

DETAILED REVIEW OF APPU GOVERNING DOCUMENTATION
(Document prepared by the Reform Working Group)

| 1. Subject | References/paragraphs |
|---|---|
| <p>Informing Congress on:</p> <ul style="list-style-type: none"> - the background to the review of the Union's governing documentation and its link with the archiving project - the objective of the review of governing documentation - the objective of the archiving project - progress to date on the governing documentation review - specific observations regarding issues and remedial work undertaken to date for the Acts of the Union - specific observations regarding the actioning and completion of work on the Congress RoP - limitations regarding amending the Acts of the Union at the 2022 Congress and the interim solution - the remaining work to complete the review of the Acts of the Union: <ul style="list-style-type: none"> - annotating the Acts - ensuring the Acts are up-to-date, correct, aligned <ul style="list-style-type: none"> - summary of issues that need attention in the current Acts - the need to continue the review of the Acts of the Union - options to minimise the need to amend the Acts in future - other aspects of governing documentation | <p>§ 1</p> <p>EC 2021 Doc 13.3.3 EC 2021 Doc 5.3 (para 4.7) § 4.1, Table 1, Appendix 3 § 4.2.1</p> <p>§ 4.2.2 (i) – (iii)</p> <p>§ 4.2.2 (iv) – (v), Appendix 1</p> <p>§ 5.2, Appendix 3 § 5.3 (i) – (iii) § 5.3 (iv) – (v) Appendices 4 - 6 § 5.3 (vi) – (viii), Appendix 2</p> <p>§ 5.4 § 6</p> |
| 2. Decisions expected | References/paragraphs |
| <p>Congress is asked to:</p> <ul style="list-style-type: none"> - note the background and current position of the review of governing documentation - note the relationship between the review of governing documentation and the archiving project - note the issues that limit the amendment of the Acts of the Union at the 2022 Congress - approve a proposal for alternative methods being used to make changes to provisions at the 2022 Congress - note the significant work undertaken to date on the review of governing documentation - note the examples of current (apparent) issues in the Acts that emphasise the need to continue with the activity into the next cycle (2022-2026) - approve a proposal for a continuation of the governing documentation review - note the proposed approach for dealing with governing documentation other than the Acts of the Union | <p>§§ 1 – 4.2</p> <p>§§ 1.4 – 1.5, 5.2 (ii)</p> <p>§ 4.2.2 (iv) – (v)</p> <p>§ 4.2.2 (v), Appendix 1</p> <p>§ 4, Appendix 3</p> <p>§ 5.3 (iv) – (v) Appendices 4 - 6</p> <p>§ 5.3 (vi) – (viii), Appendix 2</p> <p>§ 6</p> |

1. Review of governing documentation – starting-point

- 1.1 One of the “relevance and value” roles of the Bureau is the management of important Union documents including the updating of governing documentation (where “governing documentation” refers to treaties, acts, regulations, rules, policies, etc).
- 1.2 Towards the end of his first term in office, the Secretary General expressed concern to the Bureau Consultant and to the Reform Working Group (WG) about the 2001 merger of the Central Office and the Training College, and whether the merger had been fully implemented (in terms of clarity of governance and key roles, dealing with transitional issues, ensuring acts and regulations were updated and aligned, etc). The Secretary General’s concern was based partly on what appeared to be clear examples of an unfinished merger / transition, and partly on his management experience (i.e., a sense that there was room for improvement in document knowledge, document management and focus on key governing documents).
- 1.3 Included in the Secretary General’s concern was the amount of time and effort required for the management and operation of the Training Section. He sensed that other key activities the Bureau is responsible for may have suffered as a result of the almost total focus on training since the merger had taken place.
- 1.4 Without knowing the existence or size of any issue that might be found, two pieces of work were agreed for the 2017-2022 cycle. These were:
 - (i) the review of governing documentation (this focused on whether the Union’s key documents were up-to-date, accurate, aligned, etc); and
 - (ii) the archiving project (this focused on completeness and organisation of documents and files, particularly the more important records, and ease of working within the documentation system).
- 1.5 At the time of agreeing these two activities, there was no perceived link between them. However, due to issues and general questions arising in the governing documentation work, there is now a strong reliance on the archiving project to ensure its outputs are designed in a way that efficiently supports the governing documentation review.

