In fact, the 1964 Vienna and 1969 Tokyo Congresses rejected all requests of that kind. The 1974 Lausanne and 1984 Hamburg Congresses made the principle of free choice of contribution class more realistic by increasing the number of such classes. The contribution class of each member country is given in the List of Union Member Countries, in accordance with art 112.

3) See Const, art 21, note 6.

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.

5) Although the new system for apportioning the Union's expenditure confirms the principle of free choice of contribution class, this prov somewhat restricts the scope of this principle by prohibiting drops of more than one class at a time.

6) 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 126
Payment for supplies from the International Bureau (Gen Regs 115)

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. (1) (2) (3) (4)

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1) When the Union's new self-financing system was introduced as from 1 January 1981, the 1979 Rio de Janeiro Congress decided in favour of adopting commercial payment terms for paying bills and reduced the time limit for paying for supplies to three months (from six months) after receipt of the account, it being understood that, after that time, the amounts due are chargeable with interest in favour of the Union which advanced them. However, practice having shown that this time limit was too short, the EC in 1982 restored the previous time limit of six months (resolution CE 3/1982). This measure was subsequently ratified by the 1984 Hamburg Congress.

2) Under this art come in particular:

- the supply of publications not provided free under Conv, Det Regs, art 112;
- the supply of postal identity cards;
- the supply of international reply coupons;
- the cost of interpretation services;
- subscriptions to the periodical *"Union Postale"*;
- the supply of correction bulletins and supplements;
- air surcharges for the dispatch of circs, bulletins, etc.

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).

3) For distribution of publications to adms and their sale to private persons, see Conv, Det Regs, art 112, notes 1 and 2.

4) With regard to the interest charged on contributions not paid within the time limit laid down, see art 124, para 8.

Chapter V

Arbitration

Article 127
Arbitration procedure (Const 32) (1)

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. (2) When several administrations make common cause, they shall count only as a single administration for the purposes of this provision. (3)

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. (4)

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. (4)

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.

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1) 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.

2) 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.

3) 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 (see also 1934 Cairo Congress, I 16).

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

Chapter VI

Final provisions

Article 128
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. (1)

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1) See Const, art 31, note 2.

Article 129
Proposals concerning the Agreements with the United Nations (Const 9) (1) (2)

The conditions of approval referred to in article 128 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. (3)

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1) 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.

2) The problem of the possible amendment of the UN–UPU Agrs arose within the framework of the UN. The United Nations Economic and Social Council (ECOSOC) adopted resolution 1768 (LIV) on this subject. So far ECOSOC has studied certain aspects of the restructuring of the economic and social sectors of the UN system, but it has not really started consideration of the agreements concluded between the UN and the specialized agencies.
The 1974 Lausanne and 1979 Rio de Janeiro Congresses both passed a resolution instructing the EC to follow developments in this question (see Lausanne Congress resolution C 7/1974 and Rio de Janeiro Congress resolution C 91/1979).

3) Before the Gen Rev of the Conv (1964 Vienna Congress), it was possible to amend these Agrs between Congresses (1957 Ottawa Conv, art 32). During the revision, this prov was transferred to art 129, in a somewhat different form which, in the opinion of the expanded ELC "rules out the possibility of approving any amendment to the UN–UPU Agreements between Congresses" (Doc Gen Rev, Conv 1959, p 419).
On the other hand, in the opinion of the IB, it is questionable whether art 129 does in fact preclude the amendment of the UN–UPU Agreements between Congresses, since it retains *mutatis mutandis* the text of art 32 of the 1957 Ottawa Conv, which specifically permitted amendment of these Agrs between Congresses, and because the text of the present art mentions only the conditions of approval.
The 1974 Lausanne Congress indirectly confirmed this IB interpretation in adopting resolution C 7/1974, asking the EC to submit, if necessary, drafts of any new prov to Union member countries for approval. By analogy with art 128 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 130
Entry into force and duration of the General Regulations (1) (2)

These General Regulations shall come into force on **1 January 1991** and shall remain in operation until the entry into force of the Acts of the next Congress.

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1) See Const, art 33, note 1 and art 31.

2) The 1984 Hamburg Congress decided to bring the provs relating to the EC and the CCPS into force immediately (see resolution C 87/1984).

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**. (1) A copy thereof shall be delivered to each party by the Government of the country in which Congress is held.

Done at **Washington, 14 December 1989**

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1) The 1989 Washington Congress transferred to the Director-General of the IB the function of depositary of the Acts of the Union previously exercised by the Government of the Swiss Confederation (see Const, art 11, note 7).

(For the signatures, see 1989 Washington Congress Docs, vol III, pages 33–69. They are the same as for the Fourth Add Prot).

List of decisions of the 1989 Washington Congress other than those amending the Acts

Resolutions (Res), decisions (Dec), recommendations (Rec), formal opinions (Form op), etc.

Nature and number of the decision		Title	Volume
Res	C 1	Immediate application of the new legislative powers of the EC	1
Res	C 2	Second phase of the transfer to the EC of some of the legislative functions of Congress	1
Res	C 3	Postal Financial Services and Subscriptions to Newspapers and Periodicals Agreements abolished. Possibility of their being retained or reintroduced	4
Res	C 4	Committee to coordinate the work of the Union's permanent bodies	1
Res	C 5	Permanent control of the quality of service worldwide	2
Res	C 6	UPU technical assistance priorities and principles	1
Res	C 7	Financing UPU technical assistance activities	1
Res	C 8	Subsequent improvement of the management of the Union's work	1
Res	C 9	Approval of the Union's accounts for 1984–1988	1
Res	C 10	Regulations for printed papers	2
Res	C 11	Reconstitution of the CCC–UPU (Customs Co-operation Council–Universal Postal Union) Contact Committee and establishment of national postal–customs contact committees	2

Nature and number of the decision		Title	Volume
Res	C 12	Action to enhance the security of international mail and to preserve its integrity	2
Res	C 13	Universal logo to identify the postal services	2
Res	C 14	Study of the structure of the Convention, the Agreements and their Detailed Regulations	1
Res	C 15	Standardization of the conditions of admission and supplementary services provided in the postal parcels service	3
Res	C 16	Introduction and extension of the postal parcels service	3
Res	C 17	Universal rate for land and sea rates	3
Res	C 18	Revision of land and sea rates	3
Res	C 19	CCPS work programme for 1989–1994	1
Res	C 20	Technical cooperation among developing countries (TCDC)	1
Res	C 21	Increased UPU presence in the field with regard to technical assistance	1
Res	C 22	Permanent project to safeguard and enhance the quality of and to modernize the international postal service	1
Res	C 23	Aid provided by the Government of the Swiss Confederation in the field of the Union's finances	1
Res	C 24	Cooperation between the Executive Council and the Consultative Council for Postal Studies towards the establishment of telematics in the Universal Postal Union	2
Res	C 25	EMS	2

Nature and number of the decision		Title	Volume
Res	C 26	Harmonization of systems of accounting for transit charges for closed surface letter and surface parcel mails	2
Res	C 27	Development of a range of postal parcel products/services suited to the demands of the international market	3
Res	C 28	UPU action on behalf of the least developed countries (LDCs)	1
Res	C 29	Guidelines to be emphasized in UPU technical assistance activities	1
Rec	C 30	Deadlines for replies to questionnaires	1
Rec	C 31	Use in the postal services of paper manufactured using non-polluting processes ("ecological" paper)	2
Rec	C 32	Items for delivery free of charges and fees	2
Rec	C 33	Conclusion of bilateral agreements on service targets	2
Rec	C 34	Packaging used for the conveyance of postal items	2
Rec	C 35	Return to origin of airmail correspondence	2
Rec	C 36	Use of the EDIFACT electronic message rules of syntax	3
Rec	C 37	Use of the UN Trade Data Elements Directory	3
Dec	C 38	Admission of the Press to the General Debate	1
Dec	C 39	Vice-chairmanships of the 20th Congress	1
Dec	C 40	Chairmanship and vice-chairmanships of the Committees of the 20th Congress	1

Nature and number of the decision		Title	Volume
Dec	C 41	Members of the restricted Committees	1
Dec	C 42	Approval of the comprehensive report on the work of the Executive Council 1984–1989	1
Dec	C 43	Approval of the comprehensive report on the work of the Consultative Council for Postal Studies 1984–1989	1
Dec	C 44	Approval of the Director-General of the International Bureau's Report 1985–1989	1
Dec	C 45	Relations with the United Nations and other international organizations	1
Dec	C 46	Make-up of items containing goods not to be opened without special precautions	2
Dec	C 47	Marking of parcels containing goods which should not be exposed to radiographic control or to the light	3/2
Dec	C 48	Institution of a general debate	1
Dec	C 49	Venue of the 21st Universal Postal Congress	1
Dec	C 50	Implementation by the specialized agencies of the Declaration on the Granting of Independence to Colonial Countries and Peoples	1
Dec	C 51	Postal financial service (POSTFIN) telegrams	4
Dec	C 52	Preparation and settlement of parcel-post accounts	3
Form op	C 53	Representation of the members of the Executive Council	1
Form op	C 54	Closed mails in transit suspected of containing narcotics or psychotropic substances	2
Res	C 55	New presentation of the List of Prohibited Articles	2

Nature and number of the decision		Title	Volume
Res	C 56	Revision of the scales and permament study of transit charges	2
Res	C 57	Study of a weighted average distance per country for mails in land transit	2
	C 58	Number not allocated	–
Res	C 59	Study on transit charges for à découvert mail	2
Res	C 60	Liquidation of accounts in arrears under the former financing system	1
Res	C 61	Clearing up of accounts of all kinds in arrears	1
Res	C 62	World Post anthem	1
Res	C 63	Use of a symbol for literature for the blind	2
Res	C 64	Indication of the reason for delayed delivery of items on the C 9 inquiry form	2
Res	C 65	Exclusion of dangerous goods from airmail	2
Res	C 66	Basic documents for entering the weights to be taken into consideration for the settlement of accounts of mail subject to transit charges and terminal dues	2
Res	C 67	Reinforcement of the priority activities of the Union	1
Res	C 68	Preparation and settlement of accounts	2
Res	C 69	Improvement of postal services in rural areas	2
Res	C 70	Expansion of International Bureau offsetting arrangements	2
Res	C 71	Methods for improving the return of empty mailbags	2
Res	C 72	Permanent study on terminal dues	2

Nature and number of the decision		Title	Volume
Res	C 73	Basic airmail conveyance rate	2
Rec	C 74	Bundling of "flat" envelopes	2
Rec	C 75	Use of appropriate bundling materials	2
Rec	C 76	Increased containerization of mails	2
Rec	C 77	Reservations to chapter III of the Universal Postal Convention and part III of the Postal Parcels Agreement dealing with liability	2/3
Rec	C 78	Reserving terminal dues revenue for the purpose of improving the quality of the postal service	2
Rec	C 79	Standardized electronic messages for dispatches	2
Rec	C 80	Philatelic code of ethics for the use of UPU member countries	2
Dec	C 81	Entry into force of the Acts of the 1989 Washington Congress	1
Dec	C 82	Labelling of mails	2
Dec	C 83	Transfer of mails	2
Dec	C 84	Study on rationalizing UPU forms	2
Dec	C 85	Transit charges for à découvert mail	2
Dec	C 86	Consequences of the use of the SDR as accounting unit	2
Dec	C 87	Preparation and settlement of accounts	2
Dec	C 88	Remailing	2
Dec	C 89	Revision of the Postal Parcels Agreement subsequent to the Washington Congress – References to the Convention	3

Nature and number of the decision		Title	Volume
Dec	C 90	International business reply service	2
Res	C 91	Washington General Action Plan	1
Res	C 92	Approval of Detailed Regulations considered by Congress	1
Dec	C 93	Election of the Director-General and the Deputy Director-General of the International Bureau of the UPU	1
Dec	C 94	Use of other methods of transferring funds in the postal financial services	4

Other decisions of the 1989 Washington Congress relating to the Constitution and General Regulations

Resolution C 1/1989

Immediate application of the new legislative powers of the EC

Congress,

In view of
the new legislative powers of the EC contained in articles 22, paragraph 5, and 25, paragraph 2, of the Constitution; 102, paragraph 6, 109, paragraph 2, 120, paragraph 3, 121, paragraph 2, 122, paragraph 2, and 123 of the General Regulations; 93, paragraph 2, of the Convention; 57, paragraph 2, of the Postal Parcels Agreement; 13, paragraph 3.2, of the Money Orders Agreement; 17, paragraph 3.2, of the Giro Agreement and 9, paragraph 2.2, of the COD Agreement,

Taking account
of the rapid developments in technology and in the needs of society,

Believing
that it is urgent and necessary, in order to safeguard the postal service, to respond in an appropriate manner as quickly and effectively as possible to the challenges from aggressive competition,

Considering
that any delay would be likely to compromise the effectiveness of the action to be taken and render the decisions obsolete,

Decides

to bring the provisions relating to the new legislative powers of the EC into force immediately.

(Proposal 01, 8th plenary meeting)

Resolution C 2/1989

Second phase of the transfer to the EC of some of the legislative functions of Congress

Congress,

Having noted with satisfaction
the results of the EC study on the international postal regulations,

Having approved
the new legislative powers of the EC with regard to Detailed Regulations,

Aware
that this is an initial phase but that the ultimate aim is for Congress to retain authority to legislate directly only on constitutional matters and basic questions concerning the international postal service,

Mindful
of the policy lines and the new philosophy emanating from the general debate on caring for the customer: commercial and operational strategies of the Post,

Instructs

the Executive Council to continue its search for a different conception and presentation of the international regulations so that they can be adapted more speedily to requirements without recourse to Congress when fundamental principles are not at stake, taking account, inter alia, of the interests of countries which are not EC members.

(Proposal 02, Committee 3, 3rd meeting)

Resolution C 4/1989

Committee to coordinate the work of the Union's permanent bodies

Congress,

In view of
- decision CE 11/1986 through which the Executive Council decided to establish a Coordination Committee made up of the Chairman of the

EC, the Chairman of the CCPS and the Secretary-General of those two bodies;
- the new policies being adopted by the Union,

Considering
the usefulness of the role played by the Coordination Committee established to follow up and coordinate the work concerning the Declaration of Hamburg,

Aware of
the need to strengthen cooperation among the UPU's permanent bodies,

Decides

- to give a permanent character to the Coordination Committee;
- to instruct that Committee to ensure permanent consultation between the Executive Council, the Consultative Council for Postal Studies and the International Bureau.

(Proposal 012, 10th plenary meeting)

Resolution C 6/1989

UPU technical assistance priorities and principles

Congress,

In view of
the reports on technical assistance in the UPU submitted by the Executive Council,

Stressing
the urgency for the developing countries to undertake or intensify their own efforts to improve the situation of their postal services which are often seriously affected by a continuing economic crisis,

Aware
of the need for the UPU to continue to provide these countries with additional aid and to intensify its technical assistance activities in priority fields by concentrating them on a limited number of countries for which such aid is the most necessary and pressing,

Concerned
to ensure that this technical assistance is as effective as possible, particularly through special measures decided on in agreement with the beneficiary countries,

Convinced
of the advisability of integrating UPU aid into the general framework of the United Nations development strategy and into the special framework of UNDP country or regional plans or programmes,

Decides

i to draw up the groups of beneficiary countries as follows:
   - the least developed countries: first priority;
   - the remaining low-income countries and the lower middle-income countries according to the World Bank classification;

ii to give priority to action designed to:
   - restructure management;
   - introduce development plans and programmes;
   - improve the quality of service;
   - improve the circulation and delivery of international and domestic mail;
   - ensure the training and specialization of middle-grade and senior staff,

Instructs

the Executive Council:

i to intensify UPU technical assistance activities as far as possible on the basis of the priorities thus defined as regards the beneficiary countries and the action to be taken;

ii to programme UPU technical assistance activities and incorporate them into coherent development programmes prepared and implemented by the beneficiary administrations;

iii to apply the following principles of action:
   - to urge the beneficiary countries to ensure coherence between their country plans or programmes and regional objectives;
   - to prepare a special programme for the least developed countries which other countries might benefit from in some cases;
   - to promote technical cooperation among developing countries more effectively by undertaking action in support of efforts by the countries;
   - to begin decentralization of UPU technical assistance activities;
   - to subject integrated multi-year projects financed from the UPU's own resources to the conclusion of a development contract;
   - to ensure better coordination and greater mobilization of resources in support of technical assistance;
   - to strengthen the project evaluation and follow-up system;
   - to strengthen relations between the UPU and the Restricted Unions on the basis of resolution CE 6 adopted by the Executive Council in 1983, the agreements concluded with individual Restricted

Unions, and the principles and procedures applied by the UNDP;
- to develop its relations with the UN Economic Commissions and to consider methods of concluding agreements with these agencies,

Instructs

the Director-General of the International Bureau to pursue his efforts with a view to promoting technical assistance activities within the framework of the priorities and principles drawn up by Congress and on the basis of the directives given by the Executive Council, integrating them wherever possible into the framework of the UNDP.

(Proposal 015, Committee 9, 2nd meeting)

Resolution C 7/1989

Financing UPU technical assistance activities

Congress,

In view of
the report submitted by the Executive Council on UPU technical assistance,

Recalling
the principle according to which the UNDP shall remain the main source of finance for the UPU technical assistance programme,

Noting with satisfaction
the efforts made by that body to implement technical assistance projects in the postal sector,

Bearing in mind
the priority needs of the least developed countries which continue to increase,

Concerned
by the inadequacy of the supplementary resources available to the UPU to cover needs not met under the UNDP, despite the efforts of some countries,

Aware
of the need to make the aid granted to the beneficiary countries more effective,

Taking account
of the changes in general development assistance policy and of the limited means of the UPU,

Decides

i to concentrate resources for the benefit of countries for which development aid is the most necessary and pressing;
ii to appeal to the countries with a view to increasing the additional resources for UPU technical assistance;
iii to offset the inflation recorded since the 1984 Hamburg Congress by increasing by at least 10 percent the budget credits allocated to technical assistance;

Recommends

i the beneficiary countries:
   a to stand, where they can, part of the costs of technical assistance activities, according to UNDP practice (cost sharing);
   b to stand, where they can, certain expenditure related to the technical assistance provided by the UPU (consultants' or Fellows' travel or living expenses, as well as contributions in kind calculated to facilitate the implementation of training activities when study cycles, courses or individual training courses are held);
ii all countries:
   a to participate on a multi-annual basis in maintaining the UPU Special Fund by voluntary contributions the amount of which should be raised to cover increased postal training requirements;
   b to make approaches to their respective government authorities with a view to increasing allocations for technical cooperation in order to provide their administrations with funds to assist the postal services of developing countries either direct or through the UPU;
   c to provide, on a bilateral or multibilateral basis, technical assistance in kind or funds meeting the priority needs indicated by the UPU,

Instructs

the Director-General of the International Bureau:
i to make full use of the means offered by decentralization to multiply his approaches to the national authorities and to the UNDP authorities in order to facilitate the acceptance of requests submitted by postal administrations;
ii to support the public information activities undertaken for that purpose by the administrations of the developing countries;

iii to pursue his efforts in cooperation, if appropriate, with the Restricted Unions, to locate additional funds, particularly in the developed or wealthy countries, the World Bank and the subregional and regional financial institutions;
iv to seek the means of concluding agreements for joint financing of projects with other sources and especially with bilateral and multilateral donors.

(Proposal 016, Committee 9, 2nd meeting)

Resolution C 8/1989

Subsequent improvement of the management of the Union's work

Congress,

Recognizing
the excellent results obtained by the Executive Council as regards the identification of the means by which the work of the organs of the Union may be improved and modernized,

Keen to ensure
that other possibilities for improvement be identified and introduced,

Considering
that several postal administrations have been the subject of fundamental examinations and reorganizations to adapt them to commercial requirements and to the most efficient management techniques,

Aware
that the International Bureau has to contend with many demands, requirements and constraints which render the task of the Director-General even more difficult,

Being of the opinion
that these demands and requirements should be classified in order of priority so that the most urgent may be dealt with first of all,

Instructs

the Executive Council:
a to continue its activity of seeking improvements in all aspects of management of the work of the Union;

b to evaluate the results of introducing the reforms proposed by the previous EC and adopted during the Washington Congress;
c to have the organization and objectives of the International Bureau, the EC and the CCPS examined by experts selected from among postal administrations, management consultants or a combination of the two;
d to implement as quickly as possible the recommendations of this study which, in its opinion, require immediate action;
e to formulate proposals for reform for the next Congress based on the result of the above work.

(Proposal 026, Committee 3, 4th meeting)

Resolution C 9/1989

Approval of the Union's accounts for 1984–1988

Congress,

In view of
a the Director-General's report on the finances of the Union (Congress – Doc 19);
b the report of its Finance Committee (Congress – Doc 68),

Approves

the accounts of the Universal Postal Union for 1984–1988.

(Congress – Docs 19 and 68, Committee 2, 1st meeting)

Resolution C 14/1989

Study of the structure of the Convention, the Agreements and their Detailed Regulations

Congress,

In view of
the ever-increasing need for flexibility and adaptability of the Universal Postal Union in the light of external circumstances and pressures,

Welcoming
the work already done by the Executive Council to improve the work methods of the Union,

Noting
the intentions for further activities in this direction,

Considering
the need for clear, simple and adaptable rules for the operation of the international postal services,

Believing
however, that the Detailed Regulations of the Convention and the Agreements no longer meet this need adequately,

Instructs

the Executive Council:

i to undertake a study of the Convention, the Agreements and their Detailed Regulations, with the purpose of determining:
   - which provisions are essential to the Convention and Agreements, and which are not proper to them and should be moved elsewhere;
   - how the Detailed Regulations, together with any provisions currently in the Convention or Agreements which it is deemed are not proper to them, could be recast into logically constructed operational manuals, which explain in clear and direct language how the international postal service is operated;

ii to decide whether such operational manuals need to have a legal status and, if so, what simplest form is possible;

iii to start work on the preparation of such operational manuals, once it has decided on the form they should take;

iv to submit the results of this work to the next Congress, together with proposals on how the operational manuals will be kept up to date.

(Proposal 2000.19, Committee 3, 3rd meeting)

Resolution C 19/1989

CCPS work programme for 1989–1994

Congress,

In view of
article 104, paragraph 12, of the General Regulations relating to the functions of the Consultative Council for Postal Studies,

In view of
the consultation of the Union member countries and the Restricted Unions undertaken pursuant to article 104, paragraph 12, of the General Regulations,

Noting
the large number of studies completed, covering the widest variety of fields and already published or in the process of being published in the Collection of Postal Studies,

Considering
the desire expressed by the members of the Consultative Council for Postal Studies to limit the number of studies to be carried out so that the workload corresponds to the means available to the CCPS, thus guaranteeing efficient conduct of the studies,

Conscious
of the need for harmonious integration of the CCPS studies in the Union's overall programme of activities,

Taking the view that
the Consultative Council's capability should be reserved first and foremost for the sectors of activity considered to be the most important by postal administrations,

Endorses
the work programme of the Consultative Council for Postal Studies set out in annex 1, leaving that body a certain latitude as to the adjustments to this programme on the basis of the situation facing the postal service during the five-year period,

Decides

to leave it to the Consultative Council to:
a arrange its work as it sees fit;
b decide which permanent studies to resume;
c ensure that the results obtained at the end of certain studies can be widely used in the field for the benefit of the most disadvantaged countries;
d modify certain studies, if necessary, so as to meet very specific needs and achieve the greatest effectiveness;
e employ working methods which are best suited to the subjects to be dealt with so as to get the best results.

