

# **CONSTITUTION OF THE ASIAN-PACIFIC POSTAL UNION**

*(as amended by the Second Additional Protocol to the Constitution of the APPU, adopted at Tehran, Iran on 18 September 2000)*

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# **CONSTITUTION OF THE ASIAN-PACIFIC POSTAL UNION**

*(as amended by the Second Additional Protocol to the Constitution of the APPU, adopted at Tehran, Iran on 18 September 2000)*

## **Preamble**

The undersigned representatives, duly authorized by their respective governments:

- considering the importance of the common problems which face the postal administrations in the Asian and Pacific area;
- convinced of the necessity of instituting and developing the maximum degree of co-operation between them; and
- in the exercise of the rights granted them by the constitution of the Universal Postal Union;

have agreed to adopt, under reservation of ratification, acceptance or approval by their respective governments, this Constitution.

## **Section I Organic provisions**

### **Chapter I General provisions**

#### **Article 1 Constitution and purpose of the Union**

1. The countries between which the present Constitution is adopted form, under the name of “Asian-Pacific Postal Union”, hereafter referred to as “the Union”, a single postal territory.
2. The purpose of the Union is to extend, facilitate and improve postal relations between member-countries and to promote cooperation in the field of postal services.

#### **Article 2 Members of the Union**

Member-countries of the Union are:

- (a) Countries which have membership status at the date on which this Constitution comes into force.
- (b) Countries admitted to membership in accordance with Article 6.

#### **Article 3 Official language**

English shall be the official language of the Union

#### **Article 4 Special agreement**

Member-countries of the Union, or their postal administrations if the legislation of those countries so permits, may conclude special agreements concerning the international postal service, on condition that they do not introduce provisions less favourable to the public than those laid down in the Acts of the Union.

## **Article 5 Exchange of postal officials**

Postal administrations of member-countries may conclude agreements to affect an exchange or a unilateral dispatch of postal officials to carry out studies regarding the development and improvement of postal services. Each postal administration shall extend to such officials from another postal administration all co-operation and facilities necessary.

## **Chapter II Accession to or withdrawal from the Union**

### **Article 6 Accession to the Union**

1. Any sovereign country which is a member of the Universal Postal Union, and whose entire territory is situated in Asia, Australasia, Melanesia, Micronesia or Polynesia may accede to the Asian-Pacific Postal Union. For the purpose of this Article the term “Asia” shall refer to countries in Asia east of and including Iran.
2. Accession to the Union shall entail a formal declaration of accession to the Acts of the Union. It shall be addressed by the government of the country concerned to the Director of the Bureau, who shall notify the accession after consulting with the member-countries on the application for admission.
3. Accession to membership shall be notified by the Director of the Bureau to the governments of the other member-countries. It shall take effect from the date of such notification.
4. Any country which has the required qualifications but which cannot comply with any provision of Chapter V of the General Regulations may apply for membership to the Union with reservations.
5. Application for membership, in accordance with paragraph 4, shall be addressed by the government of the country concerned to the Director of the Bureau, who shall consult the member-countries on the application for admission.
6. The country concerned is admitted if its request is approved by the majority of member-countries.
7. Member-countries failing to reply to the consultation within four months from the date of notification are considered as abstaining.

### **Article 7 Withdrawal from the Union**

1. Any member-country has the right to withdraw from the Union by means of a notice of its renunciation of the Acts of the Union given by the government of the country concerned to the Director of the Bureau and by him to the governments of other member-countries accordingly.
2. Withdrawal from the Union becomes effective at the expiry of one year from the date of receipt of the notification from the withdrawing country by the Director of the Bureau.

## **Chapter III Organisation of the Union**

### **Article 8 Organs of the Union**

The following are established as the organs of the Union: Congress, the Executive Council and the Bureau. The purposes and functions of these organs are prescribed in this chapter and in the General Regulations.

## **Article 9 Congress**

Congress, being the supreme organ of the Union, is composed of representatives of member-countries.

## **Article 10 Extraordinary Congresses**

An extraordinary Congress may be held at the request or with the consent of at least two-thirds of the member-countries. Unless it is unavoidable, this session should be held in conjunction with the Executive Council meeting.

## **Article 11 Executive Council**

To ensure the continuity of the work of the Union in the intervals between Congresses, the Executive Council meets, in principle once each year, unless the majority of member-countries decide otherwise.