2. The intention of the governing documentation review

- 2.1 EC 2021 Doc 13.3.3 provided a summary of what the review covered i.e., purpose, scope, method, timing.
- 2.2 The objective was to complete the work prior to the 2022 Congress. In the event that the review identified any matters in the Constitution or General Regulations that needed amending, then the necessary proposals would be drafted and submitted to the 2022 Congress.

3. The intention of the archiving project

3.1 EC 2021 Doc 5.3 (paragraph 4.7) sets out details of the archiving project.

3.2 The objective was to complete the project prior to the 2022 Congress.

4. Update on review of governing documentation

4.1 The overall summary of activity on governing documentation is provided in Table 1 below.

Table 1: Summary of Activity on Governing Documentation

| Line | Category | Document | Activity |
|------|-----------------------|---|--|
| 1. | Acts of the Union | Convention / Constitution | Editable documents created, all changes made by respective Congresses marked up, annotating commenced, some drafting issues identified (but issue identification not yet completed). |
| 2. | | Detailed Regulations / General Regulations | Editable documents created, all changes made by respective Congresses marked up, annotating commenced, some drafting issues identified (but issue identification not yet completed). |
| 3. | Guidance for Meetings | RoP of Congresses | Full review completed, proposed changes identified, consultation undertaken, proposals submitted to 2022 Congress. |
| 4. | | RoP of EC | Documentation sourced, but no real review work undertaken yet. |
| 5. | Internal Arrangements | Bureau Staff Regulations | Documentation sourced, some review work undertaken. |
| 6. | | Bureau General Regulations | Documentation sourced, some review work undertaken. |
| 7. | | Bureau Financial Regulations | Documentation sourced, some review work undertaken. |
| 8. | | Reserve Funds (2 documents) | Documentation sourced, review work should be minimal (i.e., documentation was created in 2019). |
| 9. | External Arrangements | APPU / Thai Government Agreements (4 documents) | Documentation sourced, some review work undertaken, but not at the level the review needs to be done. |

4.2 The following **general observations** are made regarding the work to date.

- (i) The size of the task is much greater than the Reform WG believed it would be. That said, it was recognised at the commencement of the assignment that the amount of work to be done was unknown.
- (ii) The activity is in four parts.
 - (a) Highly complex work where there is a requirement for accuracy and detail, as well as institutional knowledge of the Union's history and founding documents : this is Line 1 of Table 1 (Convention / Constitution) and Line 2 (Detailed Regulations / General Regulations).
 - (b) Moderately complex work where there is a requirement for accuracy: this is Line 3 (RoP of Congress) and Line 4 (RoP of EC).

- (c) Routine editing and updating: this is Lines 5-8 (Bureau Regulations for Staff, General and Financial, as well as Reserve Funds).
- (d) Work of unknown complexity: this is Line 9 (four Agreements between the APPU and the Thai Government).