(Proposal 020, 9th plenary meeting)

Annex 1

Study subjects shortlisted for the draft CCPS work programme (1989–1994)

Field of activity No 1: The Post and its markets

- Planning
- Marketing strategies
- Commercial matters
- Introduction of new products

Study titles (subjects proposed)

A. Main and subsidiary studies

1 Commercial strategies in the various branches of the Post:
- Correspondence
- Goods
- Publicity
- Press
- Rapid mail (EMS – Electronic Mail)
- Financial services

Monitoring the competition and remailing
Monitoring customer requirements
Market segmentation
New products
Recommended strategies
Postal market research

2 Delivery network and customer analysis

3 Press and publishing

B. Symposia and Contact Committees

- Postal market research: one symposium per CCPS session (two sittings)

- Publishers–UPU Contact Committee: one meeting per CCPS session (one sitting)

Field of activity No 2: Development of rapid services

- Worldwide development of the service
- Increasing efficiency and speed

Study titles (subjects proposed)

A. Main and subsidiary studies

1 EMS:
- Quality of service
- Increased coverage
- Common image
- Monitoring items and customer complaints
- Financial compensation between administrations
- Additional services
- Customs problems

2 Electronic mail:
- Quality of service
- Increased coverage
- Common image
- Financial compensation between administrations
- Additional services

B. Symposia, Permanent Working Parties and Contact Committees

- EMS: one symposium per CCPS session (two sittings)
- Electronic mail: one symposium every two years (two sittings)
- CCPS–CCITT Contact Committee: one meeting every two years (one sitting)
- SWP 503: one meeting every two years (one sitting)

Field of activity No 3: Operations and quality of service

Study titles (subjects proposed)

A. Main and subsidiary studies

1 Improvement of the postal system:
- Customs control
- Mail circulation methods
- Documentation of items and mails
- Relations between offices of exchange
- Standardization of postal items, mail containers (bags, trays, etc) and postal address
- Standardization of labels and franking marks (counters, corporations)

2 Mail delivery and rural services: methods – monitoring

3 Mail circulation standards – Quality control of the world postal network

4 Measures required to improve rural postal services in developing countries: methods of application

B. Symposia, Permanent Working Parties and Contact Committees

- Joint ISO–UPU "Addressing" Working Party: one meeting per year (one sitting)

- ISO–UPU Contact Committee: one meeting per year (one sitting)

Field of activity No 4: Modernization

Study titles (subjects proposed)

A. Main and subsidiary studies

1 Automation and computerization:
- Sorting and optical reading
- Counters and other services
- Financial services

- Offices of exchange (AV 7 delivery bills, etc)
- Automated bag weighing

2 Coding:
- Bar codes
- Bag, item and document tracking/tracing system
- Other postal applications of the bar code

3 Computerized interchange of data between administrations, with their partners (customs, airlines, etc) and with their (major) customers (Telematics)

B. Symposia, Permanent Working Parties and Contact Committees

- Application of technologies to the Post – research and development: a symposium of heads of research centres or services (two sittings), annually, if necessary.

- Electronic Transmissions Standards Maintenance Group: one meeting at each CCPS session (one sitting)

Field of activity No 5: Management

Study titles (subjects proposed)

A. Main and subsidiary studies

1 International accounting – Modernization of billing systems and settlement of accounts

2 Productivity indices

3 Security:
- of items (drugs, terrorism, theft)
- of staff
- of buildings
- of means of transport
- of funds and negotiable instruments

B. Symposia

Decentralization – Post office management (two sittings)

Field of activity No 6: Human resources

Study titles (subjects proposed)

A. Main and subsidiary studies

1 Adapting the human resources of the Post to the demands of competition and to structural and technological changes:
- Management
- Training
- Motivation
- Competitiveness

2 Training problems and obstacles in the postal administration of the developing countries

B. Symposia

Internal communication and incentives (two sittings)

Resolution C 20/1989

Technical cooperation among developing countries (TCDC)

Congress,

In view of
the report submitted by the Executive Council on technical cooperation among developing countries (TCDC),

Convinced
of the importance of the widest possible application of the concept of TCDC in accordance with the Plan of Action adopted by the Buenos Aires Conference,

Noting
with satisfaction the initiatives taken in this area,

Considering
that an additional active consciousness-raising effort is necessary in order to derive maximum benefit from the opportunities offered by TCDC,

Convinced
of the need for the developing countries to mobilize further their human and financial resources with a view to achieving fully the objectives of TCDC,

Considering
the promotional role assigned by the Buenos Aires Conference to the international organizations with regard to TCDC,

Calls upon:

- the administrations of the developing countries and the Restricted Unions to mobilize resources for making TCDC the general practice for all cooperation activities;
- the administrations of the beneficiary countries to make wider use of the opportunities offered within the TCDC framework for their technical assistance needs;
- the administrations of the countries benefiting from TCDC to provide the main inputs required, with the contributions of the donor countries and the UPU having a catalytic effect;
- the administrations of the industrialized countries to continue supporting the efforts made in this field, either direct or through the UPU;

Instructs

the Executive Council to issue the necessary policy guidelines and take the required initiatives with a view to making TCDC the general practice,

Instructs

the Director-General of the International Bureau:
- to conduct an active consciousness-raising campaign through the holding of regional and interregional meetings and the establishment of a system for the exchange of know-how and technologies among the developing countries, in cooperation with the Restricted Unions;
- to promote the conclusion of bilateral TCDC agreements conforming to the basic criteria and principles adopted in this regard;
- to make a periodic evaluation of the impact of TCDC on the effectiveness of technical cooperation as a whole and to report to the Executive Council on it.

(Proposal 017, Committee 9, 4th meeting)

Resolution C 21/1989

Increased UPU presence in the field with regard to technical assistance

Congress,

In view of
the report submitted by the Executive Council on the increased UPU presence in the field with regard to technical assistance (Congress – Doc 55),

Considering
resolutions C 78 of the Lausanne Congress, C 37 of the Rio de Janeiro Congress and C 38 of the Hamburg Congress which stress decentralization of "UPU technical assistance activities as far as possible",

Aware
of the serious difficulties experienced by the postal administrations of the developing countries in getting the postal services taken into consideration when national resources are allocated,

Convinced
of the need to strengthen the aid provided as regards sectoral support and postal development programming,

Recognizing
that aid given in the field is the best guarantee of the effectiveness of technical assistance activities,

Noting
that the increased UPU presence in the field will make it possible to strengthen cooperation with the Restricted Postal Unions and the other regional or subregional organizations interested in postal development problems,

Instructs

the Director-General of the International Bureau:
- to assign six regional advisers to the regions as follows: two in Africa, one in Latin America, two in Asia/Pacific and the Caribbean and one in the Arab countries;
- to draw the annual resources needed for this purpose from the funds already available;
- to continue studying ways and means of ensuring the most effective and economical management of technical assistance resources and to report regularly to the Executive Council;

- to submit to the 1993 Executive Council session an evaluation of the effectiveness of the UPU presence in the field;
- to contact the beneficiary countries and urge them to agree to provide reception, secretariat and communication facilities;
- to ensure that the regional advisers cooperate closely with the secretariats of the Restricted Postal Unions, particularly in defining regional technical assistance programmes.

(Proposal 019, Committee 9, 4th meeting)

Resolution C 22/1989

Permanent project to safeguard and enhance the quality of and to modernize the international postal service

Congress,

Considering
the particularly rapid development of the communications market under the combined effect of technological progress and powerful competition,

Noting
the encouraging results of the efforts made following the Declaration of Hamburg to improve the quality of mail circulation,

Recognizing
the need for the Union to advance further along the path of concrete action in order to enable the Post to safeguard and improve its position on the communications market, thanks to a determined campaign to promote service quality and diversify the services rendered,

Convinced
of the urgent necessity for the Post to respond better to customers' requirements and thereby to combat the competition more vigorously,

Decides

in favour of implementing a permanent project to safeguard and enhance the quality of and to modernize the international postal service, comprising in particular the following activities:
- monitoring the quality of postal exchanges through detailed analysis of transmission times and action by consultants in the field to help solve

the problems arising and promote initiatives to improve the performance of the international postal service;
- transport flow studies to rationalize and modernize postal links;
- development of EMS;
- monitoring the competition in order to react appropriately;
- market research enabling administrations to adjust services to customer needs and introduce new services;
- various initiatives dictated by evolving technologies and needs,

Instructs

the Executive Council, in cooperation with the CCPS and the International Bureau, to take the measures necessary to attain meaningful results in the various fields covered by the project and to submit a report to the next Congress,

Exhorts

a the member countries of the Union:
   - to do everything in their power to improve the quality of the postal services rendered and to extend the range of those services in accordance with the customers' needs;
   - to cooperate fully in the project designed to stimulate their initiatives and to reap the maximum benefit from the implementation of the activities undertaken;

b the member countries and the Restricted Unions to give active support to the operations embarked upon under this project, especially those conducted in the field.

(Proposal 010, 10th plenary meeting)

Resolution C 23/1989

Aid provided by the Government of the Swiss Confederation in the field of the Union's finances

Congress,

Having considered
the report submitted by the Director-General on the Union's finances (Congress – Doc 19),

Considering
the particularly valuable role for the Union performed by the Government of the Swiss Confederation in financial matters under article 124, paragraph 10, of the General Regulations, and 1979 Rio de Janeiro Congress resolution C 17,

Expresses

i its gratitude to the Government of the Swiss Confederation for the generous aid it provides to the Union in the field of finance through the advances of funds made under the Union's former financial system, by supervising the keeping of the International Bureau accounts and by acting as external auditor of the Union's accounts;
ii the hope that this valuable cooperation with the Union will continue in the future.

(Congress – Doc 19, Committee 2, 1st meeting)

Resolution C 28/1989

UPU action on behalf of the least developed countries (LDCs)

Congress,

In view of
the report submitted by the Executive Council on UPU action on behalf of the least developed countries (LDCs),

Considering
resolution 36/194 of the United Nations General Assembly of 17 December 1981 in which it adopted the "Substantial New Programme of Action for the 1980s on behalf of the Least Developed Countries",

Considering
resolution 40/205 of the United Nations General Assembly of 19 March 1986 in which it decided to hold a conference on the LDCs in September

1990 with a view to considering the progress made by the LDCs in the 1980s and to contemplating an improvement in the development process for the 1990s,

Recalling
resolutions C 87 of the 1974 Lausanne Congress, C 37 of the 1979 Rio de Janeiro Congress and C 66 of the 1984 Hamburg Congress,

Recognizing
the importance of the role of the postal services in the development of the LDCs and the serious shortcomings of the Post in most of those countries,

Bearing in mind
the need to reinforce the postal services in the LDCs,

Invites

- the least developed countries to marshall all the human, financial and material resources available on the spot and obtain the greatest possible benefit from the assistance provided to them in the postal sector,
- the Restricted Unions to increase the assistance provided to the LDCs,

Instructs

the Executive Council:
- to take the appropriate measures for the Union to be able to continue providing development aid to the postal services of the LDCs;
- to devote to the countries in that category as large a portion as possible of UPU resources;
- to closely follow the development of the general situation of the Post in the LDCs and to submit a report thereon to the next Congress,

Instructs

the Director-General of the International Bureau:
- to continue to pay more marked priority attention to the postal needs of LDC administrations;
- to propose to the Executive Council a programme of activities based on the priority sectors and specific needs of the countries concerned;
- to help the countries in that category to prepare and present at round table meetings postal projects likely to arouse the interest of donors and lenders of funds;

– to continue to make approaches to the UNDP and other financing bodies to obtain acceptance of requests for aid for implementing postal projects on behalf of the LDCs.

(Proposal 018, Committee 9, 5th meeting)

Resolution C 29/1989

Guidelines to be emphasized in UPU technical assistance activities

Congress,

Considering
that the resources of the UPU member countries should be used in the most efficient manner when recruiting consultants/experts to carry out missions within the framework of technical cooperation,

Considering also
that the training of individual Fellows requires the same amount of input as for a greater number of Fellows,

Noting
that it is possible to improve the results obtained in the above-mentioned fields,

Asks

beneficiary countries to adopt a policy of selecting local counterparts capable of supporting consultants/experts in their work and of carrying it on,

Instructs

the International Bureau to base the recruiting of consultants/experts as well as the placing of UPU Fellows on the following guidelines:
– when recruiting consultants/experts, consideration should be given to candidates' total capabilities, but more emphasis should be laid on professional competence and practical experience, as well as the ability to transfer knowledge/know-how to other persons;
– in selecting competent, qualified and experienced consultants/experts, account should be taken of candidates from developing countries;
– administrations should be given more time for nominating their candidates;

- candidates should be informed as rapidly as possible of the decision made in order to keep up their motivation;
- the conclusions contained in consultants/experts' reports should be followed up to ensure that they are implemented as fully as possible;
- group training should be given priority over the placing of individual Fellows;
- visits by Fellows should be planned in close cooperation with the receiving administration.

(Proposal 021, Committee 9, 5th meeting)

Recommendation C 30/1989

Deadlines for replies to questionnaires

Congress,

Considering
the very important role of questionnaires for collecting the data required for studies conducted in the form of inquiries by various Union bodies and for the compendia and statistics published by the International Bureau,

Since
it is vital that the data supplied by postal administrations in reply to questionnaires should be as reliable and complete as possible to ensure that the studies and publications concerned produce good results and are effective,

Recognizing
that the postal administrations of member countries must have enough time – varying between one month for simple questionnaires and three months for complicated questionnaires (net time calculated from the date of receipt of the questionnaires until that of their return) – to be able to provide cogent replies to questionnaires,

Invites

- the permanent bodies of the Union to take account of the above-mentioned minimum times in preparing their work timetables whenever it proves necessary to use the questionnaire method to seek information from some or all of the postal administrations of member countries;
- the member countries of the Union to meet the deadlines set in the questionnaires,

Instructs

the International Bureau to ensure that the deadlines for replies to questionnaires are set in accordance with the desiderata set out in this recommendation.

(Proposal 07, Committee 3, 3rd meeting)

Decision C 38/1989

Admission of the Press to the General Debate

Congress

Decides

to admit the media to the General Debate of the 20th Congress as listeners without the right of speaking.

(Proposal 022, 3rd plenary meeting)

Decision C 39/1989

Vice-chairmanships of the 20th Congress

Congress

Decides

to approve the following list of member countries designated by the EC as prepared to assume vice-chairmanships of Congress:
- China (People's Rep),
- France,
- USSR,
- Zambia.

(Proposal 023, 1st plenary meeting)

Decision C 40/1989

Chairmanship and vice-chairmanships of the Committees of the 20th Congress

Congress

Decides

to approve the following list of member countries designated by the EC as prepared to assume the chairmanship and vice-chairmanships of the Committees of Congress:

Committees		*Chairmanship*	*Vice-chairmanships*
1	Credentials	Argentina	Nigeria Portugal Syrian Arab Rep
2	Finance	Japan	Bolivia Turkey Zaire
3	General	Switzerland	Mexico Sri Lanka Togo
4	Letter Post (Regulatory aspects)	Finland	Cameroon Pakistan Venezuela
5	Letter Post (Rate-fixing and payments)	India	Czechoslovakia Ghana Italy
6	Airmail	New Zealand	Barbados Ireland Polish People's Rep
7	Parcel Post	Hungarian People's Rep	Bangladesh Netherlands Saudi Arabia
8	Postal Financial Services	Austria	Chile Gabon Indonesia

Committees	*Chairmanship*	*Vice-chairmanships*
9 Technical Cooperation	Côte d'Ivoire (Rep)	Brazil Bulgaria (People's Rep) United Arab Emirates
10 Drafting	Algeria	Belgium Canada Congo (People's Rep)

(Proposal 024, 1st plenary meeting)

Decision C 41/1989

Members of the restricted Committees

Congress

Decides

to approve the following list of member countries designated by the EC as prepared to be members of the following restricted Committees:

Committee 1 (Credentials)

Chairmanship: Argentina
Vice-chairmanships: Nigeria, Portugal, Syrian Arab Rep
Members: Central African Republic, Iceland, Kenya, Kuwait, Singapore, Ukraine, United States of America

Committee 10 (Drafting)

Chairmanship: Algeria
Vice-chairmanships: Belgium, Canada, Congo (People's Rep)
Members: Benin, France, Luxembourg, Madagascar, Senegal, Spain, Switzerland, United States of America

(Proposal 025/Rev 1, 1st plenary meeting)

Decision C 42/1989

Approval of the comprehensive report on the work of the Executive Council 1984–1989

Congress

Decides

to approve the comprehensive report on the work of the Executive Council 1984–1989.

(Congress – Doc 16, 3rd plenary meeting)

Decision C 43/1989

Approval of the comprehensive report on the work of the Consultative Council for Postal Studies 1984–1989

Congress

Decides

to approve the comprehensive report on the work of the Consultative Council for Postal Studies 1984–1989.

(Congress – Doc 17, 4th plenary meeting)

Decision C 44/1989

Approval of the Director-General of the International Bureau's Report 1985–1989

Congress

Decides

to approve the Report of the Director-General of the International Bureau 1985–1989.

(Congress – Doc 18, 5th plenary meeting)

Decision C 45/1989

Relations with the United Nations and other international organizations

Congress

Decides

- to approve the Director-General's Report on relations with the United Nations and other international organizations;
- to invite the Director-General of the International Bureau to:
  - a maintain relations with the United Nations and other international organizations;
  - b continue to follow the development of the questions outlined in the Report;
  - c take whatever action he may deem necessary in the interests of the Union and its members, subject to any instructions from the Executive Council;
  - d report to the Executive Council every year to an appropriate extent.

(Congress – Doc 22, 5th plenary meeting)

Decision C 48/1989

Institution of a general debate

Congress

Decides

- to provide, within the framework of the proceedings of each Congress, for the holding of a general debate on one or more topical questions concerning the Post;
- that, at the end of this debate, a resolution shall be adopted laying down general policies for the next five-year period,

Instructs

the Executive Council to choose the topic or topics for this debate in consideration of the concerns of the majority of the postal administrations and to make the necessary arrangements to ensure that the debate takes place under the most effective conditions,

Further instructs

the International Bureau to organize the debate in cooperation with the host country of Congress.

(Proposal 011, 10th plenary meeting)

Decision C 49/1989

Venue of the 21st Universal Postal Congress

Congress

Decides

to accept the invitation from the Ministry of Communications of the Republic of Korea to hold the 21st Congress in that country in 1994.

(Congress – Doc 74, 10th plenary meeting)

Decision C 50/1989

Implementation by the specialized agencies of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Congress

Decides

- to approve the Director-General's report on the implementation by the specialized agencies of the Declaration on the Granting of Independence to Colonial Countries and Peoples;
- to note the efforts made by the UPU to aid refugees and non-self-governing territories as well as the newly independent countries and the least developed countries (LDCs);
- to recommend confirmation of the practice followed hitherto and the intensification of the measures taken in recent years as well as to render concrete assistance to the people of Namibia, in particular during the period of transition to and immediately after independence.

(Congress – Doc 23 and Add 1, 10th plenary meeting)

Formal opinion C 53/1989

Representation of the members of the Executive Council

Congress,

Referring
to article 102, paragraph 4, of the General Regulations of the Universal Postal Union, according to which the representative of each of the members of the Executive Council "shall be a qualified official of the postal administration",

Considering
that the Executive Council has been invested with wider powers (new legislative competence, initiating action),

Desiring
that, in the interests of speed, delegates to the EC may be able to commit their administrations on the basis of the documents submitted to them and in the light of the discussions during the session,

Wishing
that the general level of the representation of Executive Council members may be as high as possible,

Expresses the formal opinion

that delegations to meetings of the Executive Council should be led as far as possible and at least during the plenary meetings by the heads of postal administrations.

(Proposal 09, Committee 3, 3rd meeting)

Resolution C 60/1989

Liquidation of accounts in arrears under the former financing system

Congress,

In view of
the changes made since 1980 to the Union's financing system,

In view of
the sums not yet reimbursed to the Swiss Government for the period prior to that date,

In view of
the repayment facilities granted by resolution C 17 of the Rio de Janeiro Congress,

Being aware of
the Union's obligations in this sphere,

Decides

i to reimburse to the Swiss Government the whole of the advances made under the former financing system and repayable on 31 December 1990, inclusive of interest on arrears;[1]
ii to withdraw the necessary sums from the Reserve Fund;
iii to show the arrears in question in the reserve account of the Reserve Fund,

Invites

all member countries concerned by these arrears to expedite the repayment of the sums owed as soon as possible; if their financial situation does not enable them to discharge these debts quickly, to send the Director-General of the International Bureau a schedule for repayment in annual instalments,

Instructs

the Executive Council to take such action as it may deem necessary to obtain settlement of the said arrears as soon as possible and, as appropriate, to give the Director-General of the International Bureau guidelines for expediting such repayments,

Takes this opportunity

of thanking the Swiss Government for the advances of funds it has made over so many years and for the moratorium it granted in order to alleviate the effects of the change in the UPU's financing system.

(Proposal 03, Committee 3, 6th meeting)

[1] During the Washington Congress, the Swiss Government decided to waive this reimbursement by the UPU provided that the sum still owed at 31 December 1990 was allocated to the UPU Special Fund and to the Special Activities Fund.

Resolution C 61/1989

Clearing up of accounts of all kinds in arrears

Congress,

In view of
the statement of accounts in arrears,

Considering
that it is in the interests of the Union and its member countries to put the Union's finances in order,

Urges

member countries which have accounts in arrears to make every effort to settle them as soon as possible and reminds them in this connection that they may make use of the International Bureau's clearing system in accordance with recommendation C 36 of the 1984 Hamburg Congress,

Informs

member countries which have large accounts in arrears that they may be placed in a lower contribution class than their normal one during the repayment period if they undertake to pay off their debts to the Union in accordance with a schedule approved by the Executive Council,

Decides

to transfer to a special account debtors covered by an individual agreement on the lines mentioned above,

Instructs

the Director-General of the International Bureau to negotiate with the countries having the biggest arrears draft agreements which will be submitted to the Executive Council for approval,

Instructs

the Executive Council to approve such amortization schedules as are negotiated by the International Bureau with countries having large accounts in arrears taking into account both the economic situation of the countries concerned and the interests of the Union,

Invites

the Executive Council:
i to take all relevant measures to facilitate the application of this resolution;
ii to report to the next Congress on the results obtained by this resolution.

(Proposal 04, Committee 3, 6th meeting)

Resolution C 62/1989

World Post anthem

Congress,

Considering
the necessity of furthering action to foster a greater sense of identity among postal employees of the UPU's territory,

Believing
that this action will make a significant, if not decisive, contribution to the closer identification of postal employees with their institution and to the furtherance of the aim of strengthening and proclaiming the fundamental postulates of the Post: safety, speed and regularity,

Instructs

the Executive Council to examine, in cooperation with the International Bureau, the possibility of holding a competition to create a World Post anthem (words and music).