## **Article 12 Bureau**

1. The Bureau serves as a medium of liaison, information, inquiry and training for the member-countries of the Union.
2. The Bureau is composed of the administrative section and the training section.
3. The host country of the Bureau shall be determined by Congress, or in exceptional circumstances by the Executive Council. In principle, that country shall remain as the host of the Bureau for at least five years.

## **Chapter IV Finances of the Union**

### **Article 13 Expenditure of the Union**

The annual expenditure of the Union shall be separate for the administrative section and for the training section. Each Congress of the Union decides on the maximum amount for the annual expenditure for the administrative section on the basis of the recommendation made by the Director of the Bureau. The expenditure for the administrative section is shared by all the member-countries of the Union. The contribution units of each member-country shall be determined on the basis of that member-country's Universal Postal Union contribution class, as prescribed in the General Regulations of the Asian-Pacific Postal Union. The annual expenditure for the training section is covered in principle by participating countries in direct proportion to their use of the training course and by voluntary contributions of the other countries or organisations or the administrative section.

## **Section II Acts of the Union**

### **Chapter I General provisions**

#### **Article 14 Acts of the Union**

1. The Constitution is the basic Acts of the Union. It contains the organic rules of the Union.
2. The General Regulations embody those provisions which ensure the application of the Constitution and the working of the Union and those provisions which concern the international postal service between the member-countries. They shall be binding on all member-countries.
3. The Additional Protocols of the Constitution and those of the General Regulations are the Acts of the Union.
4. The Final Protocol annexed to the General Regulations as their integral parts contain the reservations to the General Regulations.

### **Chapter II Acceptance of the Acts of the Union**

#### **Article 15 Signature, ratification and other forms of approval of the Acts of the Union**

1. Signature of the Acts of the Union by plenipotentiaries shall take place at the end of the Congress. The plenipotentiary delegates having proxy powers of those who are not attending the Congress should also sign the Acts of the Union on their behalf subject to ratification, acceptance or approval by such proxied countries. Credentials for the proxy governments must be issued by the governments being represented in the form and manner that would apply if those member-countries were acting on their own behalf.
2. The Constitution and the Additional Protocols thereto and the other Acts of the Union shall be ratified, accepted or approved as soon as possible by the signatory countries in accordance with their constitutional regulations.
3. When a country does not ratify, accept or approve the Acts of the Union which it has signed, the Constitution and other Acts shall be no less valid for the other countries that have ratified, accepted or approved them.

#### **Article 16 Notification of Ratification and other forms of approval of the Acts of the Union**

The instruments of ratification, acceptance or approval of the Constitution and the Additional Protocol thereto and such instruments of the other Acts of the Union shall be deposited as soon as possible with the Director of the Bureau, who shall notify the governments of the other member-countries of these deposits.

#### **Article 17 Accession to the Acts of the Union**

1. Member-countries which have not signed the Constitution and the Additional Protocols thereto and the other Acts of the Union may accede to them at any time.
2. Formal declarations of accession shall be sent to the Director of the Bureau, who shall notify the governments of the member-countries of these deposits.

## **Chapter III Amendment of the Acts of the Union**

### **Article 18 Presentation of proposals**

1. The postal administration of a member-country has the right to present to Congress proposals concerning the Acts of the Union.
2. However, proposals concerning the provisions of Chapter V of the General Regulations may be submitted between Congresses.

### **Article 19 Amendment of the Constitution**

1. To be adopted, proposals submitted to the Congress and relating to this Constitution must be approved by at least two-thirds of the member-countries of the Union.
2. Amendments of the Constitution adopted by a Congress shall form the subject of an Additional Protocol of the Constitution and shall enter into force from the date set forth in such Protocol. They shall be ratified, accepted or approved as soon as possible by member-countries and the instruments of such ratification, acceptance or approval shall be dealt with in accordance with the procedure laid down in Article 16.

### **Article 20 Amendment of the General Regulations**

1. The General Regulations define the conditions to be fulfilled for the approval of proposals which concern them.
2. Amendments of the General Regulations adopted by a Congress shall form the subject of an Additional Protocol of the General Regulations and shall enter into force from the date set forth in such Protocol. They shall be ratified, accepted or approved as soon as possible by member-countries and the instruments of such ratification, acceptance or approval shall be dealt with in accordance with the procedure laid down in Article 16.