4.2.1 Convention / Constitution and Detailed Regulations / General Regulations (Acts of the Union)

The following **specific observations** are made regarding the Acts of the Union

- (i) There was no set of master-copies of the Convention / Constitution and Detailed Regulation / General Regulations. Such a set has now been organised, albeit with some improvisation.
- (ii) The changes made to the texts of the Acts by Congresses had not been identified¹, nor had they been annotated (apart from the 1965 Congress Acts).
- (iii) There was no documented commentary of key structural changes made to the Acts, particularly the 1985 and 1990 decisions and outcomes.
- (iv) There is no institutional knowledge in the Bureau of the Acts. (While this may sound an unkind comment, there are three factors that contribute to this. Firstly, at the time of the merger in 2001, the emphasis was on maintaining continuity and effort in the College. Secondly, the dominant focus on the College has continued since the merger. Thirdly, there has been no material reference to the Acts since 2000 (i.e., the Acts have not been amended for over 20 years).)
- (v) The Reform WG has made significant progress in a rebuilding programme i.e.,
 - (a) The Acts of every Congress have been transcribed into one set of documents.
 - (b) Starting with the original documents signed in 1961, every set of Acts issued by a Congress has been checked against the preceding version and **all** changes marked using standard identifiers. This is 327 pages of material covering nine iterations of the Acts.
 - (c) Annotation work has commenced.
 - (d) The work in (b) (and (c), when completed), will provide the Bureau with an authoritative library of professionally presented documentation for the Union's Convention / Constitution and Detailed Regulations / General Regulations. (A snapshot of the work involved is attached at Appendix 3.)
 - (e) It is relevant to note that the activity being undertaken by the Reform WG on rebuilding the documentation for the Acts of the Union has two features:

¹ This refers to marking changes using the standard identifiers. For two Congresses, some changes had been identified using **bold type**.

- it provides the Union with documentation it is expected to have and fits within the value and relevance aspects of the role of the Bureau; and
- it is work that only has to be done once in terms of catching up on past years (going forward templates and guidance will be put in place to enable updating to be done as a matter of course).

4.2.2 Congress RoP

The following **specific observations** are made regarding the Congress RoP.

- (i) As already mentioned in this document, the work on the Congress RoP is completed in terms of the 2022 Congress (i.e., review, consultation, submission of proposals). This is the subject of Congress 2022 Docs 24.1, 24.2, 24.3 and 24.4.
- (ii) With less history and less significance than the Acts of the Union (as covered in paragraph 4.2.1), the Congress RoP were comparatively straightforward. However, that does not mean it was easy, nor does it mean that lessons were not learned.
- (iii) The process for documenting changes and undertaking two consultations with the Reform WG was complex and time-consuming. Whereas it was thought that the Congress RoP could be dealt with quickly (e.g., in six weeks), it took more than twice that amount of time to get to the point of agreeing on proposals to be submitted to Congress.
- (iv) The key learning for the Reform WG was the lead-time and member processes for making changes. As background to this comment, the review of the Congress RoP initially resulted in changes proposed to the APPU General Regulations (where matters in the RoP were related to the General Regulations). When the proposals amending the General Regulations were put to the Reform WG, there was significant concern about internal issues in members' domestic legislative processes (given that such changes would mean the Acts of the Union would change and approval / ratification would be required from governments). This proved to be a major issue. A sticking-point for the Reform WG related to some other provisions in the Acts that appeared to need changing – with the question being “if the Acts have not been amended since 2000 and the reason is the difficulties in members' domestic legislative processes, then what is the strategy for ensuring the Acts are up to date and reflective of the standard of an intergovernmental organisation?” On the one hand, it was suggested to recognise changes using a Resolution; the counter to this was “how long can ‘governance by Resolution’ realistically last?”
- (v) The Reform WG adopted a position for the 2022 Congress as follows.
 - (a) Proposals to amend the General Regulations would not be submitted to the 2022 Congress as far as the Congress RoP work was concerned. Moreover, members would be encouraged to use options other than amending the Acts of the Union for making changes at the 2022 Congress.

- (b) Where necessary, an (interim) Resolution would be used to deal with changes to the Congress RoP e.g., proposal 03 Rev 1 (Observers).
- (c) The review of the Acts of the Union should continue in the next cycle (2022-2026) and a comprehensive schedule of proposals be brought to the 2026 Congress for consideration.
- (d) Given that amending the Acts of the Union is a problem for some members (particularly in light of the fact that the subject matter is not high in importance on a typical member's legislative schedule), the review set out in sub-paragraph (c) above EC should also examine options that minimised the need to amend the Acts of the Union in the future.
- (e) A proposal giving effect to sub-paragraph (a) to (d) is at Appendix 1.