(Proposal 014, Committee 3, 6th meeting)

Resolution C 67/1989

Reinforcement of the priority activities of the Union

Congress,

Concerned
at the Union's level of expenditure,

Considering
that it is necessary to urgently reinforce the priority activities aimed at improving the quality of the international postal service,

Convinced
that with a view to developing priority activities, other activities should be cut back or eliminated by the Executive Council, duly authorized to that effect by Congress,

Noting
that the recurrent expenditure ceilings for 1991–1995 fixed in article 124 of the General Regulations still allow for activities that could be cut back or eliminated,

Instructs

the Executive Council to conduct forthwith a critical analysis of all the activities of the Union for the purpose of:

a identifying those activities that could be abandoned, cut back or shelved;
b considering the advisability of discontinuing certain publications, lists or compendia and adopting a more economical format for the periodical "Union Postale";
c amending the provisions of the Detailed Regulations accordingly and suspending the application of article 117 of the General Regulations until the next Congress so that the periodical "Union Postale" can be published in a format that is more economical for the Union,

Also instructs

the Executive Council:

a to reduce the expenditure ceilings for 1991–1995 by the cost of the activities that have been cut back, eliminated or shelved;
b to fix the Union's budget within the framework of these revised expenditure ceilings,

Further instructs

the Director-General of the International Bureau:

a to continue his efforts to streamline work methods and lend his full weight to the redeployment of the Union's work, with a view to stepping up activities in support of administrations;
b to implement new measures with regard to human resources, including the use, where appropriate, of fixed-term posts for special activities and for existing priority activities conducted by the Union,

Urges

member countries to cooperate actively in the critical analysis and reorientation of the Union's activities, more particularly by supporting the use of fixed-term posts. Such support would include the undertaking that an official accepting a fixed-term post at the International Bureau will be able to find, on returning to his postal administration, a post at least equivalent to that which he (or she) occupied at the time of accepting the fixed-term post in question.

(Congress – Doc 19/Annex 11/Rev, Committee 2, 2nd meeting)

Decision C 81/1989

Entry into force of the Acts of the 1989 Washington Congress

Congress

Decides

to fix the date of entry into force of the Acts of the 20th Congress at 1 January 1991.

(Proposal 08, 11th plenary meeting)

Resolution C 91

Washington General Action Plan

Congress,

In view of

the Washington General Debate held on 16 November 1989 on the topic of "Caring for the Customer – Commercial and operational strategies of the Post",

Considering

– the development and diversification of the communications market and commercial exchanges;

- the effect of deregulation in transport and communications and the reduction of the postal monopoly in many member countries;
- the increased intensity of competition on postal markets;
- the urgent need to obtain a better knowledge of the market in terms of its composition, groups of customers and services offered;
- the need to adapt quickly to the development of supply and demand in services from the commercial and technical points of view;
- the importance of ensuring more commercially-orientated management in order to be able to maintain and improve the quality of traditional services which are obviously of a public nature,

Bearing in mind
- all aspects of the Declaration of Hamburg, particularly the action designed to make governments and users more aware of the need to make the Post a dynamic undertaking which contributes to the smooth running of the economy and to give it the structural and financial means necessary for its transformation;
- the decisions taken by the various regional conferences, particularly those of the Ministers and Directors-General;
- the need to act internationally as a single postal business subject to the competition law applicable,

Approves

the attached Washington General Action Plan,

Appeals urgently

to Governments to give the Post a modern legal status and management system guaranteeing it adequate independence and sufficient human and financial resources on a cost-effective basis,

Exhorts

administrations to make every effort to:

i achieve the following priority objectives:
   a to obtain from their Governments and implement the legal status and management system that will provide them with the human and financial resources needed for running a dynamic business;
   b to know the market better and to monitor the competition with a view to increasing the competitive position of postal products;
   c to respond more satisfactorily to customers' needs in terms of tariff systems, quality of service, the range of services provided and customer care;
   d to strengthen the international Post in terms of mutual support, more suitable legislation and standards of service, as well as technical support and cooperation activities;

ii cooperate within the UPU in providing coordinated quality postal services;
iii implement without delay the activities contained in the Washington General Action Plan, taking account of the priorities and timetable set by the Union's bodies;
iv continuously monitor and periodically assess the extent to which the Action Plan is being implemented, and report thereon from time to time to the Executive Council through the International Bureau,

Calls on

the Restricted Unions:
i to keep the Washington General Action Plan very much in mind in their postal development programme;
ii to establish priorities at their level;
iii to keep the International Bureau informed of their initiatives and of the results obtained in implementing the Action Plan,

Instructs

the Executive Council (EC), the Consultative Council for Postal Studies (CCPS) and the International Bureau:
- to take without delay, within the framework of their authority, appropriate measures to prioritize, to achieve the objectives set and to implement the activities contained in the Washington General Action Plan;
- to monitor the application of the Action Plan, particularly at meetings of the Coordination Committee;
- to report to the next Congress on the results and experience gained;
- to submit relevant proposals to the next Congress.

(Congress – Doc 48.2, 13th plenary meeting)

Annex 1

20th UPU Congress – Washington 1989

WASHINGTON GENERAL ACTION PLAN

I. Principal objectives

The Washington Congress, recognizing the increasing competition in the communications market and the impetus which this provides for increased efficiency, along with our customers' demands for greater service reliability and better value for money, agrees that the following actions are essential for the future survival of efficient postal services:

1 Governments are urged to ensure that the Post has a legal status and an independent management system and resources, necessary for it to provide efficient postal services to meet customer needs.

2 Postal administrations must create market-led cultures where the customer commands top priority; this must be reflected in all policy decisions and operating arrangements.

3 Specifically, all member countries of the UPU must give the highest consideration to providing service excellence in all postal services and products, both nationally and internationally.

4 The UPU must do everything in its power to encourage Governments and administrations to achieve these objectives, and to give each other mutual support and cooperation to attain them. Specifically, this priority must feature prominently in the work programmes of the EC, the CCPS and the International Bureau.

Individual action points aimed at achieving these objectives are given in part III "Objectives and actions" of this Plan.

II. Setting priorities for the actions

Congress has agreed that all the actions contained in this Plan are important. It will not, however, be possible for all administrations to implement all of these actions immediately, as some administrations have only limited resources, and some of the actions can only be achieved over a certain time scale.

In selecting which of these activities to undertake, administrations must first of all bear in mind the objectives listed in part I of this Plan.

If administrations do not have sufficient resources, then it is essential that they encourage their governments to modernize and improve their legal status. This may take some time, and administrations may need to maintain constant pressure on their governments to achieve this.

Nonetheless, there are some actions which can be implemented quickly, and relatively cheaply, by every administration, in order to monitor and improve the quality given to basic services. These must be the first priority of all administrations. Other actions can proceed simultaneously and in parallel, according to the resources of each administration.

All actions must be based above all on two essential principles:
- meeting the needs of customers;
- improving the quality of service.

III. Objectives and actions

Objectives	Actions	Responsibility[1]
A. Knowledge of the market		
A.1 To achieve a better knowledge of the various components of the communications market: – characteristics of all key market segments – services provided – customer needs – competition	A1.1 Prepare and implement a programme of contacts with customers and market research to obtain continuing data on: – groups of customers, their degree of satisfaction and wishes – competitors, their market shares, organization and methods – market trends	Adm., CCPS, RU
	A1.2 Increase the exchange of market research data between administrations and strengthen inter-administration cooperation in undertaking multilateral or regional market studies	Adm, IB, RU
	A1.3 Develop manager training in the use of market research data and customer care practices	Adm, RU
B. Commercial strategies		
B.1 To respond to customer needs	B1.1 Expand the range of services and adapt it to the need expressed by customers, particularly EMS, electronic mail, parcels, priority/non-priority systems and financial services, subject to the need for the services to be cost-effective	Adm
	B.1.2 Promote the services and products provided	Adm
	B1.3 Establish commercial and marketing policies, with qualified specialist staff to implement them	Adm
B.2 To adopt a service and tariff policy geared to customer needs in line with the market situation	B2.1 Make national and international service conditions more flexible and adaptable to changing market conditions	Adm
	B2.2 Develop services to meet specific customer needs, eg collection from customer's premises and delivery direct to addressee's address	Adm

[1] This column indicates the entities responsible for the actions. The abbreviations used are:
Adm Administration
CC Coordination Committee
CCPS Consultative Council for Postal Studies
EC Executive council
Gvt Member country's Government
IB International Bureau
RU Restricted Unions

Objectives	Actions		Responsibility
	B2.3	Develop flexible, cost-related tariff structures in line with market conditions, eg contract rates for major customers and discounts for pre-sorting by the customer	Adm
	B2.4	Apply fair and cost-related inter-administration payment/compensation arrangements	Adm, EC, RU
B.3 To lay down the principles for the attitude to be adopted towards the competition	B3.1	Define the attitude to be adopted towards the competition on the basis of precise policies and principles, subject to the competition law in force	Adm, Gvt
B.4 To specify the constraints of a public service and the corresponding compensations within the framework of the Post's missions	B4.1	Define the constraints of a public service and the corresponding compensations in the form of privileges of financial contributions	Adm, Gvt
B.5 To implement commercial customer relations programmes based on the best existing practice	B5.1	Introduce specially staffed Customer Care units designed to give quick and accurate responses to customer inquiries and complaints	Adm
	B5.2	Make information about services and tariffs readily available to customers	Adm
	B5.3	Establish staff with special responsibilities for contact with major customers – "one-stop shopping"	Adm
	B5.4	Reduce bureaucratic procedures in customer relations	Adm, EC, IB
C. Quality of service and operational strategies			
C.1 To survey traffic and monitor quality in order to: – expedite mail circulation – strengthen the security of items – promote delivery to the addressee's address	C1.1	Define, apply and update standards offering customers an impeccable quality of service	Adm, CCPS, EC, IB, RU
	C1.2	In the domestic and the international service, provide and continuously improve high-quality postal services for all categories of items to meet customer demand for reliable, consistent and cost-effective services, in order to protect the basic postal activity	Adm
	C1.3	Implement a traffic surveillance programme to detect and correct malfunctioning and introduce a tracking system for items and mails	Adm, CCPS, RU

Objectives	Actions	Responsibility
	C1.4 Provide international links for mail circulation networks and constantly review the reliability of the circuits	Adm, CCPS, EC, IB, RU
	C1.5 Give equal priority to domestic and international mail so as to apply the concept of a single business	Adm
	C1.6 Make optimum use of all rapid transport means, avoiding wherever possible regular use of inefficient carriers	Adm
	C1.7 Reduce customs formalities and control and lengthy hold-ups in Customs by making best use of national and local "Posts-Customs" Contact Committees	Adm, Gvt
C.2 To ensure rational use of available means	C2.1 Hold costs and tariffs at competitive levels by cutting overheads and simplifying procedures	Adm
	C2.2 Make optimum use of human resources and automation	Adm
	C2.3 Assign dedicated financial and human resources to EMS	Adm
C.3 To modernize operational systems	C3.1 Modernize operational methods and tools	Adm
	C3.2 Develop telematics applications	Adm
D. Management independence		
D.1 To provide the administrative and financial management independence necessary to run the business	D1.1 Have a status ensuring sufficient independence to allocate responsibility for management of human and financial resources and the possibilities of obtaining them	Adm, Gvt
	D1.2 Have sufficient resources to run the business, whether raised internally or externally	Adm, Gvt
D.2 To make more flexible and adapt the monopoly and national regulations and define a rates policy	D2.1 Have a status providing protection for certain categories of products under a defined monopoly tailored to circumstances, and introduce a system for monitoring its application	Adm, Gvt
D.3 To have long-range corporate plans and policies that serve as guides for ongoing activities	D3.1 Define the basic objectives for the postal services	Adm
	D3.2 Prepare and implement plans with clearly identified actions, accompanied by quantified and measurable targets, costs, benefits and deadlines	Adm

Objectives	Actions		Responsibility
E. Human resources			
E.1 To modernize staff recruitment, employment and management systems	E1.1	Recruit and employ staff on similar terms to those in industry generally	Adm, Gvt
	E1.2	Pay staff on a level comparable with similar sectors of the country's or region's economic activity	Adm, Gvt
	E1.3	Introduce incentive and motivational machinery, eg promotion, productivity bonuses	Adm
	E1.4	Make a point of establishing good relations with the trade unions	Adm
E.2 To adapt training to the needs of users bearing in mind, in particular, the commercial function of the Post	E2.1	Provide permanent training	Adm
	E2.2	Introduce a targeted training plan, particularly for operations, administrative and financial management, market research and marketing	Adm
E.3 To strengthen the internal communications system in the business	E3.1	Introduce information machinery which is constantly monitored so as to change behaviour, create team spirit and strengthen staff support for the action taken	Adm
F. Increased role of UPU permanent bodies			
F.1 To ensure implementation of the Action Plan bearing in mind the authority assigned and the resources available	F.1.1	Clearly allocate between the EC, the CCPS and the IB responsibilities and procedures for implementing and monitoring progress of the Action Plan	CC
	F1.2	Adopt an international decision-making procedure ensuring fast reaction capability	EC, IB, RU
	F1.3	Urge administrations to take all necessary measures to obtain from their Governments corporate legal status and management independence	EC, RU
	F1.4	Create a data base of market information at the International Bureau	CCPS, EC, IB
F.2 To take, as required, urgent measures between Congresses in relation to commercial and technical developments and to make international postal legislation and regulations more flexible	F2.1	Draw up and implement procedures for urgent measures	CCPS, EC
	F2.2	Have international postal legislation and regulations modernized and made more flexible	CCPS, EC
F.3 Technical cooperation: – to have a technical assistance programme in training, operations, commercial activities and management systems – to strengthen and develop technical cooperation	F3.1	Set up an integrated network for exchange of information by telematics	CCPS, EC
	F3.2	Support and provide technical cooperation activities aimed at assisting administrations to achieve the objectives and implement the actions of the Plan	CCPS, EC, IB, RU

Resolution C 92/1989

Approval of Detailed Regulations considered by Congress

Congress,

In view of
the new legislative powers of the Executive Council,

Taking account of
its resolution C 1 through which it decided on the immediate application of the provisions concerning the new legislative powers of the Executive Council,

Instructs

the Executive Council to give final approval to the Detailed Regulations which it has considered, namely:
- Convention, Detailed Regulations
- Postal Parcels Agreement, Detailed Regulations
- Money Orders Agreement, Detailed Regulations and Final Protocol
- Giro Agreement, Detailed Regulations
- Cash-on-Delivery Agreement, Detailed Regulations.

(Congress – Doc 88, 16th plenary meeting)

Decision C 93/1989

Election of the Director-General and the Deputy Director-General of the International Bureau of the Universal Postal Union

Congress,

In view of
article 108, paragraph 1, of the General Regulations,
- re-elects to the post of Director-General of the International Bureau Mr Adwaldo Cardoso Botto de Barros (Brazil), Director-General of the International Bureau;
- elects to the post of Deputy Director-General of the International Bureau Mr Jaime Ascandoni R (Spain), Assistant Director-General at the International Bureau.

This decision shall take effect on 1 January 1990.

(Congress – Doc 41, 8th plenary meeting)

Rules of Procedure of Congresses (1)

1) The Vienna 1964 Congress instructed the EC to study the ways and means by which the work of Congress could be simplified and its progress accelerated, taking account of the ideas contained in prop 1002 (II 523, resolution C 10/1964). Among the measures recommended by the EC, the 1969 Tokyo Congress adopted the creation of permanent Rules of Proc of Congresses, which it annexed to the Gen Regs (II 1113–1115, 1364–1384, 1387 and 1388, Doc 7).
However, when these permanent Rules were adopted, Congress decided to entrust the finalization of certain provs to the EC. The result of that study was submitted to the 1974 Lausanne Congress, which adopted the props put before it (II 868 and 869, props 1719.1, 1721.1, 1721.91, 1723.1, 1726.1 and 1727.1 EC, Doc 4). Although the Rules of Proc of Congresses are permanent, each Congress can amend them under the conditions set out in art 28.

Summary

Art
1 General provisions
2 Delegations
3 Delegates' credentials
4 Order of seating
5 Observers
6 Doyen of Congress
7 Chairmanships and vice-chairmanships of Congress and Committees
8 Bureau of Congress
9 Membership of Committees
10 Working Parties
11 Secretariat of Congress and of Committees
12 Languages of debates
13 Languages used for drafting Congress documents
14 Proposals
15 Consideration of proposals in Congress and in Committees
16 Debates
17 Motions on points of order and procedural motions
18 **Quorum**
19 Voting **principle and** procedure
20 Conditions of approval of proposals
21 Election of members of the Executive Council or the Consultative Council for Postal Studies
22 Election of the Director-General and the Deputy Director-General of the International Bureau
23 Minutes
24 Approval by Congress of draft decisions (Acts, resolutions, etc)

25 Assignment of studies to the Executive Council and the Consultative Council for Postal Studies
26 Reservations to Acts
27 Signature of Acts
28 Amendment of the Rules

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)

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. (2)

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1) See Const, art 14, note 3 and Gen Regs, art 101, notes 5 to 8.

2) This prov, amended by the 1984 Hamburg Congress, 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. (1) 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)

2 Credentials shall be deposited at the opening of Congress with the authority designated for that purpose. (3)

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)

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. (5)

1) The 1964 Vienna Congress adopted a formal opinion (II 647) 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.

2) 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 (II 43, prop 1703.1 EC).

3) As a general rule, full powers are deposited with the Secretariat of the Credentials Comm.

4) Text introduced by the 1989 Washington Congress to show 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.

5) See art 9, note 3.

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 Executive Council shall draw lots, in due course, for the name of the country to be placed foremost before the rostrum at Congress and Committee meetings. (1)

1) 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) (2) (3)

1 Representatives of the United Nations may take part in the debates of Congress.

2 Observers from intergovernmental international 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.** (4)

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. (5)

4 The observers referred to in paragraphs 1 to 3 shall take part in the debates without the right to vote.

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1) 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 269.
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, II 916–920) and the Organization of African Unity (OAU) (decision C 92/1974, II 872–874). The 1979 Rio de Janeiro Congress, in turn, accepted the League of Arab States as an observer at all meetings of UPU bodies (II 1147–1150, 1212, resolution C 7/1979).

2) 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 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 EC function to non-governmental international organizations (Gen Regs, art 102, para 6.17), while specifying that the latter could only take part in the work of the Congress Comms, as indicated by the present prov (II, 290, prop 1705.1).

3) A prop to admit countries not belonging to the UPU as observers to Congress was rejected by the 1969 Tokyo Congress (II 959–965). The same thing happened at the 1974 Lausanne Congress (II 870 and 871, prop 1705.1/Rev).

4) The 1989 Washington Congress qualified the admittance of non-governmental international organizations to meetings of Comms (II Congress – PV 2, prop 1705.1/Rev 1).

5) It was at the 1952 Brussels Congress that the Restricted Unions were admitted to the Union's bodies as observers. See Const, art 8, note 8.

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 Executive Council shall approve this appointment in due course. (1)

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. (2)

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1) Before the 1969 Tokyo Congress, the Doyen was designated by the host adm, in agreement with the IB. Without departing from that practice, Congress wished the choice to be sanctioned by the EC.

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 EC as a result of the study on the organization, functioning and work methods of Congress (1984 Hamburg Congress, II 290, 296 and 312, prop 1707. /Rev 1, Doc 85; 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 (1) and then approve, on the proposal of the Executive Council, 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)

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.

1) In accordance with a tradition going back to the beginnings of the Union, the chairmanship of Congress goes to the host country.

2) This art was amended at the 1984 Hamburg Congress as a result of the study by the EC on the organization, functioning and work methods of Congress; see also art 6, note 2.

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. (1)

2 The Secretary-General of Congress and the Assistant Secretary-General, mentioned in article 11, paragraph 1, shall attend the meetings of the Bureau.

1) 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. (1)

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. (2)

1) Since the 1969 Tokyo Congress all member countries represented at Congress have been admitted as members as of right, of the Finance Comm (II 969), whereas previously the composition of this Comm was restricted (see inter alia the Vienna 1964 Rules of Proc of Congresses, art 8, para 4). On the other hand, the number of members of the Credentials Comm and of the Drafting Comm is limited to 11 and 12 respectively. As Comm 2 (Finance) experienced some difficulties because there was not always a quorum, the 1974 Lausanne Congress instructed the EC to study the measures to be taken to enable that Comm to fulfil its mandate efficiently. After studying this question, the EC decided not to propose to the 1979 Rio de Janeiro Congress that it alter the existing procedure regarding the functioning of the Finance Comm of Congress, but it instructed the IB to take practical steps to avoid a repetition of the difficulties encountered (decision CE 6/1976).

2) Under a prov dating back to the 1891 Vienna Congress (p 368) and which was adopted in the Rules of Proc of subsequent Congresses up to the 1964 Vienna Congress (see Rules of Proc of that Congress, art 2, para 6), 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

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. (1)

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. (2)

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. (3)

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1) See Gen Regs, art 109, para 2.5.

2) 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.

3) 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. (1)

2 The debates of the Drafting Committee shall be held in French. (2)

3 Other languages may also be used for the debates mentioned in paragraph 1. (3) 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. (4)

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. (5)

1) Prov taken over from Gen Regs, art 107, para 9. See also note 15 to that art.

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.

3) At the 1989 Washington Congress, Arabic, Chinese, German, Italian, Japanese and Portuguese were used in addition to the languages listed in para 1.

4) See Gen Regs, art 107, note 18.

5) See Gen Regs, art 107, para 7.

Article 13
Languages used for drafting Congress documents (1) (2)

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. (3)

1) 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.

2) For the publication of docs, the 1974 Lausanne Congress adopted a new system (see Gen Regs, art 107, notes 1 and 2). This new system will also apply to Congress docs.

3) At the 1989 Washington 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. (1)

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. (2)

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. (3)

5 Amendments submitted at Congress to proposals already made shall be handed in to the Secretariat in writing, in French (4), 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. (5)

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). (6)

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.

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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.

2) The closure of the period for submitting props two months before the opening of Congress was introduced by the 1984 Hamburg Congress (prop 1715.1); see Gen Regs, art 119, para 1 and note 5 relating thereto.

3) 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 (prop 1715.1).

4) See art 13, note 2.

5) 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.

6) This para 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 119 of the Gen Regs.

Article 15
Consideration of proposals in Congress and in Committees (1) (2) (3)

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 Executive 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 Executive 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 an 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. (4) 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. (5)

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 Executive Council for consideration;

ii the numbers of the proposals referred to the Executive 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.

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1) 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 (1989 Washington Congress, Doc 35/Rev 1).
For appeals see art 24.

2) Before the 1974 Lausanne Congress any prop submitted by a single adm had, in order to be discussed, to be supported by at least one other delegation. This procedure caused unnecessary waste of time because nearly always another delegation came forward to support a country's prop. The 1974 Lausanne Congress therefore abolished this prov (II 868, prop 1716.1 EC).

3) Paras 2, 3 and 10 were introduced by the 1989 Washington Congress following its decision to give the EC formal power to lay down the Det Regs.

4) This prov 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.

5) The text of paras 6, 7 and 8 was supplemented and clarified by the 1984 Hamburg Congress following the study on the organization, functioning and work methods of Congress (II 44, props 1716.1, 1716.2 and 1716.3).