## **Chapter IV Universal Postal Congresses**

### **Article 21 Co-operation in Universal Postal Congresses**

Member-countries of the Union shall co-operate, as far as possible, in the Universal Postal Congresses, insofar as the proposals or matters to be considered are of common interest to them.

## **Chapter V Settlement of disputes**

### **Article 22 Arbitration**

Questions in dispute between two or more postal administrations of the member-countries shall be decided in the manner prescribed in the General Regulations of the Universal Postal Union.

## **Section III Final provisions**

### **Article 23 Effective date and duration of the Constitution**

This Constitution shall enter into force on 1 July 1987 and shall remain in force for an indefinite period.

In testimony whereof, the undersigned, being duly authorized representatives of their respective governments, have signed one copy of this Constitution, which shall be deposited in the archives of the government of the member-country in which the Central Office is situated, and of which a duplicate shall be transmitted to each member-country by that government.

Done at Bangkok, 4 December 1985.



## **SECOND ADDITIONAL PROTOCOL TO THE CONSTITUTION OF THE ASIAN-PACIFIC POSTAL UNION**

The plenipotentiaries of the governments of the member-countries of the Asian-Pacific Postal Union, met in Congress at Tehran, in view of Article 20 paragraph 2 of the Constitution of the Asian-Pacific Postal Union done at Bangkok on 4 December 1985, have adopted, subject to ratification, acceptance or approval, the following amendments to the Constitution of the Asian-Pacific Postal Union.

### **Article I**

(Preamble amended)

The undersigned representatives, duly authorized by their respective governments:

- considering the importance of the common problems which face the postal administrations in the Asian and Pacific area;
- convinced of the necessity of instituting and developing the maximum degree of co-operation between them; and
- in the exercise of the rights granted them by the constitution of the Universal Postal Union; have agreed to adopt, under reservation of ratification, acceptance or approval by their respective governments, this Constitution.

### **Article II**

(Article 3 amended)

Official language

English shall be the official language of the Union.

### **Article III**

(Article 6 amended)

Accession to the Union

1. Any sovereign country which is a member of the Universal Postal Union, and whose entire territory is situated in Asia, Australasia, Melanesia, Micronesia or Polynesia may accede to the Asian-Pacific Postal Union. For the purpose of this Article the term “Asia” shall refer to countries in Asia east of and including Iran.
2. Accession to the Union shall entail a former declaration of accession to the Acts of the Union. It shall be addressed by the government of the country concerned to the Director of the Bureau, who shall notify the accession after consulting with the member-countries on the application for admission.
3. Accession to membership shall be notified by the Director of the Bureau to the governments of the other member-countries. It shall take effect from the date of such notification.
4. Any country which has the required qualifications but which cannot comply with any provision of Chapter V of the General Regulations may apply for membership to the Union with reservations.
5. Application for membership, in accordance with paragraph 4, shall be addressed by the government of the country concerned to the Director of the Bureau, who shall consult the member-countries on the application for admission.
6. The country concerned is admitted if its request is approved by the majority of member-countries.

7. Member-countries failing to reply to the consultation within four months from the date of notification are considered as abstaining.

#### **Article IV**

(Article 7 amended)

##### Withdrawal from the Union

1. Any member-country has the right to withdraw from the Union by means of a notice of its renunciation of the Acts of the Union given by the government of the country concerned to the Director of the Bureau and by him to the governments of other member-countries accordingly.
2. Withdrawal from the Union becomes effective at the expiry of one year from the date of receipt of the notification from the withdrawing country by the Director of the Bureau.

#### **Article V**

(Article 8 amended)

##### Organs of the Union

The following are established as the organs of the Union: Congress, the Executive Council and the Bureau. The purposes and functions of these organs are prescribed in this chapter and in the General Regulations

#### **Article VI**

(Article 10 amended)

##### Extraordinary Congresses

An extraordinary Congress may be held at the request or with the consent of at least two-thirds of the member-countries. Unless it is unavoidable, this session should be held in conjunction with the Executive Council meeting.

#### **Article VII**

(Article 12 amended)

##### Bureau

1. The Bureau serves as a medium of liaison, information, inquiry and training for the member-countries of the Union.
2. The Bureau is composed of the administrative section and the training section.
3. The host country of the Bureau shall be determined by Congress, or in exceptional circumstances, by the Executive Council. In principle, that country shall remain as the host of the Bureau for at least five years.