5. What remains to be done? – Acts of the Union

5.1 The following tasks are the key actions for the Acts of the Union:

- (i) complete the annotation work;
- (ii) ensure the Acts are up-to-date, correct, and aligned; and
- (iii) examine options that will minimise the need to amend the Acts in future.

5.2 Complete the annotation work

- (i) The base requirements for annotating have been developed (i.e., editable copies of all iterations of the Acts, and identification of all changes made by respective Congresses).
- (ii) A key requirement for the work is a close association with the archiving project. Annotating draws on historical information held by the Bureau. The archiving project “benefits” from having to locate information because it tests the adequacy of its data management.
- (iii) Annotation work has three main activities.
 - (a) Direction and sign-off: this means a person who decides what needs to be annotated, directs where research should be focused to find information, and approves the final text of annotations.
 - (b) Research: this activity is basically finding material in the archives that provides the reasons / background to a key change in the Acts.
 - (c) Origination and formatting: this is where information provided through the research activity is drafted as an annotation and inserted into a working copy of the Acts. The role also includes formatting final versions of respective annotated Acts.
- (iv) The activity currently involves the Bureau and external resource. This is a necessary arrangement due to the experience and skills required. The Reform WG is involved in the annotating work i.e., a role that is a mix of (a) and (c).

- (v) While the annotation of the Acts will provide the Union with the expected documentation of its history in this area of its business, the detail extracted for the Congresses from 1985 onwards will almost certainly have a value for item (ii) of paragraph 5.1 (i.e., ensuring the Acts are up-to-date, correct, and aligned). This is because there are provisions in the most recent version of the Acts (Tehran, 2000) that possibly should not be there. Validating a change to the Acts, due to historical oversight, will benefit from the annotation outputs.

5.3 Ensure the Acts are up-to-date, correct, and aligned

- (i) In its simplest form, this is a normal requirement in an intergovernmental organisation.
- (ii) As mentioned in paragraph 1.2, when the Secretary General undertook his own review, he was not certain whether his initial assessment of the Acts not being up-to-date was accurate. And, if there were issues, were they isolated and “didn’t really matter”? – or was there a general pattern of issues that needed attention?
- (iii) Arising from the preparation of editable version of the Acts of each Congress, a more informed position regarding the correctness / alignment of the Tehran 2000 Acts has been developed. However, it is not a complete picture, but it is sufficient to support a statement that there is major review work yet to be done to ensure the Acts of the Union are of the standard required.
- (iv) Some examples of the type of issue are provided in Appendices to Congress 2022 Doc 24.9. Taken individually, some of the examples might not impress as requiring any action to be taken. Taken together, particularly as the material only represents isolated issues that have been identified, the situation should be different (i.e., requiring action to be taken).
- (v) In no set order, the examples of matters that suggest the Acts require comprehensive review and amendments brought to the **2026 Congress**² to update / correct / align them, are as follows.
 - (a) Appendix 4 covers an apparent error in how Article 6 of the Constitution was amended at the 1995 Singapore Congress. If the work that has been done on this issue is correct, then the Constitution should be amended (at the 2026 Congress).
 - (b) Appendix 5 describes an amendment made at the 2000 Congress where the reasons for the change no longer apply. Accordingly, a case would seem to exist to revert to the previous text.
 - (c) Article 106, § 15 of the General Regulations specifies that the cost of travel to EC meetings shall be reimbursed to members by the Union. The 1996 EC decided that this provision should no longer apply and that it should be deleted at the 2000 Congress. The amendment was not made (although the practice of reimbursement has been discontinued).

² The highlighting of **2026 Congress** is to make it clear to members that the information provided under sub-paragraph (v) and associated appendices is **not** for detailed examination / consideration / decision at the 2022 Congress.