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)

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.

1) The distinction between motions on points of order and procedural motions was introduced by the 1984 Hamburg Congress following the study on the organization, functioning and work methods of Congress (prop 1718.1/Rev 2). This prop 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)

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)

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.**

1) The wording of arts 18, 19 and 20 was recast by the 1989 Washington Congress (II Congress – PV 2, props 1718.1, 1719.1 and 1720.1).

2) 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 (II 868, prop 1719.1 EC).

Article 19
Voting **principle and** procedure (1)

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.

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1) See art 18, note 1.

Article 20
Conditions of approval of proposals (1)

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" means 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. (2)

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1) See art 18, note 1.

2) The abstentions referred to 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 Executive Council or the Consultative Council for Postal Studies (1)

In order to decide between countries which have obtained the same number of votes in elections of members of the Executive Council or the Consultative Council for Postal Studies, the Chairman shall draw lots.

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1) This art was introduced by the 1974 Lausanne Congress because there was no prov in the Acts fixing the procedure for deciding between countries which obtained the same number of votes in elections of members of the EC or the CCPS (II 868, prop 1721.91 EC).

Article 22
Election of the Director-General and the Deputy Director-General of the International Bureau (1)

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.

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1) This art was inserted by the 1979 Rio de Janeiro Congress. It introduces into the Rules of Proc of Congresses the provs of 1974 Lausanne resolution C 14/1974 governing the procedure for electing the DG and DDG of the IB (II 1144, prop 1722.91 EC).

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 (1) to Congress if the Executive Council 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 (2) 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.

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1) Such reports were prepared at the 1989 Washington Congress for all the Comms except Comm 3 (General).

2) See art 13, note 2.

Article 24
Approval by Congress of draft decisions (Acts, resolutions, etc)

1 As a general rule (1), 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 is 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. (2)

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 Paragraphs 2 to 5 shall also apply to draft decisions other than draft Acts (resolutions, formal opinions, etc).

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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.

2) This para was added by the 1974 Lausanne Congress (II 868, prop 1723.1 EC). The new prov makes it possible for Congress to reconsider a decision which may have been taken in haste.

Article 25
Assignment of studies to the Executive Council and the Consultative Council for Postal Studies (1)

On the recommendation of its Bureau, Congress shall assign studies to the Executive Council and the Consultative Council for Postal Studies, as follows, taking account of the respective compositions and responsibilities of these two bodies:

a as a rule, to the Executive Council when they concern the structure, organization and general administration of the Union. The same shall apply to questions with major financial repercussions (charges, transit charges, basic airmail conveyance rates, parcel-post rates, etc) and which may involve amendment of the Acts;

b to the Consultative Council for Postal Studies when such studies relate to technical, operational, economic and technical cooperation matters.

1) This art was inserted by the 1984 Hamburg Congress. It introduces into the Rules of Proc of Congresses the provs of resolution C 4/1979 of the Rio de Janeiro Congress, which governed the procedure during Congress for apportioning studies between the EC and the CCPS (II 52, prop 1725.91).

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 (1) (2) 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.

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.
By its resolution C 31/1969 the Tokyo Congress instructed the EC to define these terms "additions" and "amendments". At the end of its study 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 (II 868, props 1726.1 and 1727.1 EC).

2) Props for amending the Rules of Proc may be introduced at any time, ie even during Congress (Gen Regs, art 119, para 5).

Rules of Procedure of the Executive Council (1)

1) Adopted on 16 May 1990 (CE 1990 – Doc 3 and Adds 1, 2; PV 1).

Contents

Art
1 Purpose and functions of the Executive Council
2 Members of the Council
3 De jure observers
4 Guests
5 Chairmanships and vice-chairmanships
6 **Steering Committee**
7 **Secretariat-General**
8 Sessions
9 Order of seating
10 Agenda
11 Examination of proposals presented between Congresses and relating to the amendment of **the Convention or the Agreements**
12 **Revision of the Detailed Regulations**
13 **Reservations to the Detailed Regulations revised by the Executive Council**
14 Committees, Working Parties, Contact Committees **and Joint Groups**
15 Financial consequences of proposals made by the Committees
16 Urgent questions raised between sessions
17 Languages
18 Quorum
19 Voting
20 Motions on points of order and procedural motions
21 Reopening of proposals
22 Election and replacement of the Deputy Director-General
23 Appointment and promotion of staff members to the grade of Assistant Director-General (D 2)
24 Minutes and reports
25 Refund of travelling expenses to representatives of members and to guests of the Council and its bodies
26 Effective date

Article 1
Purpose and functions of the Executive Council

The Executive Council, 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 **and for drawing up or amending the Detailed Regulations of the Convention and of the Agreements.** 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 a Chairman and 39 members elected by Congress in accordance with article 102, paragraph 3, of the General Regulations.

2 The representative of each of the members of the Council shall be appointed by the postal administration concerned, in accordance with article 102, paragraph 4, of the General Regulations. This representative may be accompanied by one or more other officials who shall also be entitled to participate in the discussions and to vote. (1)

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1) Diplomats and members of the representatives of permanent missions may participate in the work of the EC, but solely as observers. Consequently, if they are the only representative of a member country, that country cannot take part in the voting (see Gen Regs, art 102, note 13).

Article 3
De jure observers (1)

1 Representatives of the United Nations shall be invited to attend and to take part in the discussions of the Council.

2 The Chairman of the Consultative Council for Postal Studies shall represent the latter at sessions of the Executive Council when questions of interest to the body which he directs are on the agenda. He may also, as may the Vice-Chairman and the Committee Chairmen of the Consultative Council for Postal Studies, attend Executive Council meetings as an observer if he expresses the desire to do so.

3 Restricted Unions may send observers to meetings of the Council.

4 The League of Arab States and the Organization of African Unity (OAU) shall be admitted to the work of the Council 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, after giving oral or written notice to the Chairman of the body concerned.

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1) In resolution C 16/1974, the Lausanne Congress instructed the EC to carry out a study on the admission of observers to meetings of that body and its Comms. The result of that study was published in the Comprehensive Rep on the work of the EC 1974–1979, para 59 (Doc 1).

Article 4
Guests (1)

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 or any qualified person to its meetings, when **he** considers that this is in the interest of the Union or of the EC's work. **He** may also invite, under the same conditions, one or more postal administrations of member countries concerned with questions on its agenda. (2)

3 Guests may not take part in the meetings of Working Parties unless they have been formally authorized to do so.

4 Guests shall not be entitled to vote but may take the floor with the Chairman's permission.

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1) At the request of the 1974 Lausanne Congress, the EC carried out a study on the admission of observers to meetings of that body and its Comms. The result of that study was published in the Comprehensive Rep on the work of the EC 1974–1979, para 59 (Doc 1).

2) In order to avoid losing a year, the power to decide on invitations is delegated to the Chairman of the Council.

Article 5
Chairmanships and vice-chairmanships

1 The chairmanship of the Council shall devolve by right on the host country of 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, taking into account such comments as may have been made, have the minutes of the previous meetings approved. 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 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 Consultative Council for Postal Studies.

Article 6
Steering Committee (1)

1 The Chairman and the Vice-Chairmen of the Executive Council and the Chairmen of its Committees shall constitute the Steering 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 7, paragraph 1, shall attend the meetings of the Steering Committee.

2 The Steering Committee 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 Steering Committee shall perform such tasks as the Council may decide to entrust to it.

4 The Chairman of the Consultative Council for Postal Studies shall be invited to attend the meetings of the Steering Committee of the Council as an observer.

5 Article 25, paragraph 1, shall not apply to meetings of the Steering Committee.

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1) The Steering Committee was set up by the 1990 EC, following the example of the CCPS (CE 1990 – Doc 3/Add 2, PV 1).

Article **7**
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 Executive Council. The work of** the Secretariat of the **Executive** Council **and the Committees** 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 administrations of member countries of the Council, to the postal administrations of countries which, while not members of the Council, cooperate in the studies undertaken, to the de jure observers and to postal administrations of 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 notifying all administrations of the Union of the Detailed Regulations drawn up or amended by the Council;**

2.3 for drafting the minutes of meetings of the Council and the reports of the Committees, Working Parties, etc;

2.4 for drafting the Summary Record of sessions provided for in the General Regulations, article 103, paragraph 1, a, and for sending it, after it has been approved by the Chairman to the administrations of member countries of the Union and to the de jure observers;

2.5 for publishing the "Documents of the Executive Council" containing reports, discussions, Summary Record as well as resolutions and decisions and sending them to the administrations of member countries of the Union, and to the de jure observers;

2.6 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 administrations of member countries of the Union at least two months before the opening of Congress;

2.7 for maintaining contact with the Consultative Council for Postal Studies and submitting to that body those matters which the Executive Council decides to entrust to it, in accordance with the General Regulations, article 102, subparagraph **6.24**;

2.8 for implementing the decisions of the Council in accordance with the latter's instructions;

2.9 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;

2.10 for transmitting to the relevant Committees, for their prior notification, questions submitted to the Council between sessions by individual postal administrations of member countries of the Union or by international organizations;
2.11 for disposing, after consultation with the Chairman, of the routine business of the Council;
2.12 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 **8**
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 **9**
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 **10**
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:

a matters selected at the previous session;

b questions submitted by members of the Council 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 Council so decides by a majority of the members present and voting.** (1)

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1) Restriction introduced by the 1991 EC to avoid the risk of a prop submitted at last minute being accepted without EC members having had an opportunity to study it carefully. Some flexibility is retained for exceptional and urgent cases.

Article **11**
Examination of proposals presented between Congresses and relating to the amendment of **the Convention or of the Agreements**

1 The Council shall examine, at the request of the postal administration of a member country, any proposal which that administration submits and sends to the International Bureau in accordance with **articles** 102, subparagraph **6.21, and 120, paragraphs 1 and 2,** of the General Regulations, shall prepare comments on it and shall instruct the International Bureau to attach these to the said proposal before submitting it for approval to the postal administrations of member countries.

2 In its comments, the Council shall indicate the views expressed by the majority and by the minority of its members, as well as the number of votes for or against the proposal.

Article 12
Revision of the Detailed Regulations (1)

1 The Detailed Regulations of the Universal Postal Convention and of the Agreements shall be drawn up by the Council in the light of the decisions taken by Congress.

2 Proposals concerning the Detailed Regulations submitted to the Council 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 Council 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 Council so decides by a majority of the members present and voting.

3 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 Council or in a Committee.

4 The Detailed Regulations shall be authenticated by the Chairman and the Secretary-General of the Council.

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1) The purpose of this art is to put into practice the new legislative powers of the EC in respect of the Det Regs.

Article 13
Reservations to the Detailed Regulations revised by the Executive Council (1)

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 re-submit 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 Council 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 Council, shall be considered by the Council at its following session.

1) The 1989 Washington Congress came out in favour of maintaining the reservations to the Det Regs. The procedure laid down in this art conforms to current UPU practice. See also Const, art 22, note 10.

Article **14**
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 **6,** 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. 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. Where** they are not members of a Committee or Working Party, Council members 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. (1)

4 With the consent of the Chairman of the body concerned, the Chairman of the Executive 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.

5 In agreement with the CCPS, the Council may set up Joint EC–CCPS 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 EC and the CCPS. (2)

6 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.

1) The 1981 EC took the view that its members did not work solely in their own interests and with respect to their own specific problems, but in the interests of the Union. They therefore had a duty to participate in the work of all the Comms except those dealing with Agrs to which they were not parties (CE 1981 – Doc 18a, PV 1).

2) Prov introduced by the 1990 EC. Practice has shown that, in their respective fields, it is sometimes in the interest of the EC and the CCPS to each set up a Working Party. When the terms of reference of the Working Parties are complementary, it may be worth the two bodies setting up a Joint Working Party.

Article **15**
Financial consequences of proposals made by the Committees

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 **16**
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 administrations of the Union; he shall inform the members consulted of the solutions adopted.

Article **17**
Languages

1 The official language of the Council shall be French.

2 For the debates of the Council and the Committees, the French, English, Spanish and Russian languages shall be accepted, provision being made for a simultaneous interpretation system. (1)

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:

French	*English*	*Spanish*	*Russian*
Belgium	Australia	Argentina	Mongolian People's Rep
Benin	Bahamas	Colombia	Poland (Rep)
Cameroon	Canada	Costa Rica	
Hungary (Rep)	Ethiopia	Cuba	
Italy	Great Britain	Venezuela	
Switzerland	Indonesia		
Togo	Japan		
Yugoslavia	Kenya		
	Korea (Rep)		
	Kuwait		
	New Zealand		
	Nigeria		
	Pakistan		
	Sweden		
	Tanzania (United Rep)		
	United Arab Emirates		
	United States of America		
	Zambia		
	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 EC 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.

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.

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1) Under Gen Regs, art 107, para 10, the following member countries have opted for languages other than those mentioned in para 2:

Arabic	*Chinese*	*German*	*Portuguese*
Kuwait	China (People's Rep)	Germany	Brazil
Lebanon			
Morocco			
Tunisia			
United Arab Emirates			

Article **18**
Quorum

1 Discussions by the Council shall not be valid unless at least half of its members are present.

2 For the Detailed Regulations of the Agreements, the quorum shall be half the members of the Council 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 Council.

4 For voting on the Detailed Regulations of the Agreements, the quorum required shall be a majority of the Council members which are parties to the Agreement concerned.

Article **19**
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.

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 Proposals relating to the Detailed Regulations of the Convention shall be approved by a majority of the members of the Council. For proposals concerning the Detailed Regulations of the Agreements, the majority required shall be a majority of the Council members which are parties to those Agreements. (1)

5 Voting shall be:
a by show of hands;
b 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;
c 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.

6 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.

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1) Prov introduced by the 1990 EC and based on Rules of Proc of Congresses, art 20, para 1.

Article **20**
Motions on points of order and procedural motions (1)

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 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 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.

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1) The 1985 EC brought its practice into line with that of Congress (see Rules of Proc of Congresses, art 17 and note 1).

Article **21**
Reopening of proposals

When a proposal has been adopted or rejected by the Council, 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 **22**
Election and replacement of the Deputy Director-General

1 If, in the case provided for in article 108, 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 **19**, paragraphs 3 and **6**, 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 Executive 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 **23**
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 **22** for the election of the Deputy Director-General.

Article **24**
Minutes and reports

1 The minutes of the meetings of the Council shall record the course of the meetings, briefly summarize speeches and mention the outcome of the debates.

2 The bodies of the Council shall prepare concise reports on their work.

3 Delegates shall be allowed a period of 24 hours, from the moment when the draft minutes or draft report are distributed, in which to submit their comments to the Secretariat; the latter shall take these comments into account when the final minutes and reports are published.

4 As a general rule and subject to paragraph 3, at the beginning of each meeting of the Council, the Chairman shall submit the minutes of a previous meeting for approval. The minutes of the last meetings which the Council has not been able to approve shall be approved by the Chairman. The Secretariat shall also take account of any comments received from the representatives of Council members and the de jure observers within **four weeks** of the dispatch of the draft minutes to them.

Article **25**
Refund of travelling expenses to representatives of members and to guests of the Council and its bodies

1 In accordance with article 102, paragraph 10, 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:
a 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 Committees sitting in the same place during the period preceding or following the session, the fare shall only be refunded once;
b 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 Committees 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 **26**
Effective date

These rules shall take effect immediately.

So adopted at Berne, 16 May 1990.

For the Executive Council:	T E LEAVEY	A C BOTTO DE BARROS
	Chairman	Secretary-General

Rules of Procedure of the Consultative Council for Postal Studies (1)

1) Adopted on 18 October 1990 (CCEP 1990 – Doc 2 and Adds 1 and 2, PV 1).

Contents

Art

1 Purpose and functions of the Consultative Council for Postal Studies
2 Members of the Consultative Council
3 De jure observers
4 Invitees
5 Chairmanship and vice-chairmanship of the Consultative Council and chairmanships of its Committees
6 Steering Committee
7 Secretary-General. Secretariat
8 Sessions
9 Order of seating
10 Agenda
11 Organization and provisions concerning the work
12 Urgent questions arising between sessions
13 Languages
14 Quorum
15 Voting
16 Motions on points of order and procedural motions
17 Reopening of proposals
18 Minutes and reports
19 Refund of travelling expenses to representatives of members, to observers and to invitees of the Consultative Council and its bodies
20 Effective date

Annexes:

1 Procedure for conducting studies of the Consultative Council for Postal Studies.
2 General rules concerning the preparation of Consultative Council for Postal Studies working documents.

Article 1
Purpose and functions of the Consultative Council for Postal Studies

1 The Consultative Council for Postal Studies, hereinafter called "the Consultative Council", shall carry out studies and give opinions on technical, operational, economic and technical cooperation questions concerning the postal service. **It shall also 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.** (1)

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 Executive Council** arising directly out of its activities as defined by article 104 of the General Regulations. **Proposals for** Congress **shall be submitted** by the Consultative Council itself, in agreement with the Executive Council when the questions concerned are within the latter's competence. (2)

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1) This para has been supplemented by the CCPS's new powers as laid down in Gen Regs, art 104, para 9.7.

2) This para has been amended to adapt it to the new legislative powers of the EC.

Article 2
Members of the Consultative Council

1 The Consultative Council shall consist of 35 members elected by Congress.

2 The representative of each of the members of the Consultative Council 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 Consultative Council shall play an active part in its activities.

Article 3
De jure observers

1 The Chairman, Vice-Chairmen **and Committee Chairmen** of the Executive Council may, if they express the desire to do so, attend meetings of the Consultative Council. (1)

2 Restricted Unions may send observers to meetings of the Consultative Council.

3 The postal administration of the country in which the Consultative Council is meeting shall attend, as an observer, the meetings of the Consultative Council, if that country is not a member of the Consultative Council.

4 The Organization of African Unity (OAU) and the League of Arab States shall be admitted to the work of the Consultative Council 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 The observers may also attend meetings of the Committees and Working Parties subject to informing the Chairman in advance, either in writing or verbally.

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1) This para has been amended to bring it into line with the EC Rules of Proc and for the sake of coordinating the work of the two bodies; EC Comm Chairmen are henceforward invited to attend CCPS meetings.

Article 4
Invitees

1 **The Chairman of the Consultative Council, after consultation with the Secretary-General and, where appropriate, with the Chairman of the Committee concerned, shall be authorized to** invite to its meetings as observers, any international organization or qualified person when it considers that this is in the interest of the Union or of the CCPS's work. It may also invite, under the same conditions, postal administrations of member countries not belonging to the Consultative Council. (1)

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 Consultative Council, the Chairman of the Executive Council and the Secretary-General.

3 Postal administrations of Union member countries which cooperate in the studies being undertaken without being members of the CCPS shall be informed of the holding of sessions of the Consultative Council. 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 The observers referred to in paragraphs 1 and 3 shall not have the right to vote but they may speak after authorization by the Chairman of the meeting.

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1) The authorization to send invitations delegated to the Chairman makes the procedure easier and saves time; the same prov exists as regards the EC.

Article 5
Chairmanship and vice-chairmanship of the Consultative Council and chairmanships of its Committees

1 At its first meeting, which shall be convened and opened by the Chairman of Congress, the Consultative Council shall elect from among its members the countries which are to hold the offices of Chairman, Vice-Chairman and Committee Chairmen.

2 The Chairman of the Consultative Council shall convene the sessions of that body and direct the work of the plenary meetings. 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 Consultative Council. To this end he shall, among other things, be kept informed about the preparation and programming of the CCPS sessions. He shall follow the progress of and coordinate, in particular, studies of interest to a specific group of countries but apportioned among different Committees.

4 The Chairman of the Consultative Council for Postal Studies shall attend the meetings of the Executive Council in accordance with the provisions of General Regulations, article 102, paragraphs 11 and 12. The Chairman of the CCPS 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. (1)

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1) The idea which prevailed in adopting this new para was to stress the need for the CCPS Chairman to attend meetings of the EC and of the Coordination Committee in his dual role as observer at one and member of the other (cf resolution C 4/1989).

Article 6
Steering Committee

1 The Chairman, the Vice-Chairman and the Committee Chairmen of the Consultative Council shall constitute the Steering Committee, which shall meet at the Chairman's request. **The Chairman of the EC shall be invited to take part, as an observer, in the meetings of the Steering Committee. The Secretary-General and Assistant Secretary-General of the Consultative Council, referred to in article 7, paragraph 1, shall attend the meetings of the Steering Committee.** (1)

2 The Steering Committee shall prepare and direct the work of each session of the Consultative Council.

3 The Steering Committee shall perform all such tasks as the Consultative Council may decide to entrust to it.

4 Article 19, paragraph 1, shall not apply to meetings of the Steering Committee. (2)

5 The Vice-Chairman of the CCPS and the Committee Chairmen shall attend the meetings of the Executive Council, as observers, in accordance with the provisions of General Regulations, article 102, paragraph 12. (3)

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1) Amendment of this para henceforward enables the EC Chairman to attend Steering Comm meetings; it also ratifies the long-admitted attendance of the Secretary-General and Assistant Secretary-General of the CCPS.

2) A useful specification as regards non-reimbursement of travel expenses.

3) This new para serves to stress the need for the CCPS Vice-Chairman and the Chairmen of CCPS Comms to attend EC meetings.

Article 7
Secretary-General. Secretariat

1 The functions of Secretary-General **and Assistant Secretary-General** of the Consultative Council 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 Consultative Council. (1)

2 The Secretary-General of the Consultative Council shall:
a take part in the discussions of the Council and its bodies without the right to vote; he may also be represented;

b send to the administrations of the members of the Consultative Council, of the member countries of the Union which, without being members of the Consultative Council, 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** (2) 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;

c 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, after approval by the Chairman of the Consultative Council, the Summary Record of the sessions;

d 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, after each session, the "Documents of the Consultative Council for Postal Studies", containing the reports, discussions and Summary Record;

e send to the members of the Executive Council, after approval by the Chairman of the Consultative Council, the annual report on the work of the Consultative Council prepared for the Executive Council;

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 Consultative Council approved by the latter;

g maintain contact between the members of the Consultative Council;

h maintain contact with the Executive Council and submit to the Consultative Council such questions as the Executive Council may decide to entrust to it;

i implement the decisions of the Consultative Council in accordance with the latter's directives;

j dispose, by agreement with the Chairman, of the current business of the Consultative Council.

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 Consultative Council. He shall, for information, notify the Chairman and Vice-Chairman of the Consultative Council, 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 Consultative Council shall:

a prepare the work of the Consultative Council and the various reports on the work of the Consultative Council;

b draft the minutes or reports of the meetings of the Consultative Council and its bodies, as well as the Summary Record;
c prepare correspondence and maintain archives.

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1) This para is supplemented by the functions of the Assistant Secretary-General.

2) To ratify recent practice, the time limit of 6 weeks has been reduced to 30 days.

Article 8
Sessions

In principle, the Consultative Council shall meet every year at the headquarters of the Union. The date and place of its meeting shall be fixed by its Chairman, in agreement with the Chairman of the Executive Council and the Secretary-General.

Article 9
Order of seating

1 At meetings of the Consultative Council, its Committees and Working Parties, delegations shall be seated in the French alphabetical order of members.

2 The Chairman of the Consultative 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 10
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 Consultative Council 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.