## **Article VIII**

(Article 13 amended)

Asian-Pacific Postal Training Centre

Deleted

## **Article IX**

(Article 14 amended)

Expenditure of the Union

Article 14 is renumbered as Article 13.

The annual expenditure of the Union shall be separate for the administrative section and for the training section. Each Congress of the Union decides on the maximum amount for the annual expenditure for the administrative section on the basis of the recommendation made by the Director of the Bureau. The expenditure for the administrative section is shared by all the member-countries of the Union. The contribution units of each member-country shall be determined on the basis of that member-country's Universal Postal Union contribution class, as prescribed in the General Regulations of the Asian-Pacific Postal Union. The annual expenditure for the training section is covered in principle by participating countries in direct proportion to their use of the training course and by voluntary contributions of the other countries or organisations or the administrative section.

## **Article X**

(Article 15 amended)

Article 15 is renumbered as Article 14.

## **Article XI**

(Article 16 amended)

Article 16 is renumbered as Article 15.

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

1. Signature of the Acts of the Union by plenipotentiaries shall take place at the end of the Congress. The plenipotentiary delegates having proxy powers of those who are not attending the Congress should also sign the Acts of the Union on their behalf subject to ratification, acceptance or approval by such proxied countries. Credentials for the proxy governments must be issued by the governments being represented in the form and manner that would apply if those member-countries were acting on their own behalf.
2. The Constitution and the Additional Protocols thereto and the other Acts of the Union shall be ratified, accepted or approved as soon as possible by the signatory countries in accordance with their constitutional regulations.
3. When a country does not ratify, accept or approve the Acts of the Union which it has signed, the Constitution and other Acts shall be no less valid for the other countries that have ratified, accepted or approved them.

## **Article XII**

(Article 17 amended)

Notification of ratification and other forms of approval of the Acts of the Union

Article 17 is renumbered as Article 16.

The instruments of ratification, acceptance or approval of the Constitution and the Additional Protocols thereto and such instruments of the other Acts of the Union shall be deposited as soon as possible with the Director of the Bureau, who shall notify the governments of the other member-countries of these deposits.

## **Article XIII**

(Article 18 amended)

Accession to the Acts of the Union

Article 18 is renumbered as Article 17.

1. Member-countries which have not signed the Constitution and the Additional Protocols thereto and the other Acts of the Union may accede to them at any time.
2. Formal declarations of accession shall be sent to the Director of the Bureau, who shall notify the governments of the member-countries of these deposits.

## **Article XIV**

(Article 19 amended)

Article 19 is renumbered as Article 18.

## **Article XV**

(Article 20 amended)

Amendment of the Constitution

Article 20 is renumbered as Article 19.

1. To be adopted, proposals submitted to the Congress and relating to this Constitution must be approved by at least two-thirds of the member-countries of the Union.
2. Amendment of the Constitution adopted by a Congress shall form the subject of an Additional Protocol of the Constitution and shall enter into force from the date set forth in such Protocol. They shall be ratified, accepted or approved as soon as possible by member-countries and the instruments of such ratification, acceptance or approval shall be dealt with in accordance with the procedure laid down in Article 16.

## **Article XVI**

(Article 21 amended)

Amendment of the General Regulations

Article 21 is renumbered as Article 20.

1. The General Regulations define the conditions to be fulfilled for the approval of proposals which concern them.
3. Amendments of the General Regulations adopted by a Congress shall form the subject of an Additional Protocol of the General Regulations and shall enter into force from the date set forth in such Protocol. They shall be ratified, accepted or approved as soon as possible by member-countries and the instruments of such ratification, acceptance or approval shall be dealt with in accordance with the procedure laid down in Article 16.

## **Article XVII**

(Article 22 amended)

Article 22 is renumbered as Article 21.

## **Article XVIII**

(Article 23 amended)

Article 23 is renumbered as Article 22.

## **Article XIX**

(Article 24 amended)

Article 24 is renumbered as Article 23.

## **Article XX**

Entry into force and duration of the Second Additional Protocol to the Constitution of the Asian-Pacific Postal Union

This Second Additional Protocol shall come into force on 1 July 2002 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 second 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 have signed it in a single original which shall be deposited with the government of a member-country designated by the Congress. A copy thereof shall be delivered to each member-country by that government.

Done at Tehran, September 18, 2000