- (d) The 2018 EC approved a proposal being submitted to Congress to abolish the expenditure ceiling currently specified in Article 117, § 1 of the General Regulations.
- (e) The 2008 UPU Congress replaced the term “postal administration” with “designated operator” or “member country”. Appendix 6 sets out the Sub-Group’s report on this and recommendations for the APPU Acts.
- (f) Article 111, § 3 of the General Regulations sets the minimum amount for membership of the Governing Board of the Training Section of the Bureau at US\$10,000. In 2005 the minimum amount was increased to US\$15,000, and in 2012 to US\$25,000. From a review of the 2005 and 2012 documents, there is no reference to the provision in the General Regulations; nor does there appear to have been any drafting of an amendment. That said, there may be an interpretation of Article 111, § 3 that has the effect of removing any problem. For the moment, however, there is a question that should be answered.
- (g) Article 111, § 3 of the General Regulations specifies that the Director of the Bureau may attend meetings of the Governing Board as an observer (this being a provision in the Acts from prior to 2000). The 2000 Congress made an amendment to § 9 of the same Article that says the Director of the Bureau shall assume the task of the secretary of the Board. The sub-group has not been able to confirm if it was intended for the Director to have two roles at a Governing Board meeting.
- (h) Article 109, § 5 of the General Regulations states that the Bureau keeps an up-to-date collection of the postage stamps issued by the member-countries. This function of the Bureau was abolished at the 1995 Singapore Congress.
- (i) Paragraph 9.2 of Congress 2022 Doc 24.5 (“Reduction in contribution unit for APPU members who qualify for the UPU 0.1-unit contribution class”) makes the point that the APPU provision that aligns its contribution classes with those of the UPU needs to be amended. This is because there is no APPU contribution class that corresponds with the new UPU 0.1-unit class.
- (j) There are a number of other provisions, of varying importance, that warrant review. Further, and as already stated, the examples provided are from an informal identification process. A more formal approach (i.e., when the annotation work comes through to the 2000 Congress Acts) should provide an authoritative schedule of areas of attention.
- (vi) Against the background of the matters set out in sub-paragraph (a) – (j) above, it is the view of the Sub-Group of the Reform WG that has been dealing with the governing documentation for the review to continue into the next cycle (2022-2026). A proposal to this effect is at Appendix 2.
- (vii) Ensuring the Acts are up-to-date, correct, aligned etc, has four main activities.
 - (a) Responsibility for final outcomes and reporting to 2026 Congress. This could be a Working Group depending on the decision of the EC.

- (b) Management of activity: this is a person who ensures that issues are correctly identified and dealt with fully (i.e., where the protocols and considerations for amending an intergovernmental document are understood and followed). The role also includes taking direction from and reporting to the party nominated to take responsibility for final outcomes.
 - (c) Research: this activity is basically finding material in the archives that provides the reasons / background for matters that require clarification or support.
 - (d) Origination and formatting: this is where information provided through the research activity is drafted as an amendment and inserted into a working copy of the Acts. The role also includes formatting final versions of respective amended Acts.
- (viii) The activity currently involves the Reform WG, the Bureau and external resource. This is a necessary arrangement due to the experience and skills required.

5.4 Examine options that will minimise the need to amend the Acts in future

- (i) This area of activity has not been focused on to date. It only arose in the early part of 2022 when the amendment of the General Regulations emerged as an issue (reference paragraph 4.2.2 (iv)).
- (ii) For the moment, this part of the assignment should be assigned to a Working Group to provide initial input from which direction and a draft work plan can be developed.

6. Other governing documentation

- 6.1 Table 1 (Lines 4-9) set out other governing documentation that is at varying stages of review.
- 6.2 This work is generally of less complexity than the Acts of the Union. It can be completed either in 2022 (after Congress) or in 2023.