Article 11
Organization and provisions concerning the work

1 The Consultative Council 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 Consultative Council or its Steering Committee shall designate the members to represent the UPU on Contact Committees or Joint Working Parties working in fields coming within its purview. (1)

3 The Consultative Council and the Committees may set up Working Parties. The Chairman of the body concerned and the reporting countries of the Working Parties shall determine the method of work that is most suitable for the successful completion of the studies in accordance with the methods described in the "Procedure for conducting studies of the Consultative Council for Postal Studies" annexed to these Rules of Procedure.

4 The Consultative Council and the Committees may set up, in agreement with the Executive Council, Joint EC–CCPS Groups to conduct studies of mutual interest. The operating rules shall be laid down in the decision setting up the Joint Group. (2)

5 Each member of the Consultative Council may take part in the work of the Committees. Member countries not belonging to the Consultative Council may, at their own request, or at the invitation of the relevant reporting country, cooperate in the studies undertaken.

6 Before each session, the reporting country or coordinating country of each of the studies undertaken by the Consultative Council shall prepare a written report on the progress of the work and send it to the Chairman of the Committee concerned **and to the International Bureau which will then prepare the "Chairman's progress report on studies" for each Committee and send it to each Chairman for information and any additions, particularly as regards points of a general nature which he wishes to mention. Each Chairman shall then send his comments and additions by the quickest means to the International Bureau** for distribution under the conditions set out in article 7, paragraph 2, b. (3)

7 At each session, the Consultative Council 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 Consultative Council, the Executive Council 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 Consultative Council after consultation with the Secretary-General;

e review its work programme annually, as provided for in article 104, paragraph 12, of the General Regulations, on the basis of the proposals made to it by the administrations and/or by the International Bureau.

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1) This new para ratifies current practice and enables the Council to save time by delegating its powers to its Steering Comm.

2) The formation of Joint EC–CCPS Groups, introduced at the 1990 EC session, is now clearly expressed in this new para.

3) This amended text ratifies the practice of the CCPS elected by the 1984 Hamburg Congress, which simplifies the old procedure followed in part.

4) Added as a consequence of the amendment of Gen Regs, art 104, para 12.

Article 12
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 Consultative Council; he shall inform the members consulted of the solutions arrived at.

Article 13
Languages

1 The official language of the Consultative Council shall be French.

2 For the discussions of the Consultative Council and its bodies, English, French, Russian and Spanish may be used, by means of a simultaneous interpretation system. (1)

3 The cost of the interpretation services shall be borne, according to the method laid down in paragraph 4, by the following four groups of countries (2):

English	*French*	*Russian*	*Spanish*
Australia	Belgium	USSR	Argentina
Canada	Brazil		Cuba
Denmark	Canada		Mexico
Great Britain	France		Spain
India	Greece		
Indonesia	Italy		
Ireland	Switzerland		
Japan			
Kenya			
Netherlands			
New Zealand			
Pakistan			
Thailand			
United States of America			

Between sessions of the Consultative Council, 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 Consultative 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.

6 If members of the Consultative Council 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.

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1) In accordance with Gen Regs, art 107, para 10, the following countries have opted for languages other than those mentioned in para 2:

Arabic	*Chinese*	*German*	*Portuguese*
Algeria	China (People's Rep)	Austria	Brazil
Egypt		Germany	
Iraq			
Jordan			
Morocco			
Saudi Arabia			
Tunisia			

2) The CCPS member countries are distributed among the various language groups in accordance with their choice at the 1989 Washington Congress. This distribution is adjusted on the basis of information supplied to the IB (CCPS Secretariat-General).

Article 14
Quorum

Meetings shall only be valid if at least half of the members of the Consultative Council are present.

Article 15
Voting

1 Each member of the Consultative Council shall have one vote.

2 If a member of the Consultative Council, 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 Consultative Council. However, a member of the Consultative Council 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 Voting shall take place:
a by show of hands;
b by roll-call: at the request of a member of the Consultative Council or by the choice of the Chairman. The roll shall be called in the French alphabetical order of the countries represented on the Consultative Council;
c by secret ballot: at the request of two members of the Consultative Council. The necessary measures shall then be taken to ensure the correct operation of this procedure.

5 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.

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.

Article 16
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 17
Reopening of proposals

When a proposal has been adopted or rejected by the Consultative Council, it may only be reconsidered if the Consultative 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 18
Minutes and reports

1 The minutes of meetings of the Consultative Council shall reproduce the course of meetings, briefly summarize speeches and state the results of the discussions.

2 From the time when the draft minutes have been distributed, delegates shall have 24 hours to submit their comments to the Secretariat, which shall take them into account on publication of the final minutes.

3 As a general rule, and subject to paragraph 2, at the beginning of meetings of the Consultative Council the Chairman shall submit the minutes of a previous meeting for approval. The minutes of the final meetings which the Consultative Council has been unable to approve shall be provisionally

approved by its Chairman. The secretariat shall also take into account any comments which representatives of members of the Consultative Council and the de jure observers notify to it within **four weeks** (1) of the dispatch of the drafts of the said minutes. The revised minutes shall be finally approved by the Chairman.

4 The bodies of the Consultative Council shall prepare reports or, in exceptional cases, minutes, briefly describing their work. The provisions of paragraphs 2 and 3 shall also apply with regard to the time limits for submission of comments on the reports and minutes concerned.

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1) By analogy with the EC Rules of Proc (art 24) and bearing in mind faster means of communication, the time limit of 40 days has been reduced to 4 weeks for making any observations on the draft minutes.

Article 19
Refund of travelling expenses to representatives of members, to observers and to invitees of the Consultative Council and its bodies

1 In accordance with article 104, paragraph 4, of the General Regulations, the representative of each member country of the Consultative Council 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 a member country of the Consultative Council is represented by the same person or by different persons at the session of the Consultative 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;

b if a member country of the Consultative Council is convened and is represented by the same person or by different persons, in the interval between sessions of the Consultative Council, 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 Consultative Council 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 Consultative Council, of the Chairman of the Executive Council 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 Consultative Council 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 20
Effective date

These Rules, supplemented by the **two annexes** on the "Procedure for conducting studies of the Consultative Council for Postal Studies" **and the "General rules concerning the preparation of CCPS working documents",** shall go into effect immediately.

So adopted at Berne on 18 October 1990.

For the Consultative Council for Postal Studies:

B BOUTENKO	A C BOTTO DE BARROS
Chairman	Secretary-General

Annex 1

Procedure for conducting studies of the CCPS (1)

Summary

		Paragraphs
1	General organization of work and putting of studies in hand	
1.1	Within the framework of Congress: Constituent and working meetings – Allocation of studies – Choice of methods for conducting studies – Setting up of Working Parties	1 to 3
1.2	After Congress: Respective roles in conducting studies – Roles of the Chairman and Vice-Chairman of the CCPS – Roles of the Chairmen of the Committees – Conduct of studies: Working Party and Committee meetings – Plan for conducting studies	4 to 8
2	Methods for conducting studies – Working Party directed by a reporting country, for complex studies – Inquiry conducted by a coordinating country or by the International Bureau, for simple questions – Symposium as a specific method for conducting a study	9 to 12
3	Procedures for collecting information	13 to 15
3.1	Three procedures which can be used separately or in combination: questionnaire, paper or outline report	
3.2	Symposium: specific procedure	
4	Conduct of studies assigned to a Working Party	
4.1	Decisive role of the reporting country in conducting the study	16
4.2	Active and operational role of the Working Party members	17
4.3	Operations carried out by the reporting country – Procedure for questionnaires – Procedure for papers – Procedure for outline reports	18 to 20

		Paragraphs
5	Conduct of studies using the inquiry method	
5.1	Dynamic role of the coordinating country	21
5.2	Operations carried out by the coordinating country (procedures for questionnaires and papers)	22 and 23
6	Special provisions concerning symposia and specialist-consultants	
6.1	Symposium – Specific method/procedure for conducting a study – Action for preparing and conducting the symposium (discussion of topic, documentation, conclusions/ results for immediate application)	24 and 25
6.2	Conducting of a study by a specialist-consultant	26
7	Role of the International Bureau – CCPS secretariat, coordination of certain studies, finalizing of documentation, and administrative tasks	27

1) The summary of this annex and the amendments in bold type have been introduced on the initiative of the IB for easier access to the text and better understanding of it.

1 General organization of work and putting of studies in hand

1.1 Within the framework of Congress: Constituent and working meetings

1 The studies making up the CCPS work programme decided by Congress shall be shared between the Steering Committee and the Committees by the Steering Committee meeting in principle within the framework of Congress after the CCPS constituent meeting.[1]

2 On the basis of the information supplied by the Committee Chairmen, the Steering Committee shall propose to the CCPS, at the working meetings held after its constituent meeting, for each study, on the one hand, the work method which is considered suitable and, on the other hand, the reporting or coordinating country to conduct the study.

[1] Except study A 19 "Multilingual Vocabulary of the International Postal Service" which is of a general nature.

Setting up of Working Parties

3 After taking a decision on these proposals by the Steering Committee, the CCPS shall draw up the list of members of each Working Party, based on the wishes expressed by the various CCPS member countries.

1.2 After Congress: Respective roles in conducting studies

Roles of the Chairman and Vice-Chairman of the CCPS

4 The Chairman of the CCPS shall convene the sessions of that body, direct the proceedings of the plenary meetings and coordinate the work of the Council.

5 The Vice-Chairman of the CCPS shall follow the progress of and coordinate, in particular, studies of interest to a specific group of countries but apportioned among different Committees. For this purpose, he may contact the Chairmen of the Committees concerned and inform them of his proposals and recommendations about the conduct and objectives of these studies.

Roles of the Chairmen of the Committees

6 The Chairmen of the Committees shall encourage, coordinate and supervise the work in their Committees. They shall note the documents prepared by the reporting or coordinating countries, to which they shall make their observations and comments and give any necessary directives. They shall approve the final reports of the studies conducted by the Working Parties, as well as the summaries of reports of their Committee's studies, the reports drawn up at the end of inquiries being submitted to the Committee. By also providing the necessary liaison among themselves, they shall ensure general coordination of the work of the Committees.

Conduct of studies: Working Party and Committee meetings

7 As a general rule, CCPS studies shall be conducted by correspondence. However, on the initiative of the reporting countries, Working Party meetings shall be held whenever it seems necessary, either during the CCPS sessions within the context of the Committees or outside the sessions. On the other hand, the Committee meetings shall offer the reporting or coordinating countries an opportunity, when necessary, of encouraging in-depth discussion on certain points of the studies. For this purpose, and as far as possible, they shall inform CCPS members through the International Bureau of the points to be discussed well in advance of the session.

Plan for conducting studies

8 The studies shall be set up on the basis of an overall plan finalized by the CCPS at its first session following Congress, using the information supplied by the reporting and coordinating countries. This plan shall be

drawn up, **taking account of any priority studies identified by Congress,** with the dual concern of spreading over the period the workload of administrations which will be called on to provide contributions to the studies and of completing the work programme before Congress.

2 Methods for conducting studies

9 For each study subject, one of the following three methods shall be used:
- setting up of a **Working Party** directed by a reporting country;
- **inquiry** conducted by a coordinating country or by the International Bureau;
- the **symposium** may be selected as a specific method for conducting a study; in this case, it shall be directed by a coordinating country and lead countries as stated in paragraphs 24 and 25.

Reporting and coordinating countries shall be selected according to their experience in the study field.

10 The choice of method depends on the nature and scope of the study, with a Working Party conducting complex studies and the inquiry method being used for fairly simple, less technical questions, which generally involve collecting data.

11 Working Parties shall be composed of five to fifteen administrations on average. Countries which are not members of the CCPS may cooperate in their work. For this purpose, they must inform the reporting country of the study and the Chairman of the Committee concerned through the International Bureau. The reporting country shall be entitled to invite Union member countries, whether they belong to the CCPS or not, to join the Working Party which it directs.

12 Depending on their nature, studies to be conducted using the inquiry method shall be assigned to members of the CCPS or to the International Bureau. Only inquiries conducted using questionnaires shall be assigned to the International Bureau.

3 Procedures for collecting information

3.1 Three procedures which can be used separately or in combination: questionnaire, paper or outline report

13 Generally speaking, every study (whether conducted by a Working Party or as an inquiry) requires the collection of a certain quantity of

information which is the basic material for the work. The procedures used for collecting this information are:
- questionnaires;
- papers;
- outline reports (which are not used for inquiries).

3.2 Symposium: specific procedure

Any of these procedures may be supplemented by holding a symposium when complex questions requiring discussion among specialists are involved. A symposium may also be used as an independent procedure.

14 The reporting or coordinating country shall be responsible for proposing to the Committee Chairman and to the members of the Working Party the procedure to be used by sending them the relevant draft documents as background material and a timetable for the implementation of the various phases of the study. The choice of procedure to be proposed shall take account of the nature of the study and of the circumstances.

15 Thus:
a while **questionnaires** are suitable for most studies;
b **papers** should be reserved as an exceptional procedure for studies which are not so well suited to the questionnaire approach or which require different, complex methods;
c the **outline report** procedure should enable an administration with particular experience in a specific field (where other administrations have less) to prepare the report straight away using the outline approved by the Working Party; this procedure shall preferably be used for preparing "guides" and for some studies intended for the developing countries;
d the **symposium** may be selected as a dynamic method/procedure with the following advantages it presents:
   - documented preparation of the questions to be discussed;
   - discussions among specialists involving the sharing of experience and fairly broad-based coordination;
   - concrete, reliable and fast results which can be applied immediately (cf paragraphs 24 and 25).

4 Conduct of studies assigned to a Working Party

4.1 Decisive role of the reporting country in conducting the study

16 The reporting country shall be the managing authority of the study, and in this capacity, it shall:
a take all steps to ensure the smooth progress of the work;
b consider the advisability of including the comments and suggestions (in particular those dealing with the most important aspects to be

expanded on) sent to it during the various stages of the study's progress or of taking into consideration all or part of the contributions received;

c judge whether it is necessary to prepare a recapitulative document ("general record") of replies, a working document intended to facilitate the drafting of the report;

d determine the form and content of the study report within the framework of the general rules concerning the preparation of Consultative Council for Postal Studies working documents laid down for this purpose by the CCPS and forming an annex to the Rules of Procedure of the CCPS;

e take particular care in drafting conclusions and recommendations which must contain solutions to the problems arising and application of which must be advocated by decisions (Resolution, Recommendation, Decision) of the CCPS or of another relevant body, EC or Congress (Proposals for amending the Acts);

f see that EC and CCPS decisions concerning the conduct of studies and the presentation of reports and conclusions are applied.

4.2 Active and operational role of the Working Party members

17 The members of the Working Party shall advise and assist the reporting country in its task; in this respect, they shall be responsible for:

a answering questionnaires as necessary;

b studying all documents prepared by the reporting country and the International Bureau and informing them of any modifications, amendments, supplements etc they consider necessary;

c participating, as appropriate, at the request and in accordance with the instructions of the reporting country, in the preparation of the report or in any other task.

4.3 Operations carried out by the reporting country

Procedure for questionnaires

18 The reporting country shall:

a prepare the draft questionnaire and send it to the International Bureau for distribution to the Committee Chairman and Working Party members for their views and additions;

b prepare the final questionnaire taking account of any additions and comments by the Committee Chairman and the Working Party members and send it to the International Bureau for distribution, stating the extent of the distribution and the deadline for replies;

c prepare itself, or in collaboration with other Working Party members, the draft report as soon as it has all the necessary information; the report should provide in particular a digest of the data collected,

bringing out the main conclusions which emerge from the study; a glossary of terms specific to the study should be attached to it;

d send the draft report, through the International Bureau, to all members of the Working Party, for their views and comments on the entire report and to the other participating administrations, as regards the data they supplied;

e prepare the final draft report, taking into account the comments received;

f draft very carefully the summary to be published as an offprint in the "Guide to Modernization of Postal Services". These summaries are sent to the relevant Committees before distribution of the corresponding reports and must:
   - set out the main trends revealed or the suggestions made in the actual studies, following the report outline and its conclusions;
   - indicate the numbers and titles of the studies (so that the relevant documentation can be found if necessary) without mentioning the origin of the study, the procedures followed, the number of replies to the questionnaire, or any administrative data not connected with the popularizing nature of the text;
   - not normally exceed two typewritten pages;
   - possibly include photographs to enhance the information provided;
   - be published in "Union Postale", possibly in condensed form; the International Bureau shall be authorized to adapt the summaries as it sees fit to present them in a journalistic style;

g submit the final draft report[1] and the draft summary to the Committee Chairman through the International Bureau;

h where applicable, define terms with a particular postal meaning and send such definitions to the International Bureau for the attention of the reporting country of Working Party A 19 for inclusion in the Multilingual Vocabulary of the International Postal Service;

i possibly, convene the Working Party (or a symposium) when it considers this appropriate, in agreement with the Committee Chairman and the Director-General of the International Bureau when action by the Bureau is requested; in this case, the report of the meeting shall be attached to the report which may be amended;

j if necessary, and after consultation with the Committee Chairman or Chairmen concerned and with **the Vice-Chairman of the CCPS if need be,** convene a joint meeting of the reporting countries of other Working Parties to coordinate studies with points in common;

k take all such measures as may facilitate the task of the International Bureau, especially as regards the layout and distribution of documents to be printed and issued.

[1] When a study report contains annexes which it is particularly difficult or costly to reproduce (plans, diagrams, etc), these annexes shall not be reproduced unless the countries participating in the study can supply the number of copies required. Should this not be possible, the reporting country shall arrange to have several sets of such annexes sent to the IB Documentation Service which shall make them available on loan to adms.

Procedure for papers

19 The reporting country shall:

a prepare an outline paper and send it through the International Bureau to the Committee Chairman and the other Working Party members for their views, comments and additions;

b taking into account the comments received, prepare a sample paper (which reflects the experience of its administration in the relevant field) and send it through the International Bureau to the Working Party members and the administrations participating in the study. At the same time, these countries shall be asked in their turn to write a paper on the same subject, following the outline adopted by the reporting country and strictly observing the length restrictions it has fixed; the contributions must, above all, stress practical aspects revealing genuine originality;

c write a draft digest of the papers received (a digest to which the papers or summary papers shall be attached) and send it through the International Bureau to the Working Party members for their views and comments;

d and then follow the procedure for studies conducted by the questionnaire method (paragraph 18, e to k).

Procedure for outline reports

20 The reporting country shall:

a prepare an outline report on the study and transmit it through the International Bureau to the Committee Chairman and the Working Party members for their views and comments;

b bearing in mind the comments received, prepare the draft report and send it through the International Bureau to the Working Party members for their views and comments;

c and then follow the procedure for studies conducted by the questionnaire method (paragraph 18, e to k).

5 Conduct of studies using the inquiry method

5.1 Dynamic role of the coordinating country

21 Like the reporting country for a study assigned to a Working Party, the coordinating country for an inquiry shall be the managing authority of the study and shall:

a take the necessary steps to ensure the smooth progress of work;

b consider the advisability of including observations or not or of taking into account all or part of the contributions received;

c judge whether it is necessary to prepare a "general record" of replies;

d determine the form and content of the report;

e see that EC and CCPS decisions concerning the conduct of studies and the presentation of reports and conclusions are applied.

5.2 Operations carried out by the coordinating country (procedures for questionnaires and papers)

22 a The draft questionnaire or the outline paper drawn up by the coordinating country, as well as the conditions of its distribution, shall be submitted through the International Bureau to the Committee Chairman for approval.

b Bearing in mind any remarks by the Chairman, the coordinating country shall prepare the final questionnaire or the sample paper and distribute it through the International Bureau to the countries participating in the study.

c i In the case of a questionnaire, the coordinating country shall prepare a report comprising an analysis of the replies (if this is considered expedient) and a digest.

ii In the case of an inquiry conducted by the papers method, the coordinating country shall prepare a report comprising a digest of the papers received, to which the summarized papers or excerpts from papers of particular interest may be attached.

The document prepared in this way is intended for the appropriate CCPS Committee. This document, supplemented and revised as appropriate, and the summary record of the discussions shall constitute the final report of the study.

d Furthermore, the coordinating country shall carry out the tasks referred to in paragraph 18, f, h and k. If necessary, it shall propose the holding of a symposium on the study. Regarding the summary of the report, it shall refer to paragraph 18, f.

23 The above procedure shall apply, mutatis mutandis, to inquiries conducted by the International Bureau.

6 Special provisions concerning symposia and specialist-consultants

6.1 Symposium

Specific method/procedure for conducting a study

24 The symposium shall be a supplement or an introduction to a study conducted using a specific method and procedure. It may also be used as a specific procedure for conducting a study. The symposium shall be held during or outside CCPS sessions. It may also be held in conjunction with the work of the EC. Participants (specialists and those dealing with general matters) should be chosen so as to allow in-depth study of the subject.

Action for preparing and conducting the symposium

25 In order to obtain maximum results, the following should be observed:

a depending on the timetable of work of the CCPS and of the EC, as appropriate, the date of the symposium should be fixed during the period that will enable optimum output to be attained;

b precise topics should be fixed early enough for administrations to be able to appoint the best specialists to represent them;

c the scope of the discussions should be precisely circumscribed and the documentation produced restricted so as to allow an in-depth study of what is distributed;

d provision should be made for a symposium long enough to complete the examination of the subjects;

e documentation (and possibly a discussion outline) should be sent soon enough for participants to be able to study it before the symposium;

f discussions should be conducted in depth, using the special techniques of symposia (forming groups for the study of specific questions, etc) so as to make it easier to arrive at conclusions and concrete recommendations to Union postal administrations on points of major interest.

6.2 Conducting of a study by a specialist-consultant

26 When for particular reasons (technical nature, complexity, speed of execution, etc) a reporting/coordinating country seeks the assistance of a specialist-consultant, the request shall be made to the International Bureau, specifying the subject to be dealt with and indicating any special features. The International Bureau shall then carry out the necessary formalities (decision as to expediency, administrative formalities, etc). Use of this procedure shall come within the framework of UPU "Special activities".

7 Role of the International Bureau

27 In addition to the task assigned to it by article 111 of the General Regulations (provision of the CCPS secretariat) and its role as coordinator of studies assigned to it by the Council, the International Bureau shall perform the following tasks as part of conducting studies directed by reporting/coordinating countries:

a finalizing (as regards form and substance) of documents prepared by the reporting/coordinating countries, with their agreement, viz draft questionnaires, papers, reports and summaries, as well as of documents from the administrations;

b preparation of general records, in the Union's official language, at the express request of the reporting/coordinating countries; in principle, general records, whether prepared by the reporting/coordinating countries or by the International Bureau, shall not be distributed; a few

copies thereof shall be kept by the International Bureau's documentation and lending service for communication to administrations which request them;

c liaison between the reporting/coordinating countries, the Committee Chairmen, the Working Party members, etc, for transmission of all documents relating to studies;

d distribution to the administrations of questionnaires and other documents intended for the collection of information and centralization of contributions and transmission of the latter to the reporting/coordinating countries;

e giving procedural opinions, advice and suggestions to the reporting/coordinating countries, sending them all available documentation;

f provision of occasional assistance from experts/consultants insofar as this is not detrimental to their main mission;

g assistance to developing countries wishing to take charge of studies;

h as necessary, sending of all or part of draft questionnaires and final reports to the members of Working Party A 19 (Belgium, France, Switzerland) for advice about the terminology used;

i sending of all available documentation to the reporting/coordinating countries for the studies;

j carrying out of administrative work concerning studies:
- translation and printing of documents;
- distribution of reports relating to studies; such distribution shall be done in principle through the Collection of Postal Studies. One brochure may contain several studies;
- preparation of updates;
- publication of summaries in "Union Postale" and insertion of the summaries (offprints) in the "Guide to Modernization of Postal Services";
- assignment to reports and general records of the ISSN numbers allocated by the ACCIS in accordance with the information distributed in circular 50 of 13 February 1989.

Annex 2

General rules concerning the preparation of working documents of the CCPS (questionnaire, analysis of replies, general record of replies, report) (1)

Summary

	Para-graphs
1 Questionnaire	
1.1 Framework and structure of the questionnaire – Essential work tool – Thorough analysis of the study subject emphasizing the concerns and problems identified	1 to 6
1.2 Information to be collected – Nature of the questions (precision, direct link with the subject) – Representative sample – Objectivity	7 to 12
1.3 Presentation and structure of the questionnaire – Introductory text facilitating understanding and replies – Presentation of questions	13 to 16
2 Analysis of replies	
2.1 Nature of the analysis (as distinct from the "general record") – Grouping of information – Degree of detail	17 to 19
2.2 Model simplified analysis of replies – Result of a consultation with statistics only – Description of advantages and disadvantages	20 and 21
2.3 Model expanded analysis of replies – Result of a consultation with statistics and names of participating countries – Special remarks by countries	22 and 23
3 General record of replies	
3.1 Purpose, expediency of preparation, justification	24 to 27
3.2 Model general record – Separate presentation of questions and replies	28

	Para-graphs
4 Report	
4.1 Nature and objective	29 to 36
– Digest	
– Conclusions, opinions and recommendations	
4.2 Example of a digest with recommendations	37
4.3 Structure of the report	38 to 42
– Foreword	
– Introduction	
– Body of the report	
– Conclusion	
4.4 Annexes to the report	43
5 Role of the International Bureau	44
– CCPS secretariat, coordination of certain studies, finalization of documents, and administrative tasks	

1) The summary of this annex and the amendments in bold type have been introduced on the initiative of the IB for easier access to the text and better understanding of it.

General comment

The principles set out below, as well as the models and examples given, apply to the general run of the work, it being understood that for special work special rules will be applied.

1 Questionnaire

1.1 Framework and structure of the questionnaire

1 As CCPS work is currently organized, the questionnaire is an essential tool for collecting the information which forms the basis of the work. It must

be prepared with the greatest care because on its quality depend the results of the study undertaken.

2 When it is decided that the questionnaire procedure will be used, the reporting or coordinating country shall first make a thorough analysis of the study subject in order to identify as accurately as possible the concerns underlying the proposed study, the problems which it is proposed to solve or the guidelines which might be brought out.

3 This analysis shall be based on consideration of the reasons for the proposal, any discussions to which they have given rise, work which may have been done on that topic and the reporting country's experience with the question.

4 The clearly identified concerns and problems will form the framework of the questionnaire and dictate its construction, while the information to be collected will be defined accordingly.

5 For complex studies, it may appear necessary, before preparing the questionnaire, to draft, after the above-mentioned analysis, a preliminary document reflecting the views of the reporting country on the framework of the study (problems to be solved, type of information which might be collected, stages in the conduct of the study, etc).

6 This document shall be submitted to the Working Party members, or to the Committee in the case of an inquiry, for their views and comments.

1.2 Information to be collected

7 The information must be connected as closely as possible with the objective to be attained or the problems for which solutions are sought. It must, in any event, be used for preparing the report, either by being published as is, or by making it possible, through calculations or intermediate processing, to draw conclusions from the study or certain trends leading to such conclusions.

8 The questions asked must be precise and as simple as possible, leaving no doubt as to their interpretation and, consequently, the reply to be given.

9 General information (area of the country, population, status of the service, budget, etc) must not be requested unless this is of value for the conclusions to be drawn from the study.

10 Information which has been received from administrations or published in the Postal Statistics or in other statistics, eg those of the UN, should not be requested.

11 The sample of administrations to be consulted must be sufficiently representative and be decided on with a view to limiting as far as possible the workload of administrations resulting from their participation in CCPS studies.

12 Wherever possible, the questionnaire should not be too closely based on the practice of the administration of the reporting or coordinating country.

1.3 **Presentation and structure of the questionnaire**

13 The questionnaire must be in two parts:

a an introductory text which presents the study (origin, objective, scope, etc) and is designed to inform administrations as precisely as possible about the question so as to facilitate understanding of the problem and thus obtain clear replies;

b the questionnaire proper.

14 The structure of the questionnaire foreshadows, in the main, the structure of the future study report and must be designed with this in mind.

15 In order to facilitate the use of references, decimal numbering, with a maximum of 3 digits wherever possible, should be used.

Example: 1
1.2
1.2.3

16 The questionnaire must make it possible to reply by Yes or No. Additionnal information is to be given in the spaces provided for that purpose (or on a separate sheet if necessary).

Example:	*Yes*	*No*
1.3 Is mail conveyance by third parties contractual?	☐	☐

If not, please state how relations with carriers are regulated

_____

_____

_____

2 Analysis of replies

2.1 Nature of the analysis (as distinct from the "general record")

17 The analysis of the replies, which gives the information collected as a result of the questionnaire, differs from the "general record" in that the latter contains, in as full and as detailed a manner as possible, the information collected listed by country.

18 The analysis of the replies, however, sets out the main points of the replies so as to bring out the main thrust of the information by grouping it together. Individual replies are mentioned to the extent that they are considered significant without its being possible to include them in the groupings established.

19 Depending on the type of study and the objective aimed at, it is up to the reporting or coordinating country to decide in what detail it wishes to have the information presented.

2.2 Model simplified analysis of replies

20 2 **Transport by third parties**

2.1 **Results of the consultation**

Questions	Yes	No	No reply
2.1.1 Use of public transport for forwarding mail	34	3	2
2.1.2 Use of private transport for forwarding mail	32	5	2
2.1.3 Mail transport by third parties under contract	37	1	1
2.1.4 Laws compelling			
– public carriers to transport mail	18	20	1
– licensees to transport mail	6	28	5
– private companies to transport mail	5	32	2
2.1.5 National authorities responsible for coordination of transport	32	5	2
2.1.6 Postal administration represented on such an authority	9	28	2

2.1.7 Advantages and disadvantages of transport by third parties (public carriers, licensees and private carriers)

Advantages	Disadvantages
Less expensive Reduction in staff costs and costs connected with vehicle purchase and maintenance Frequency of conveyance Speed Regularity	Schedules often not suited to postal requirements Mail sometimes handled carelessly Security not always guaranteed Limited possibility of supervision Often insufficient capacity

21 This model may be used in the body of the report to enable trends of the consultation to be brought out immediately and views or recommendations to be put forward.

2.3 **Model expanded analysis of replies**

22

Question		Reply		
			Number	Country
1	Does your administration consult the Catalogue of Postal Equipment	Yes	22	Algeria, Argentina, Belgium, Brazil, Chile, Czech and Slovak Fed Rep, Denmark, Germany, Guinea, Indonesia, Ireland, Japan, Mexico, Morocco, Nigeria, Pakistan, Romania (Soc Rep), Spain, Switzerland, Syrian Arab Rep, Thailand, USSR
		No	11	Australia, Bangladesh, Egypt, France, Great Britain, Italy, Netherlands, New Zealand, Sri Lanka, Sweden, United States of America
		No reply	0	

Question		Reply		
			Number	Country
1.1	If you replied "No" to question 1, say why			
1.1.1	Because your administration obtains the information from another source	Yes	9	Australia, Bangladesh, Egypt, Great Britain, Italy, Netherlands, Sri Lanka, Sweden, United States of America
		No	1	New Zealand
		No reply	1	

1.1.2 For other reasons (please specify)

France: Technology in the fields of sorting and routeing is developing very rapidly and the catalogue is quickly outdated. The catalogue represents techniques of the past that are practically no longer used.

Special remarks

Switzerland: The Catalogue of Postal Equipment is consulted only for documentary purposes

United States of America: We have an "Internal" equipment list.

23 This model analysis of replies is designed, in principle, to be annexed to the study report, particularly in the case of inquiries.

3 General record of replies

3.1 Purpose, expediency of preparation, justification

24 In principle, the general record is mainly designed to facilitate preparation of the report. It must therefore record all the information collected in the consultation, it being understood that a selection will be made when the report is prepared.

25 The result of this feature of the general record is that, unless the competent Committee decides otherwise, the record:
- shall be written in the language used for the preparation of the draft report;
- shall not be translated;
- shall only be distributed to administrations at their express request.

(Procedure for conducting studies, paragraph 27, b.)

26 The decision to prepare a general record rather than an analysis of the replies shall be taken by the reporting or coordinating country. It implies that the report prepared will be separate from the general record and will not refer to it.

27 For some important studies, the preparation of a general record of replies may prove necessary. In such a case, the reporting or coordinating country shall propose this to the Committee which gives a ruling on it and on the special methods of preparing the general record with possible exceptions to the information given in paragraph 25.

3.2 **Model general record**

		Yes	*No*
28. 7	Should incoming electronic mail items always be considered in the country of destination as duly prepaid?	☐	☐
	If not,		
7.1	in what cases should they be considered as not duly prepaid?		
	_____		
	_____		
	_____		
8	Should refund of charges be provided for in the electronic mail service:		
8.1	in the event of loss of an electronic mail item?	☐	☐
8.2	in the event of faulty transmission of an electronic mail item?	☐	☐
8.3	when it is subsequently found that an electronic mail item cannot be transmitted?	☐	☐

Country	Question 7 Yes	No	Question 7.1	Question 8.1 Yes	No	Question 8.2 Yes	No	Question 8.3 Yes	No	Comments
Argentina	x			x		x		x		
Australia	x		–	x		x		x		
Belgium	x		–		x	x		x		
Brazil	x			x				x		
Canada	x		–	x		x		x		
Denmark										
France	x		–	x		x		x		
Germany	x		–	x		x		x		
Great Britain	x		–	x		x[1]		x		
Korea (Rep)										
Saudi Arabia										
United States of America	x		Not applicable		x		x		x	
To be carried forward	9	–		7	2	7	1	8	1	

[1] Except when the user has been told that the document may not be reproduced properly and he still wants the transmission made.

NB. – The questions and the replies may be laid out over two pages.

4 Report

4.1 Nature and objective

29 The report on a CCPS study:
- shall be prepared by the reporting/coordinating country (cf Procedure for conducting studies, paragraphs 18, 21 and 22);
- shall present a digest of the information collected in the consultation, and
- shall formulate conclusions, opinions or recommendations comprising solutions to the problems raised, making a distinction between those for immediate application and those to be submitted to Congress or the EC.

Digest

30 The digest shall cover each part of the questionnaire or model paper which also forms part of the report. It shall summarize the main observations and bring out the main trends, mentioning particular cases worthy of interest in the context of the study.

31 Wherever possible, a brief explanation or justification shall accompany the particular cases selected.

32 Whenever feasible, the digest shall be supported by figures arising from the consultation, possibly with ratios or percentages.

Conclusions, opinions and recommendations

33 The trends identified must, in principle, lead the reporting or coordinating country to formulate immediate conclusions, opinions or recommendations relating to the relevant section of the report.

34 This part is definitely one of the concrete results of the study and must be handled with a great deal of care. It has, indeed, often been deplored that CCPS reports tend to confine themselves to an account of the observations made in the consultation without drawing any specific conclusions and recommendations from them.

35 The Working Party or the CCPS will give their views on the conclusions, opinions and recommendations thus presented and will give them a form reflecting the various points of view.

36 The conclusions, opinions and recommendations will form the main part of the summary of the report to be published in the Guide to Modernization of Postal Services and in "Union Postale", as provided for in paragraph 18, f, above.

4.2 **Example of a digest with recommendations**

37 *Digest*

"The rural mobile post office system is relatively undeveloped. There are four kinds of circuit:
- mail conveyance only;
- conveyance of mail and passengers;
- conveyance of mail combined with a mobile post office;
- conveyance of mail and passengers combined with a mobile post office.

"The advantages and disadvantages of the system seem to be balanced. The problems of cost and vehicle maintenance seem to be the most difficult to solve at the present stage. Most advanced countries usually decide not to set up rural postal systems but construct sedentary offices or use local government agencies to provide the postal service.
"A number of administrations which do not have a rural mobile post office network plan to set up networks to improve the standard of their services in sparsely populated areas.

"Recommendations

"In each case, the establishment of a rural mobile post office network must be the subject of a thorough study. This form of postal organization does

not seem always to suit more developed countries or regions. It is important to determine which solution best meets the needs of the region concerned. The question of operating costs, which are quite high, should not prevent the implementation of certain projects. Consideration should also be given to the advantages which will accrue to the public and in the promotion of postal traffic.
"To avoid too long circuits, the network should be organized regionally based on a large locality well positioned in relation to national links. To start with, one vehicle may be used successively on several circuits starting from that base locality. The service can then be expanded in relation to needs and the development of traffic, by using additional vehicles.
"The combined conveyance of passengers and mail should be sought wherever possible to improve the profitability of the run. The Post Office should have priority in conveying passengers in such cases. The law should be amended to that effect.
"The possibility of using private vehicles to provide a rural mobile post office service may also be considered."

4.3 **Structure of the report**

38 As prepared by the reporting or coordinating country, the report shall consist of the following parts:
- foreword;
- introduction;
- body of the report;
- conclusion.

39 The foreword shall recall the origin of the study, set out the methods of conducting it and provide information about the consultation as well as a list of the administrations which took part in it.

40 The introduction shall lay down the framework of the study and state what the main parts of the report are.

41 The body of the report shall expound, in the form of digests, opinions, recommendations and proposals, the various aspects of the study in as many parts and subparts as are necessary.

42 The conclusion shall consist of a summary of the methods of conducting the study, the findings made and the conclusions proper, and briefly recapitulate any opinions and recommendations.

4.4 **Annexes to the report**

43 a The questionnaires shall not be annexed to the study reports, as the structure of the report must reflect the questionnaire used.

b The analysis of the replies shall not be annexed to the reports of studies conducted by a Working Party, but a brief analysis may be included in the various parts of the report (paragraph 21).

5 **Role of the International Bureau**

44 According to the "Procedure for conducting studies of the CCPS" (paragraph 27, a), the International Bureau shall be responsible for finalizing the documents (draft questionnaires, papers, reports, etc) prepared by the reporting/coordinating countries, with their agreement. For that purpose, it shall base itself in particular on the information contained in this document.

Agreement between the United Nations and the Universal Postal Union (1) (2) (3)

1) The texts of the Agrs given below are annexed to the Const under the terms of art 9 of the said Const. This shows the importance attached by the Union to relations with the UN.
For the background of the development of UN–UPU relations see notes to art 9 of the Const and note 2 to the preamble.

2) In French there is no standard version of the title of the Agr. Some UN publications use the term "Nations Unies" only.

3) In 1973 the UN Economic and Social Council (ECOSOC) decided to examine the advisability of revising the Agrs between the UN and the specialized agencies in order to strengthen the coherence of the United Nations system and its ability to attain in particular the objectives of the International development strategy (E/RES/1768 (LIV)). The study carried out on this in cooperation with the specialized agencies has not so far arrived at any concrete result. Nevertheless, by resolution C 91/1979, the Rio de Janeiro Congress instructed the EC, if appropriate, to deal with proposed amendments to the UN–UPU Agrs or with the conclusion of an additional agr.

Preamble

In consideration of the obligations placed upon the United Nations by article 57 of the Charter of the United Nations (1), the United Nations and the Universal Postal Union agree (2) as follows:

1) Like most of the Agrs with the other specialized agencies, this Agr is preceded by a preamble. This refers to the relevant art of the Charter which governs UN relations with the specialized agencies, ie art 57. 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.

2) 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 (art XV, note 2) 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. Moreover, the Agr must not contain provs contrary to the basic (constitutional) prescriptions of the UPU. 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 (1) responsible for taking such action as may be appropriate under its basic instrument (2) for the accomplishment of the purposes set forth therein. (3) (4) (5)

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1) Under art 57 of the Charter, the various specialized agencies, established by intergovernmental Agrs 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 UN in accordance with the provs of art 63 of the Charter. ECOSOC is in charge of establishing such relationships (see Const, art 9, note 1).
To date, the UN has concluded Agrs with the following specialized agencies:
International Labour Organisation (ILO);
Food and Agriculture Organization of the United Nations (FAO);
United Nations Educational, Scientific and Cultural Organization (UNESCO);
World Health Organization (WHO);
International Civil Aviation Organization (ICAO);
World Bank/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)
International Atomic Energy Agency (IAEA).
For the background to most of these Agrs, see Doc E/1317 (Secretary-General's Rep on the measures taken within the framework of the Agrs concluded between the UN and the specialized agencies), as well as the notes to art 9 of the Const.

2) See Const, art 22, notes.

3) 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 (... as the specialized agency ...). This entire responsibility excludes from the universal postal field the activities of any other specialized agency.
With this in mind, the Secretary-General of the ELC sent to the UN Secretary-General a letter dated 20 July 1948 listing all the cases known to him in which reports, resolutions, draft conventions, etc prepared by bodies of the UN or of specialized agencies, referred to free postage or postal conveyance facilities. This letter ended as follows: "To avoid any confusion and risk of misunderstanding, the Executive and Liaison Committee of the UPU has instructed me to inform you that all questions relating to operational services, the application of tariffs and the possible granting of exemption from postal charges or any special treatment in the international postal system are the exclusive responsibility of the Universal Postal Union and can be governed only by the Convention and regulations of that body. As a result, postal Congresses, or all the members of the Union, by means of consultation set out at arts 21 et seq of the Universal Postal Convention, are alone responsible for amending the provisions in force or awarding any

special treatment or exceptions in this matter. Any resolution or decision coming from other international bodies and encroaching on the exclusive domain of the Postal Union not only would be in no way binding on the members of that Union but would be likely to cause inconvenience and difficulty.
"In view of the above, I should be much obliged if you would inform the bodies of the UN and the specialized agencies accordingly so as to save them discussions which would have no practical result."
The UN Secretary-General's reply to this communication came on 5 October 1948. It emerges from it that in principle the view expressed by the ELC is generally shared by the UN bodies and that it is agreed that any action in this matter will have to be undertaken through the intermediary of the responsible body of the UPU (see docs of the provisional ELC 1947/1948, pp 88–89; ELC Docs 1948, p 36). For the action taken, see Const, art 9, note 10, d, end.

4) As for overlapping of responsibility between specialized agencies, regulations prepared by the Administrative Committee on Coordination (ACC) were approved by the ELC in 1951 so as to ensure that any question concerning more than one agency should be discussed between the secretariats of these organizations from the start (ELC Docs 1951, pp 24, 25, 184, 185 and 188). The study undertaken since 1973 within the framework of ECOSOC on the basis of resolution E/RES/1768 (LIV) (cf resolutions C 7/1974 of the Lausanne Congress and C 91/1979 of the Rio de Janeiro Congress) also aims at limiting overlapping of activities between the specialized agencies of the UN (see note 3 to the title of the Agr).

5) On the other hand, the postal activity of other organizations is not excluded when it is admitted by the basic instrument of the Union, eg the activities of the various Restricted Unions in their regional field (for relations between the Restricted Unions and the UN, see Rep 1961, p 16, and Rep 1962, p 34).

Article II
Reciprocal representation (1) (2)

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. (3) (4)

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. (5) (6)

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. (7)

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. (8)

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1) Until the 1947 Paris Congress, the UPU had never admitted bodies outside the postal service to its meetings. In addition, it had refused to send Union representatives to meetings not held under the auspices of the Union itself (see Gen Regs, art 101, note 4).
The UPU had acted in the same way towards the League of Nations when the Prep Comm set up by the 1930 Brussels Restricted Air Mail Conf received a request from a Sub-Comm of the Air Transport Cooperation Comm of the LN Communications and Transport Organization.
On the other hand, the 1947 Paris Congress decided to admit, for the first time, UN observers with consultative votes (see 1947 Paris Congress, II 27–31). Later, under art II, para 1, of the Agr, UN representatives became de jure observers at meetings of UPU bodies (see Rules of Proc of the 1952 Brussels Congress, art 3, para 1, 1957 Ottawa, art 3, para 1, 1964 Vienna, art 3, para 1, 1969 Tokyo, Rules of Proc of Congresses, art 5, para 1; Rules of Proc of the EC, art 3, para 1).

2) Art II is partly the counterpart of art 70 of the Charter and provides a basis for the practice followed since the 1947 Paris Congress; it 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 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 Rep on the work of the Union. The provs of art II, para 1, do not permit UN representatives to take part in meetings of Restricted Unions.

3) The UN is regularly represented at meetings of Congress and the EC.

4) Since the postal adm of the UN is an administrative unit of the UN Secretariat, placed under the authority of the Secretary-General, it is represented by the UN under the terms of this art (see art 9, note 10, of the Const, where the relevant 1952 Brussels Congress resolution is reproduced).

5) The UPU attends many meetings of the UN bodies. The Rep devotes a special section to them each year. See also art IV, notes 4 and 5.

6) The participation of UPU representatives, without vote, in meetings of the UN Economic and Social Council, its Commissions or Comms is provided for only "in the deliberations thereof with respect to items on the agenda in which the Union may be concerned". Union representatives may submit props regarding such items, which may be put to the vote on request of any member of the Council or of the Comm concerned (Rules of Proc of the Economic and Social Council, art 75).

7) As regards Union representation, see art 102, para 6.17, of the Gen Regs. The interpretation of this prov is given by the EC in art 7, para 2.9, of its Rules of Proc. Under this prov, it is the Director-General of the IB or a person designated by him who represents the Union at UN meetings.

8) The IB distributes to Union members written statements presented by the UN. However, notification of any UN sanction must be made exclusively to the Governments of the Member States of the UN (see art VI, note 3). It is not for the Union to intervene in the matter of sanctions (1947 Paris Congress Docs, II 454).

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. (1) Similarly, the Council, its Commissions and Committees and the Trusteeship Council shall include on their agenda items proposed by the Union. (2)

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1) On the basis of this art, the UN raised several matters at the 1952 Brussels Congress on the international control of narcotics, the transport of dangerous goods and the changing of the name of Mandated Territories in the preamble to and at arts 4 and 5 of the Conv (see II 110 and 111, Congress – Doc 21; pp 126 and 127, Congress – Doc 24; p 141, Congress – Doc 36, subparas 4 and 6; pp 428–431); Congress referred them for consideration to the ELC (see CEL 1953 – CE 1/1953, Doc 11, subparas 4 and 6, pp 38 and 39).
The same procedure was followed in establishing the UN postal adm. After the ELC had considered it from its 1948 to its 1951 sessions, the UN Secretary-General submitted a "Memorandum concerning the postal adm of the UN" asking for it to be submitted to the 1952 Brussels Congress for consideration (II 96 et seq) (see Const, art 9, note 10).
The same happened with the Conv on the privileges and immunities of specialized agencies prepared by the UN and transmitted to the ELC (see Const, art 5, note 4). After the 1952 Brussels Congress, various questions arising from UPU relations with the UN were submitted to the ELC, EC and Congress (see art IV, note 3).