CONGRESS

Proposal of a general nature

01 Rev 1

CHINA, JAPAN, NEW ZEALAND

Resolution

Adoption of decisions and recommendations submitted to the 2022 APPU Congress

Congress,

noting that the primary elements of the Union's governing documentation are the Constitution and General Regulations ("Acts of the Union"),

further noting the detailed review that commenced in the 2017-2022 cycle of all the Union's governing documentation and that Congress is being separately asked, in Congress proposal 02, to continue this review

acknowledging that the review of governing documentation may include amendments to the Acts of the Union when the work is completed in the 2022-2026 cycle under the EC and a newly-constituted Reform Working Group,

recognising that the intention of the 2017-2022 Reform Working Group is to minimise the need to amend the Acts of the Union at the 2022 Congress,

being aware that the amendment of the Acts of the Union can create significant domestic issues for some members in the administration and processing of government approvals,

strongly encourages the 2022 Congress to look for a practical approach that adopts alternative methods of making changes to any current arrangements or conditions other than amending the Acts of the Union, and

notes that any matters dealt with by the 2022 Congress using an alternative to amending the Acts of the Union, will be fully considered at the 2026 Congress to ensure the complete legitimacy of the Acts of the Union.

Reasons – for the full background and factors refer to the complete Congress 2022 Doc 24.9. For an abbreviated version, refer to Congress 2022 Doc 24.9, paragraph 4.2.2.

CONGRESS

Proposal of a general nature

02 [Rev 1](#)

CHINA, [JAPAN](#), NEW ZEALAND

Resolution

Continuation of the review of APPU governing documentation in the 2022-2026 cycle

Congress,

noting the programme of work to review the APPU governing documentation by the APPU / UPU Reform Working Group ("Reform WG") that commenced in the latter part of the 2017-2022 cycle,

being aware that it is more than 20 years since the Acts of the Union were reviewed as a concerted assignment,

noting that one of the objectives of the Reform WG review is for the APPU to operate on simple and clear governance lines, expressed as such in governing documentation, and which meets intergovernmental organisation standards,

being informed by the Reform WG that while steady progress has been made on the review, the range of issues and design of possible solutions is far greater than can be satisfactorily dealt with prior to the 2022 Congress,

being further informed that, from the work undertaken to date, the view of the Reform WG is that the Union's governing documentation will need significant input to ensure it is current, correct, consistent and supported, where appropriate, with background notes / annotations,

decides that the review of APPU governing documentation should continue into the 2022-2026 cycle for its completion under the EC and a newly-constituted Reform WG supported by the Bureau and, to the extent necessary, external assistance,

noting that the work of the Reform WG in the 2022-2026 cycle may bring forward amendments to the Constitution or General Regulations ("Acts of the Union") to the 2026 Congress,

further noting that the amendment of the Acts of the Union can create significant domestic issues for some members in the administration and processing of government approvals

encourages the EC and the Reform WG to adopt a practical approach to revisions of the Union's governing documentation that may arise from review activity, and

further encourages the EC and Reform WG in the 2022-2026 cycle to look for long-term solutions in the review work that minimise or eliminate the need to amend the Acts of the Union.

Reasons – for the full background and factors refer to the complete Congress 2022 Doc 24.9. For an abbreviated version, refer to Congress 2022 Doc 24.9, paragraph 5.3.

Extract from the Acts of the 1970 Kyoto Congress: identification of changes made (by the Kyoto Congress) and Annotations for the main changes made in 1970 and by the prior (1965, Manila) Congress

Article 5
Official language

English is the official language of the Union. However, member-countries whose language is not English may provide for a translation at their own expense.

Article 6
Special agreements

1. The member-countries of the Union, or their postal administrations if the legislation of the countries permits, may conclude special agreements concerning the international postal service between themselves on condition that they do not introduce provisions less favorable to the public than those laid down in the Convention.

2. These special agreements are notified through the intermediary of the Central Office to member-countries or their postal administrations, as the case may be.

Article 7
Organs of the Union

There are established as the organs of the Union: the Congress, the Executive Committee, the Central Office and such other organs as may be necessary.