2) With particular reference to the prov of this art, the Union sent a request to the Economic and Social Council in 1962 with a view to obtaining Union participation in the UN Expanded Programme of Tech Asst. By resolution 902 (XXXIV) of 2 August 1962, the Economic and Social Council agreed to this request to participate in the programme under the same conditions as the other specialized agencies (see Const, art 1, notes 7 and 8).

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 (1) may make to it. Such recommendations will be addressed to the Union and not directly to its members. (2) (3)

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. (4) (5)

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1) 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.

2) These recommendations are not mandatory; the Union and its members are therefore free to act on them or ignore them.

3) In accordance with this art, the IB of the UPU has communicated to Congresses, the EC (ELC) and adms 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).
- Technical cooperation.
- Postage stamps to commemorate certain UN anniversaries.
- Aid for refugees.
- Struggle against the policy of apartheid.
- International Years
- Human rights.

The 1964 Vienna, the 1969 Tokyo, the 1974 Lausanne, the 1979 Rio de Janeiro, the 1984 Hamburg and the 1989 Washington Congresses adopted several resolutions on the application of UN recommendations (see declaration C 1/1964 of the Vienna Congress; resolutions C 2/1969, C 3/1969, C 9/1969, C 11/1969 and C 26/1969 of the Tokyo Congress; resolutions C 2/1974, C 3/1974, C 4/1974, C 8/1974 and C 15/1974, decisions C 92/1974 and C 93/1974 of the Lausanne Congress; resolution C 6/1979 and decision C 99/1979 of the Rio de Janeiro Congress; resolution C 7/1984 and decision C 9/1984 of the Hamburg Congress; decision C 50/1989 of the Washington Congress).
The EC has repeatedly done the same.
(For more detailed information see the Comprehensive Reps on the work of the ELC or the EC to Congress, as well as the Reps on the work of the UPU (relations with the UN) and EC docs.)

4) With the aim of effective cooperation, the Union confirms its intention of collaborating widely with the UN. The Union cooperates in the Administrative Committee on Coordination (ACC) and its subsidiary bodies (see note 5), the International Civil Service Commission (ICSC – see note on art VII), and the Consultative Committee on Administrative Questions (CCAQ – see note on art VII). It also cooperates with the bodies in charge of the administration and management of the UNDP (resolution 2029 (XX) of the Gen Ass).

Acting on various UN Gen Ass resolutions, the Union actively takes part in work connected with the preparation and implementation of the United Nations Development Decade (cf Const, art 1, note 7). Mention should also be made of UPU cooperation with ECOSOC Regional Commissions.

5) The cooperation and coordination mentioned in note 4 above are most clearly present – on the level of international administration – in the Administrative Committee on Coordination (ACC). This body was established under the name of Coordination Committee by Economic and Social Council resolution 13 (III) of 21 September 1946. It is made up of the UN Secretary-General, acting as Chairman, and the heads of the UN specialized agencies and the International Atomic Energy Agency. It held its first session on 4 February 1947 in New York and its present name of Administrative Committee on Coordination was decided on at its sixth session (Paris, 12 November 1948). The Committee's mission is to take "all appropriate steps, under the leadership of the Secretary-General, to ensure the fullest and most effective implementation of the Agrs entered into between the UN and the specialized agencies". The UPU became a full member of the ACC when the UN–UPU Agr came into force on 1 July 1948 and therefore attended the above-mentioned sixth session in this capacity for the first time. Up to then, it had been invited to sessions as an observer. The UPU now regularly attends the meetings of this body, which deals with problems of mutual interest and meets two or three times a year. In April 1971, the ACC held its 53rd session at UPU headquarters.

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;(1)

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.

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1) The obligation for the UPU to provide the UN with the "Annual Report on the work of the Union" was inserted in the Gen Regs (art 118) by the 1964 Vienna Congress (II 994). The 1957 Ottawa Congress specifically instructed the Director-General of the UPU IB to publish in the annual Reps on the work of the Union communications on the measures taken by the UPU for implementing resolution 1043 (XI) passed during the XIth session of the UN Gen Ass on

international cultural and scientific cooperation (see that Congress, II 252 to 255 and 1162; see also circ 83/1958 and the 1963 Rep on the work of the Union, p 13). Up to 1977, the Rep was submitted annually to the ECOSOC summer session. In accordance with resolution 1090 (XXXIX) of that body, the Rep was accompanied by an analytical report on the work of the Union. Since 1978, this submission has been replaced by contributions on specific sectors to the Committee for Programme and Coordination (CPC). The latter uses these contributions and the ones sent by the other specialized agencies on the same subjects for preparing ACC reports analyzing the state of development of such sectors on a system-wide scale. See Gen Regs, art 118, note 3.

Article VI
Assistance to the United Nations (1)

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)

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. (3) (4) (5)

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1) 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.

2) The principle is laid down here of cooperation and direct assistance between the UN, its principal and subsidiary organs and the Union. The principal organs of the UN are: the Gen Ass, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice and the Secretariat (UN Charter, art 7, para 1). The subsidiary organs are those which prove necessary, notably in the exercise of the functions of certain principal organs (see UN Charter, art 7, para 2).

3) 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).

4) However, it should be stressed that this prov only comes into consideration in the event of real conflict. Neither does it imply automatic abrogation of obligations incompatible with the provs of the Charter.
Since it is an exceptional measure, according to the spirit of the Charter and the Acts of the Union as well as the UN–UPU Agr, a less serious solution must be sought by consultation, cooperation or coordination between the two organizations.

5) Since this prov of recourse only applies to UN members and their obligations as such, it is out of the question for the UPU as such or as a specialized agency, or for Union members which are not UN members, to have obligations towards the UN under this art.

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. (1) (2)

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1) 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 under Swiss law (art 80 et seq of the Swiss Civil Code).

2) The UN bodies dealing with coordination of staff matters in the common system are the following (cf Doc A/C 5/L 804):

a Advisory Committee on Administrative and Budgetary Questions (ACABQ) (at inter-governmental level), a consultative body for the UN Gen Ass;

b International Civil Service Commission (ICSC); set up in principle from 1 January 1974 by the Gen Ass (resolution 3042 (XXVII)) to ensure the regulation and coordination of employment conditions in the organizations which apply the United Nations common system, it has to review the salary system on a priority basis. Its Statute was approved by the Gen Ass in December 1974 (resolution 3357 (XXIX)) and it began to function at the beginning of 1975. Composed of 15 members appointed by the Gen Ass, including two (Chairman and Vice-Chairman) full time, it replaces the old International Civil Service Advisory Board (ICSAB) and the Expert Committee on Post Adjustments (post adjustment or deductions) (ECPA). The UPU accepted the Statute of the Commission by resolution CE 7/1975 and by letter of 21 May 1975 to the UN Secretary-General.

c Administrative Committee on Coordination (ACC) (Inter-agency level), see art IV, note 5.

d Advisory Committee on Administrative and Budgetary Questions (ACABQ), a body created by the ACC and composed of senior officials in charge of administrative and staff questions at the UN and in the specialized agencies.

The Union takes part in the work of the bodies listed under b, c and d. It is in contact with the ACABQ on financial matters.

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. (1)

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. (2)

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1) The Union recognizes the competence of the UN as a central body for statistical data on the international organizations. 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.

2) The Union is solely responsible in its own field. However, it is accepted that the UN has an interest in – not a right to – the statistics of the Union so far as they may be essential for its own purposes and for the improvement of statistics throughout the world.

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. (1)

2 Arrangements shall be made between the United Nations and the Union in regard to the registration and deposit of official documents. (2) (3)

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1) The two organizations are to avoid any measures which might upset their mutual cooperation. Since their field of work is very different, the danger of overlapping or duplication of administrative and technical services is virtually non-existent.

2) 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.

3) The Union would be bound to effect registration for the participants only if a treaty made express provision for this.

Article X
Budgetary arrangements

The annual budget of the Union shall be transmitted to the United Nations (1), and the General Assembly may make recommendations thereon to the Congress of the Union. (2) (3)

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1) 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 EC (see Gen Regs, art 102, para 6.5). 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. Each year, the UN Gen Ass notes the Rep from its Advisory Committee on Administrative and Budgetary Questions on administrative and budgetary coordination between the UN and the specialized agencies (and the IAEA) and communicates – through the intermediary of the Administrative Committee on Coordination (ACC, see art IV, note 5) – its findings to the specialized agencies concerned. Moreover, since 1965, the ACC has submitted to the ECOSOC an annual rep on the expenditure of each UN body broken down by programme of activity.
In the five-year period prior to the 1979 Rio de Janeiro Congress, various UN bodies (JIU, ECOSOC, Gen Ass) made recommendations to UN organizations on adapting medium-term planning and a programme-budget. These recommendations were brought to the attention of the EC, on the prop of which, the 1979 Rio de Janeiro Congress decided that the possible introduction of a programme-budget would be considered as part of the study on the organization, functioning and working methods of the EC, a study assigned to the EC by that Congress (see CE 1980 – Doc 8, paras 5 and 6). Finally, the EC considered that the introduction of a programme-budget was not an end in itself but was subordinated to the establishment of medium-term programming, which would require a fairly firm determination on the part of Congress to change its present conception of how the work of the Union should be conducted. Noting that, after having been debated on several occasions within the UPU since as long ago as 1976, this idea had failed to arouse much interest, the EC concluded that the introduction of a medium-term planning/programme-budget system at the UPU did not appear to meet the requirements of the Union's bodies (decision CE 14/1984) (1984 Hamburg Congress Docs, I 1026, Congress – Doc 1).

2) A Joint Inspection Unit (JIU), which started operations on 1 January 1968, 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. In resolution CE 12/1968, the EC decided on the UPU's participation in this inspection system from 1968; since that year JIU reports of possible interest to the UPU have been put before the EC. Under decision CE 4/1973, the EC, bearing in mind UN Gen Ass resolution 2924 (XXVII) decided that the UPU should continue to participate in the JIU. By resolution 31/192 of 1976, the UN Gen Ass approved the Statute of the Joint Inspection Unit and invited the organizations of the UN to inform the Secretary-General of the United Nations as soon as possible of their acceptance of that Statute, which confirms the permanent establishment of the JIU. Presented with a special report on the matter (see 1977 EC Docs, pp 48–61), the EC accepted, with some reservations, the new Statute of the Joint Inspection Unit (decision CE 30/1977).

3) While the Gen Ass can make recommendations to Congress, it cannot do so to the EC (1948 ELC Docs, p 169).

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 inter-governmental organization, and further agrees to inform the Council of the preparation of any such agreements. (1) (2)

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1) The obligation to inform it does not give the UN the right to intervene in negotiations.

2) Up to now, the UPU has not concluded such Agrs.

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. (1)

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1) 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 (see 1947 Paris Congress, II 228).

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. (1) (2) (3)

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1) This prov is in line with the organic structure of the Union and corresponds to the powers given to the EC in the field of relations with the international organizations (Gen Regs, art 102, para 6.17).

2) In application of this art, the Union concluded in 1949 with the UN an Agr on the issue to UPU officials of the laissez-passer of the UN (see Supplementary Agr, note 3).

3) The change of title from "Executive and Liaison Committee" to "Executive Council" 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 (see also 1962 ELC Docs, p 459).

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. (1) (2)

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1) The entry into force of the Agr presupposed the following two conditions:
a the entry into force of the 1947 Paris Conv;
b the approval of the Agr by the UN Gen Ass.

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 (1947 Paris Conv, art 74).

2) With regard to the entry into force of this Agr, the UN Secretary-General and the Director of the IB of the Union signed on 15 November 1948 the Protocol concerning the entry into force of the Agr between the UN and the UPU, the text of which is as follows (see Agrs between the UN and the specialized agencies and the IAEA, UN publication ST/SG/14, New York 1961, p 65):
"Article 57 of the Charter of the United Nations provides that 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. Article 63 of the Charter provides that the Economic and Social Council may enter into agreement 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 and specifies that such agreements shall be subjected to approval by the General Assembly.
"The Economic and Social Council, on 28 March 1947, directed its Committee on Negotiations with Specialized Agencies to enter into negotiations at the appropriate time with the Universal Postal Union for the purpose of bringing it into relationship with the United Nations and to submit a report on the negotiations to the Council including therein a draft preliminary agreement based upon these negotiations.
"The Congress of the Universal Postal Union, which met in Paris in June 1947, having been informed of the aforementioned decision of the Economic and Social Council, appointed a Committee to enter into negotiations with the United Nations Committee on Negotiations with Specialized Agencies to prepare a draft agreement.
"Negotiations between the Committee on Negotiations with Specialized Agencies of the Economic and Social Council and the Negotiating Committee of the Universal Postal Union took place in Paris on 17, 18 and 20 June 1947 and resulted in a draft agreement. This draft agreement, after certain subsequent adjustments made in accordance with the alternatives accepted in advance by both negotiating committees during the negotiating sessions, was initialled on 4 July 1947 by Mr Jan Papanek, Acting Chairman of the Committee of the Economic and Social Council on Negotiations with Specialized Agencies, and Mr J-J Le Mouël, Chairman of the 12th Congress of the Universal Postal Union.
"On 4 July 1947 the Congress of the Universal Postal Union which met in Paris for the purpose of revising the Universal Postal Convention unanimously approved the draft agreement which subsequently was annexed to the revised Convention.
"On 4 August 1947 the Economic and Social Council, during its fifth session, recommended the agreement between the United Nations and the Universal Postal Union to the General Assembly for its approval.
"Article XV of the agreement provides that this agreement being annexed to the Universal Postal Convention concluded in Paris in 1947 shall come into force after its approval by the General Assembly of the United Nations, and, at the earliest, at the same time as this Convention.
"The Agreement between the United Nations and the Universal Postal Union was approved by the General Assembly during its second regular session on 15 November 1947. The Universal Postal Convention came into force on 1 July 1948. The Agreement accordingly came into force on 1 July 1948. A copy of the authentic text of the Agreement is attached hereto.
"In faith whereof we have appended our signatures this fifteenth day of November, one thousand nine hundred and forty-eight, to two original copies of the present Protocol, the text of which consists of versions in the English and French languages which are equally authentic. One of the original copies will be deposited with the Secretariat of the United Nations and the other will be deposited in the Bureau of the Universal Postal Union.

(signed) Trygve Lie
Secretary-General of the United Nations

(signed) Muri
Director of the International Bureau
of the Universal Postal Union"

Article XVI
Revision (1)

On six months' notice (2) given on either part, this Agreement shall be subject to revision by agreement between the United Nations and the Union. (3) (4)

Paris, 4 July 1947.

(signed) J-J Le Mouël
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

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1) The expression "revision" covers not only revision of certain arts but also abrogation of the Agr itself.

2) Since the notice is a simple statement which guarantees the application of the six months' period, it does not have to give details of the proposed amendments and the reasons given in support.

3) See Gen Regs, art 129, notes 1 and 2.

4) 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 (1) (2) (3)

1) 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. After the IB had sought to settle this matter by correspondence with the UN Secretariat, the ELC studied a draft Supplementary Agr to the Agr between the UN and the UPU (provisional ELC, 1948, pp 136 to 137; 1948 ELC Docs, pp 45 to 55, 178 to180; Conv on the privileges and immunities of the UN, section 28). 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 (1949 ELC Docs, pp 5, 138 and 229 to 230). The Supplementary Agr was signed on 27 July 1949 by the UN Secretary-General and approved by the Gen Ass on 22 October 1949 (resolution 361 (IV)). It came into force on the same date in accordance with its art II.

2) 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.

3) With a view to settling the methods of issuing the laissez-passer, the UN Secretary-General and the Chairman of the ELC concluded, in accordance with section 28 of the Conv on the privileges and immunities of the UN and art XIV of the UN–UPU Agr, an Agr on the issue of the UN laissez-passer to 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."

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:

Done at Paris, 13 July 1949.

(signed) J-J Le Mouël
Chairman of the Executive
and Liaison Committee
of the Universal Postal Union

For the United Nations:

Done at Lake Success, New York,
27 July 1949.

(signed) Byron Price
Acting Secretary-General

Documents relating to the legal status of the Universal Postal Union (1)

(See Const, art 5, note 4.)

1) The Const contains no provs establishing the legal status of the Union on the territory of member countries (see, eg 1945 FAO Const, art XVI; 1945 UNESCO Conv, art XII; 1946 WHO Const, art 66; 1944 ICAO Conv, art 47 and 1947 WMO Conv, art 27).

A. On Swiss territory (1)

I. Agreement on privileges and immunities of the United Nations concluded by the Swiss Federal Council and the Secretary-General of the United Nations (2) (3)

(Dated 19 April 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.

1) In view of the Union's status as a specialized agency of the UN (see notes to Const, art 9), 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 (see Summary Record of that session, p 11). The appropriate correspondence is reproduced on pp 294–296.
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 on pp 300–302.
The Federal Assembly of the Swiss Confederation approved by decree dated 29 September 1955 the Agr of 19 April 1946 and the correspondence between the Federal Political Department and the Secretary-General of the ELC in 1948 concerning the legal status of the Union. Furthermore, by decree of 30 September 1955, the Federal Assembly authorized the Federal Council to modify or supplement, under certain conditions, the Agrs concluded with international organizations in order to determine their legal status in Switzerland.
In accordance with this procedure, the title and part 16 of the Agr were changed in 1963. As a supplement to this Agr on privileges and immunities and so as to unify the system of customs privileges granted to the UN and the specialized agencies, the Federal Council laid down a series of practical measures in "Customs Regulations of 23 April 1952" (for French text see Doc ONU ST/Leg/Ser B/10, p 63 et seq).

2) Annex 1 to the Report of the Secretary-General of the UN on negotiations with the Swiss Federal Council (Doc A/175) approved by the UN Gen Ass on 14 December 1946 (resolution 98 (I)); see also "Recueil officiel des lois et ordonnances de la Confédération Suisse" (Official collection of laws and decrees of the Swiss Confederation), 1956, pp 1171–1179.

3) 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.

Section 6

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.

Article III
Facilities in respect of communications

Section 7 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 8 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.

Article IV
The representatives of Members of the United Nations

Section 9 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:

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.

Section 13

In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

Article V
Officials of the United Nations

Section 14

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 15 Officials of the United Nations shall:

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.

Section 16 (1) (2) 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.

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1) 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.

2) 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.

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. Section 18

Article VI
Experts on missions for the United Nations

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: Section 19

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.

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. Section 20

Article VII
United Nations laissez-passer (1)

Section 21 The United Nations may issue United Nations laissez-passer to its officials. These laissez-passer shall be recognized and accepted as valid travel documents by the Swiss authorities taking into account the provisions of section 22.

Section 22 Applications for visas (where required) from the holders of United Nations laissez-passer, 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 23 Similar facilities to those specified in Section 22 shall be accorded to experts and other persons who though not holders of United Nations laissez-passer, have a certificate that they are travelling on the business of the United Nations.

Section 24 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-passer on the business of the United Nations, shall be granted the same facilities as are accorded to diplomatic envoys.

Section 25 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.

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1) See Supplementary Agr to the UN–UPU Agr.

Article VIII
Settlement of disputes

Section 26 The United Nations shall make provision for appropriate modes of settlement of:

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, 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. Section 27

Final article

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 28

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. Section 29

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 (1)

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. (2)

I am, etc,
For the Federal Political Department:
(signed) Secrétan
International Organizations

1) See "Recueil systématique du droit fédéral suisse" (Systematic Collection of Swiss Federal Law), 0.192.120.278.3.

2) The Statute of 31 January 1947 referred to in this para 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 of the UPU, No o.F. 13.6.7.A-MX of 22 July 1953.) See art V, note 2.
For the text of the Federal Council's decision of 30 December 1947, see the UN publication "Legislative texts and treaty provisions concerning the legal status, privileges and immunities of international organizations" (ST/Leg/Ser.B/10 vol 1, p 92).
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 of the UPU (see art V, note 1).

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 (1)

(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,

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1) See "Recueil systématique du droit fédéral suisse" (Systematic Collection of Swiss Federal Law), 0.192.120.278.3.

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. (1)

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

1) See "Recueil systématique du droit fédéral suisse" (Systematic Collection of Swiss Federal Law), 0.192.120.278.3

B. Federal decree concerning the conclusion or amendment of agreements with international organizations in order to determine their legal status in Switzerland (1)

(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,

---

1) See "Recueil systématique du droit fédéral suisse" (Systematic Collection of Swiss Federal Law), 192.12.

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 (1)

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.

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1) 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.
The ELC devoted several meetings to the question of acceptance of the above-mentioned Conv by the UPU as a specialized agency (on this subject see the Summary Records for April 1948, pp 11 and 12; October 1948, pp 10 and 11; and May 1949, pp 7 and 8).
After the members of the Union had been consulted, as decided by the ELC, all the member countries taking part in the vote were in favour of acceptance by the Union of the "Convention on the privileges and immunities of specialized agencies", including the text of its annex VIII.
For details see the 1949 Rep, pp 1 and 2.
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 (ST/Leg/Ser D/4), have undertaken to apply to the UPU the provs of that Conv.

Country	*Date of deposit of instrument of accession or of receipt of subsequent notification*
Algeria	5 March 1964
Antigua and Barbuda	14 December 1988
Argentina	10 October 1963
Australia	9 May 1986
Austria	21 July 1950
Bahamas	17 March 1977 (declaration of continuity)
Barbados	19 November 1971
Belgium	14 March 1962
Botswana	5 April 1983
Brazil	22 March 1963
Bulgaria (People's Rep)	13 June 1968
Burkina Faso	6 April 1962
Byelorussia	18 March 1966

Country	*Date of deposit of instrument of accession or of receipt of subsequent notification*
Cambodia	15 October 1953
Chile	21 September 1951
China (People's Rep)	11 September 1979
Côte d'Ivoire (Rep)	28 December 1961
Cuba	13 September 1972
Cyprus	6 May 1964
Czech and Slovak Fed Rep	29 December 1966
Denmark	25 January 1950
Commonwealth of Dominica	24 June 1988
Ecuador	12 December 1958
Egypt	28 September 1954
Fiji	21 June 1971 (declaration of continuity)
Finland	31 July 1958
Gambia	1 August 1966 (declaration of continuity)
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
India	19 October 1949
Indonesia	8 March 1972
Iran	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
Luxembourg	20 September 1950
Madagascar	3 January 1966
Malawi	2 August 1965
Maldives	26 May 1969
Mali	24 June 1968
Malta	27 June 1968 (with effect from 21 September 1964)
Malaysia	29 March 1962 (with effect from 31 August 1957)
Mauritius	18 July 1969 (with effect from 12 March 1968)
Mongolian People's Rep	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 (declaration of continuity)
Norway	25 January 1950
Pakistan	15 September 1961

Country	*Date of deposit of instrument of accession or of receipt of subsequent notification*
Poland (Rep)	19 June 1969
Romania	15 September 1970
Rwanda	15 April 1964
Saint Lucia	2 September 1986
Senegal	2 March 1966
Sierra Leone	13 March 1962 (declaration of continuity)
Singapore	18 March 1966 (declaration of continuity)
Spain	26 September 1974
Sweden	12 September 1951
Thailand	28 April 1965
Togo	16 September 1975
Tonga	17 March 1976 (declaration of continuity)
Trinidad and Tobago	19 October 1965
Tunisia	3 December 1957
Uganda	11 August 1983
Ukraine	13 April 1966
USSR	10 January 1966
Uruguay	29 December 1977
Yugoslavia	23 November 1951
Zaire	8 December 1964
Zambia	16 June 1975 (declaration of continuity)

Bulgaria (People's Rep), Byelorussia, Cuba, Czech and Slovak Fed Rep, Hungary (Rep), Mongolian People's Rep, Poland (Rep), Romania, Ukraine and the USSR made one reservation when acceding to this Conv. They say that disagreements and differences of opinion which could arise in applying the Conv can only be submitted to the International Court of Justice with the consent of the parties to the dispute.

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).

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.

Section 8

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 9

The specialized agencies, their assets, income and other property shall be:

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.

Section 10 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.

Article IV
Facilities in respect of communications

Section 11 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 12 No censorship shall be applied to the official correspondence and other official communications of the specialized agencies.
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.

Section 17

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.

Article VI
Officials

Section 18 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 19 Officials of the specialized agencies shall:

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.

Section 20 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 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.

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 22

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. Section 23

Article VII
Abuses of privilege

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 24

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 Section 25

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

Section 26 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 27 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 28 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.

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 for travel as are accorded to officials of comparable rank in diplomatic missions. Section 30

Article IX
Settlement of disputes

Each specialized agency shall make provision for appropriate modes of settlement of: Section 31

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.

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. Section 32

Article X
Annexes and application to individual specialized agencies

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 33

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.

Section 37 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 38 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 39 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.

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. Section 40

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.

Article XI
Final provisions

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 41

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 42

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 43

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.

Section 47 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.

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.

Alphabetical index

Note. – The figures in small type above the line refer to the paragraphs of the articles concerned. The roman figures followed by the letters FP or AP refer to articles of the Final Protocol to the Constitution or the Additionnal Protocols to the Constitution respectively.

	Constitution Article	General Regulations Article	Page
Abbreviations	–	–	XXVII
Abrogation of Acts of preceding Congress	31^{2}	–	46
Abuses of privilege by specialized agencies	–	–	311
Accession			
– to the Additional Protocol	IX, X AP	–	67
– to the Agreements	27, X AP	–	44, 67
– – Notification	27^{2}	–	44
– to the Constitution and obligatory Acts	11^{3}, I FP	–	23, 63
– to the Convention on the privileges and immunities of the specialized agencies	–	–	315
– to the Union	11	–	23
– – Allocation of contribution class	21^{4}	–	34
– – Notification	11^{5}	–	23
Accounts of the Union. Approval	–	–	153
– Clearing up of access	–	–	177
– Liquidation of account in access	–	–	175
Acts of the Union	22	–	35
– Application to territories for whose international relations a member country is responsible	23	–	39
– Declarations made on signature of	–	–	69
– Depository	–	$109^{2.1}$	107
– Final Protocols to	22^{6}	–	36
– Interpretation	32	–	48
– Notification of ratifications and other forms of approval of	26	–	43
– Obligatory	$22^{2,3}$	–	35
– – Accession to	11^{3}, I FP	–	23, 63
– of 1989 Washington Congress. Entry into force	–	–	180
– of preceding Congress. Abrogation	31^{2}	–	46
– of Restricted Unions and special Agreements	–	116	120
– other than the Constitution. Approval	25^{4}	–	41
– Presentation of proposals	29	119, 120	45, 123, 125
– Requests for interpretation and amendment of	–	113^{2}	117
– Reservations to	22^{6}	–	36, 210
– Signature of	25^{1}	–	41, 210
Additional Protocol to the Constitution	30^{2}	–	46
– Accession to	IX, X AP	–	67
– Entry into force and duration of	XI AP	–	68
– Notification of ratifications	26	–	43
Administrative and technical services	–	–	276
Administrative Conferences	16	–	29
Admission as a member country	11	–	23
– Assignment of contribution class	21^{4}	–	34
– Consultation of member countries	$11^{3,4}$	–	23
– Notification	11^{5}	–	23

	Constitution Article	General Regulations Article	Page
Admission of the press to the general debate	–	–	169
Agreement			
– on the privileges and immunities of the UPU in Switzerland	–	–	285
– – Amendments	–	–	293
– – Entry into force	–	–	279
– – outside Switzerland	–	–	303
Agreements of the Union	22[4]	–	35
– Accession	27, X AP	–	44, 67
– – Notification of.	27[2]	–	44
– Amendment	31[1]	–	46
– Denunciation	28	–	44
– Detailed Regulations	22[4, 5]	–	35
– Study of the structure	–	–	153
Aid provided by the Government of the Swiss Confederation in the field of the Union's finances	–	–	164
Amendment			
– of the Agreements	31[1]	–	46
– – Entry into force and duration of.	31[2]	–	46
– of the Constitution	30	–	45
– – Entry into force of	30[2]	–	46
– – Ratification of.	30[2]	–	46
– of the Convention	31	–	46
– – Entry into force and duration of.	31[2]	–	46
– of the General Regulations	31[1]	–	46
– – Entry into force and duration of.	31[2]	–	46
– of the Rules of Procedure of Congresses	–	–	210
Annual Report on the work of the Union	–	102[6.15], 118	83, 122
Approval of the Union's accounts	–	–	153
Approval of Acts of the Union other than the Constitution	25[4]	–	41
– Notification	26	–	43
Approval of comprehensive report on the work of the Consultative Council for Postal Studies	–	105[3]	98, 172
Approval of comprehensive report on the work of the Executive Council	–	103[2]	91, 172
Approval of Detailed Regulations considered by Congress	–	–	188
Approval of Director-General's report	–	–	172
Approval of draft decisions by Congress	–	–	208
Arbitration	32	127	48, 135
Arbitration awards	–	–	48
Arbitration procedure	–	127	135
Arrangements with UN concerning personnel	–	–	275
Arrears. Clearing up of accounts	–	–	177
– Liquidation of accounts	–	–	175
Assignment of studies to the Executive Council and the Consultative Council for Postal Studies	–	–	209
Assistance to the United Nations	–	–	274
Authentication of Detailed Regulations	25[2]	–	41
Bibliography	–	–	XXI
Bodies of the Union	13	–	27

	Constitution Article	General Regulations Article	Page
– Secretariat	–	111	115
Budgetary arrangements	–	–	277
Bureau of Congress	–	–	195
Chairmanships and vice-chairmanships of Congress and Committees	–	–	194
– of the Executive Council	–	–	213
– of the Consultative Council for Postal Studies	–	–	232
Clearing house	–	113	116
Coming into operation and duration of the Constitution	33	–	56
Committees of Congress. Chairmanship and vice-chairmanships	–	–	170
– Restricted	–	–	171
Communications facilities granted			
– to the specialized agencies	–	–	308
– to the UN	–	–	288
Comprehensive report on the work of the CCPS	–	105[3]	98
– Approval of	–	–	172
Comprehensive report on the work of the EC	–	103[2]	91
– Approval of	–	–	172
Conditions of approval of proposals to Congress	–	–	205
Congress	13[1], 14	–	27, 28
– Approval of draft decisions	–	–	208
– Bureau	–	–	195
– Chairmanships and vice-chairmanships	–	–	170
– Committees	–	102[6.26, 6.27]	83, 84, 195
– – Chairmanship and vice-chairmanships	–	–	170
– – Restricted. Members	–	–	171
– – Preparation of reports instead of minutes	–	102[6.28]	84, 207
– Debates	–	101[3]	77, 202
– Delegates' credentials	–	101[2]	77, 191
– Delegations	–	101[2]	77, 190
– Doyen	–	–	193
– Draft decisions. Approval of	–	–	208
– Expenditure relating to meeting of	21[1]	124[1, 2]	34, 128, 129
– Languages of debates	–	107[9, 10, 11]	100, 197
– Languages used for drafting documentation	–	107[1]	99, 198
– Membership of Committees	–	–	195
– Minutes	–	–	207
– Motions on points of order and procedural motions	–	–	203
– Observers	8[2]	102[6.17]	15, 83, 192
– Order of seating	–	–	192
– Organization and convening of	–	101	77
– Preparation of work of	–	111	115
– Procedure for submitting proposals	–	119	123
– Proposals	–	–	198, 200, 205
– Quorum for votes	–	–	204
– Rules of Procedure	–	106	98, 190
– – Amendments	–	–	210

	Constitution Article	General Regulations Article	Page
– Secretariat	–	–	196
– Venue of the 21st Universal Postal Congress	–	–	174
– Voting	–	–	204
– – Procedure	–	–	204
– Working Parties	–	–	196
Congress documents. Languages used for drafting of	–	–	198
Consideration of proposals in Congress and in Committees	–	–	200
– between Congresses	–	121	126
Constitution	22[1]	–	35
– Accession.	11[3], I FP	–	23, 63
– Additional Protocol	30[2]	–	46
– – Accession.	IX, X AP	–	67
– – Entry into force and duration	XI AP	–	68
– Amendment	30	–	45
– Coming into operation and duration	33	–	56
– Denunciation	12[1]	–	26
– Final clause	–	–	56
– Preamble	–	–	4
– Quorum	–	–	204
– Ratification	25[3, 5]	–	41
– – Notification of.	26	–	43
Consultative Council for Postal Studies.	13, 18	–	27, 30
– Assignment of studies to the Consultative Council for Postal Studies by Congress	–	–	209
– Composition, functioning and meetings	–	104	92
– Comprehensive report on the work. Approval	–	105[3]	98, 172
– Documentation on activities of	–	105	98
– Election of members	–	104[2]	92, 206
– Functions	–	104[9]	93
– List of Member Countries	–	–	94
– Reimbursement of travel expenses of members	–	104[4]	92
– Rules of Procedure	–	104[6]	92, 229
– Work programme	–	104[12]	94, 154
Contribution classes of member countries	21[3, 4]	125	34, 132
Contributions of member countries	21[3, 4]	–	34
Convention	22[3], 31	–	35, 46
– Detailed Regulations	22[3, 5]	–	35
– Study of the structure	–	–	153
Convention on the privileges and immunities of the specialized agencies	–	–	303
– Accession to	–	–	315
Coordination Committee for the Permanent Bodies of the Union	–	–	147
Credentials of Congress delegates	–	–	191
Deadlines for replies to questionnaires	–	–	168
Debates of Congress	–	–	202
– Languages used for	–	107	99, 197
Decisions adopted between Congresses	–	122	127
– Implementation of	–	123	128
Decisions. Approval of draft – by Congress	–	–	208
Decisions other than those amending the Acts	–	–	139

	Constitution Article	General Regulations Article	Page
Declaration on the Granting of Independence to Colonial Countries and Peoples. Implementation of ...	–	–	174
Declarations made on signature of the Acts	–	–	69
Delegations to Congress	–	–	190
Denunciation of an Agreement	28	–	44
Denunciation of the Constitution	12[1]	–	26
Deputy Director-General of the International Bureau			
– Duties	–	110	115
– Election	–	108	104, 188
Detailed Regulations of the Convention	22[3, 5]	123	35, 128
Detailed Regulations of the Agreements	22[4, 5]	123	35, 128
Detailed Regulations considered by Congress	–	–	188
Director-General of the International Bureau			
– Duties	–	109	107
– Election	–	108	104, 188
– Report. Approval of	–	–	172
Disputes	32	127	48, 135
Documentation on the activities of the EC	–	103	91
Documentation on the activities of the CCPS	–	105	98
Documentation of the Union			
– Languages used for publication of	–	107	99
Doyen of Congress	–	–	193
Draft decisions. Approval by Congress	–	–	208
Duration			
– of Additional Protocol	XI AP	–	68
– of Constitution	33	–	56
– of General Regulations	–	130	137
Election of members of the Executive Council and Consultative Council for Postal Studies	–	102[3], 104[2]	82, 92, 206
Election of the Director-General and Deputy Director-General of the International Bureau	–	108	104,188, 207
Entry into force and duration of the Constitution	33	–	56
Entry into force of Additional Protocol	XI AP	–	68
Entry into force and duration of the General Regulations	–	130	137
Entry into force of the Acts of Congress	–	–	180
Entry into force of UN–UPU Agreement	–	–	279
Exceptional relations	4	–	12
Exchange of information between the UPU and the UN	–	–	273
Expenditure of the Union	21	124	34, 128
– Choice of contribution class for apportionment ...	21[3, 4]	–	34
– Exceeding of	21[2]	124[3, 4, 5]	34, 129
– Fixing and regulation of	–	124	128
Expenditure relating to the organization of the next Congress	21[1]	124[2]	34, 129
Executive Council	13, 17	–	27, 29
– Composition, functioning and meetings	–	102	81
– Comprehensive report on the work of, approval ..	–	103[2]	91, 172
– Documentation on activities of	–	103	91
– Election of members	–	102[3]	82, 206
– Functions	–	102[6]	82, 212

	Constitution Article	General Regulations Article	Page
– Geographical distribution of seats	–	102[3]	82
– Immediate application of new legislative powers	–	–	146
– List of Member Countries of	–	–	85
– Representation of members	–	–	175
– Rules of Procedure	–	102[8]	84, 211
Experts on missions for the United Nations	–	–	291
Extraordinary Congresses	15	101	29, 77
– Organization and convening of	–	101	77
Final clause of the Constitution	–	–	56
– of the Fourth Additional Protocol to the Constitution	–	–	68
– of the Final Protocol to the Constitution	–	–	64
– of the General Regulations	–	–	138
Final Protocol to the Constitution	I FP	–	63
Final Protocols to the Acts	22[6]	–	36
Finances of the Union. Aid provided by Government of Swiss Confederation	–	124[10]	130, 164
Financial regulations of the UPU	–	102[6.7]	82
Financing of special services	–	–	278
Fixing and regulation of the expenditure of the Union	–	124	128
Foreword	–	–	V
Forms supplied by the International Bureau	–	115	119
Freedom of transit	1[1]	–	5
General Debate. Admission of the Press	–	–	169
– Institution	–	–	173
General Regulations	22[2]	–	35
– Amendment of	31[1]	–	46
– Entry into force and duration of	–	130	137
Historical outline	–	–	VII
Immediate application of the new legislative power of the EC	–	–	146
Implementation by the specialized agencies of the Declaration on the Granting of Independence to Colonial Countries and Peoples	–	–	174
Implementation of decisions adopted between Congresses	–	123	128
Implementation of UN–UPU Agreement	–	–	279
Information to be supplied by the International Bureau	–	113	116
Inquiries	–	113	116
Institution of a General Debate	–	–	173
Inter-agency agreements	–	–	278
International Bureau	13, 20	–	27, 33
– Director-General and Deputy Director-General			
– – Duties	–	109, 110	107, 115
– – Election	–	108	104, 188
– Forms supplied	–	115	119
– Information to be supplied	–	113	116
– Inquiries	–	113	116
– Opinions given	–	113	116
– Payment for supplies	–	126	134

	Constitution Article	General Regulations Article	Page
– Requests for interpretation and amendment of the Acts	–	113	116
– Role in the settlement of accounts	–	113	116
International collaboration	Preamble, 1[2]	–	4, 5
International organizations. Relations with	10	–	22, 173
Interpretation of the Acts of the Union	32	113[2]	48, 117
Juridical personality			
– of the specialized agencies	–	–	306
– of the UN	–	–	286
Jurisdiction of the Union	3	–	11
Laissez-passer of the United Nations	–	–	292, 312
Languages of debates at Congress	–	107[9, 10, 11]	100, 197
Languages used for drafting Congress documents	–	–	198
Languages used for the publication of documents, for debates and for official correspondence	–	107	99
Legal status of the Union	–	–	285, 294
– Documents	–	–	285
Liaison between the UN and the UPU	–	–	278
List of Member Countries	–	112	116
Management of the Union's work. Subsequent improvement	–	–	152
Member countries of the Union	2	–	9
– Contributions	21[3, 4]	–	34
– List	–	112	116
Members of the Union (see Member countries of the Union)			
Membership of Congress Committees	–	–	195
Minutes of Congress and Committees	–	–	207
Monetary unit	7	–	14
Motions on points of order and procedural motions submitted to Congress	–	–	203
– submitted to the Consultative Council for Postal Studies	–	–	240
– submitted to the Executive Council	–	–	223
National legislation.	24	–	40
Notification			
– of accessions to the Union	11[5]	–	23
– – to the Agreements	27[2]	–	44
– of admissions to the Union	11[5]	–	23
– of decisions adopted between Congresses	–	122	127
– of ratifications and other forms of approval of the Acts	26	–	43
Objectives of the Union	Preamble, 1[2, 3]	–	4, 5
Observers at Congress	–	102[6.17]	83, 192
– at the Consultative Council for Postal Studies	–	104[13, 14]	94, 231
– at the Executive Council	–	102[12, 13, 14]	84, 85, 212
– of the Restricted Unions	8[2]	–	15, 193, 212

	Constitution Article	General Regulations Article	Page
– of the Union at meetings of Restricted Unions	8[3]	–	15, 212
Official correspondence. Languages used	–	107	99
Official language of the Union	6	–	13
Officials			
– of the specialized agencies	–	–	310
– of the United Nations	–	–	289
Opinions given by the International Bureau	–	113	116
Order of seating at Congress	–	–	192
Payment for supplies from the International Bureau	–	126	134
Permanent bodies of the Union	13[2]	–	27
Permanent project to safeguard and enhance the quality of the service	–	–	163
Postal territory	1[1], 3	–	5, 11
Preamble			
– to the Additional Protocols	–	–	66
– to the Agreement between the United Nations and the Universal Postal Union	–	–	267
– to the Constitution	–	–	4
– to the General Regulations	–	–	77
Preparation of the work of Congress	–	111	115
Presentation of proposals	29	–	45
Procedure for accession or admission to the Union	11	–	23
Procedure for consideration of proposals between Congresses	–	121	126, 200
Procedure for submitting proposals between Congresses	–	120	125
Procedure for submitting proposals to Congress	–	119	123
Procedure for withdrawal from the Union	12	–	26
Property, funds and assets			
– of the UN	–	–	286
– of the specialized agencies	–	–	307
Proposals			
– concerning the Acts of the Union	29[1]	–	45
– concerning the Agreements with the United Nations	–	129	136
– concerning the Constitution and the General Regulations	29[2]	119[2]	45, 124
– concerning the Constitution. Conditions for approval	30[1]	–	45, 205
– concerning the General Regulations. Conditions for approval	–	128	136, 205
– submitted to Congress	–	119	123, 198
Quality of the service. Permanent project	–	–	163
Questionnaires. Deadlines for replies	–	–	168
Quorum			
– required for the Constitution	–	–	204
– required for the General Regulations	–	128	136, 204
– required for the other Acts	–	–	204, 205
Ratification of the Constitution and of the Additional Protocols	25[3, 5]	–	41
– Notification of	26, IX, X, AP	–	43, 67
Recommendations of the UN	–	–	271

	Constitution Article	General Regulations Article	Page
Reciprocal representation between the UPU and the UN	–	–	269
Reinforcement of the priority activities of the Union	–	–	178
Relations with international organizations	10	–	22, 173
Relations with the United Nations	9	–	18, 173
Representation of the members of the EC	–	–	175
Representatives of			
– Members of the specialized agencies	–	–	308
– Members of the UN	–	–	288
Requests for interpretation and amendment of the Acts	–	113	116
Reservations to the Acts	22[6]	–	36, 210
Reserve Fund	–	102[6.8], 124[9]	82, 130
Resolutions and decisions other than those amending the Acts	–	–	139
Responsibility imposed by application of the Acts	32	–	48
Restricted Unions	8	–	14
– Acts and Special Agreements	–	116	120
– Observers	8[2]	–	15
– Union observers	8[3]	–	15
Rules of Procedure of Congresses	–	106	98, 189
– Amendments to	–	–	210
Rules of Procedure of the CCPS	–	104[6]	92, 229
Rules of Procedure of the EC	–	102[8]	84, 211
Scope of the Union	1[1]	–	5
Seat of the Union	5	–	12
Second phase of the transfer to the EC of some of the legislative functions of Congress	–	–	147
Secretariat of Congress and Committees	–	–	196
Secretariat of the Union's bodies	–	111	115
Settlement of accounts. Role of the International Bureau	–	113	116
Settlement of disputes concerning the Agreement on privileges and immunities of the UN	–	–	292
– Convention on the privileges and immunities of the specialized agencies	–	–	313
Signature of the Acts of the Union	25[1]	–	41, 210
– Declarations made on	–	–	69
Signatures of the Constitution	–	–	57
Signatures of the General Regulations	–	–	138
Social Fund	–	102[6.14]	82
Special Activities Fund	–	102[6.9]	82
Special Agreements	8[1]	116	14, 120
Special Committees	19	–	32
Specialized agencies	–	–	267, 303
– Abuses of privilege	–	–	311
– Communications facilities granted to	–	–	308
– Convention on the privileges and immunities of	–	–	303
– – Accession	–	–	315
– Implementation by the – of the Declaration on the Granting of Independence to Colonial Countries and Peoples	–	–	174
– Juridical personality	–	–	306

	Constitution Article	General Regulations Article	Page
– – Assignment of contribution class	21[4]	–	34
– – Notification of.	11[3, 5]	–	23
– Acts	22	–	35
– – Compulsory Acts	22[2, 3]	–	35
– – Interpretation of.	32	113[2]	48, 117
– – Notification of ratifications and other forms of approval of	26	–	43
– – Reservations to	22[6]	–	36, 210
– – Signature of	25[1]	–	41, 210
– Agreements	22[4]	–	35
– – Accession to	27, X AP	–	44, 67
– – Amendment of	31[1]	–	46
– – Denunciation of	28	–	44
– – Detailed Regulations	22[4, 5]	–	35
– Annual Report on work of the	–	102[6.15], 118	83, 122
– Bodies	13, I AP	–	27, 66
– – Permanent	13[2], I AP	–	27, 66
– Creation and development	–	–	VII
– Documentation. Languages used for publication	–	107	99
– Exchange of information with the UN	–	–	273
– Expenditure of the Union	21	124	34, 128
– – Exceeding of	21[2]	124[3, 4, 5]	34, 129
– – Fixing and regulation of	–	124	128
– Finances. Aid provided by the Government of the Swiss Confederation	–	–	164
– Financial Regulations	–	102[6.7]	82
– Interpretation of Acts	32	–	48
– Jurisdiction	3	–	11
– Legal status	–	–	294
– Member countries.	2	–	9
– – Contributions	21[3, 4]	124[8]	34, 129
– Monetary unit	7	–	14
– Objectives	Pre-amble, 1[2, 3]	–	4, 5
– Official language	6	–	13
– Periodical	–	117	120
– Priority activities. Reinforcement	–	–	178
– Relations with international organizations	10	–	22
– Relations with the UN	9	–	18
– Scope	1[1]	–	5
– Seat	5	–	12
– Withdrawal	12	–	26
Voting procedure at Congress	–	–	204
Washington General Action Plan	–	–	180
Withdrawal from the Union	12	–	26
– Effect	12[2]	–	27
Work of the Union. Annual Report on	–	102[6.15], 118	83, 122
Working Parties of Congress	–	–	196
World Post Anthem	–	–	178