■ **Commentary**

7 1965 Manila Congress: The First Congress of the Asian-Oceanic Postal Union was held in Manila from December 6 to 17, 1965, with the Philippine Administration as host. The organization of the Executive Committee, which had been suspended for the duration of the effectivity of the 1961 AOPU Convention owing to the limited membership of the AOPU at that time, was first realized at Bangkok from December 4 to 10, 1968, when the Restricted Union saw an increase in its membership from four (4) to six (6) countries. The Committee met for the second time in Tokyo on September 25 and 26, 1969, with the Union having seven (7) members. The Central Office in Manila has been established since April 1, 1962.

Article 8
Congress

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

2. The delegates of the member-countries of the Union meet in Congress not later than two years after the holding of each Universal Postal Congress in order to revise the Convention of the Union, if necessary, and to consider such other postal problems of common interest to the member-countries of the Union as they may deem necessary.

3. Each country is represented in the Congress by one or more delegates duly authorized for the purpose by their respective governments.

4. Each country has only one vote.

5. Observers may be invited to attend meetings of the Union in an advisory capacity without the right to vote provided that they represent the United Nations or one of its specialized agencies or postal administrations / ... / **of member-countries** of the Universal Postal Union. At the request of Congress or the Executive Committee, the invitation is made by the government of the country in which the meeting is to take place.

6. **In principle each Congress / ... / designates the country / ... / in which the next / ... / Congress is to be held. / ... / If that designation proves inapplicable or inoperative, it falls to the Executive Committee to designate the country where Congress is to meet, after consultation with the latter country.**

7. **After consultation with the Central Office, the host government fixes the date and place of the Congress. In principle six months before that date the host government sends an invitation to the government of each member-country of the Union. This invitation may be sent direct or through the Director of the Central Office.**

■ Commentary

8.1 1965 Manila Congress: The stipulation that Congress is the supreme organ of the Union was made by the First AOPU Congress in order to denote the power and composing elements of the Union similar to Article 14, Section 2, of the UPU Constitution (1964 Vienna edition).

8.2 1965 Manila Congress: While authority vests in the Congress to fix the place of convocation of the next one, the 1965 AOPU Congress decided that the date should be established by the government of the convoking country but not later than two years after the holding of each Universal Postal Congress.

8.5 1970 Kyoto Congress: The 1970 Kyoto Congress added the words “of member-countries” in paragraph 5 to make it clear that countries are the entities that are UPU members (not postal administrations).

8.7 1970 Kyoto Congress: The 1970 Kyoto Congress amended paragraph 6 to provide for the Executive Committee to designate the country to host the next Congress in certain circumstances. The 1970 Kyoto Congress also added a new paragraph 7 to separately specify a modified channel for issuing invitations to attend a Congress. These changes brought the text into line with UPU General Regulations (1969 Tokyo Congress), Article 101, paragraphs 4 and 5.

Article 9

Extraordinary Congresses

1. An extraordinary Congress may be held at the request or with the consent of at least two-thirds of the member-countries.

2. The place and date of assembly is fixed by the Executive Committee in agreement with the member-countries initiating the Congress.

3. The provisions of Article / ... / **8**, Paragraphs 3 and 4, apply to extraordinary Congresses.

Article 10

Executive Committee

1. To ensure the continuity of the work of the Union in the interval between Congresses, an Executive Committee meets once each year / ... / at the place where the Central Office is situated **unless the majority of member-countries decides otherwise.**

2. The Committee comprises all the member-countries of the Union, with a quorum of the majority.
3. The President of each Congress convenes the first meeting of the Committee after the holding of that Congress. At the meeting, the Committee elects from among its members a Chairman and a Vice-Chairman, who hold office until the conclusion of the next Congress.
4. The annual meetings of the Executive Committee following the first meeting are convened by its Chairman.
5. Between ordinary sessions, the Committee may be convened, as a general rule at the place where the Central Office is situated, by the Chairman at the request of a two-thirds majority of the member-countries of the Union.
6. The Committee may appoint sub-Committees or working groups to assist with its work or to study specific postal questions.
7. The working expenses of the Committee are borne by the Union. / ... / The services of a Committee member are gratuitous.
8. Member-countries are represented at meetings of the Committee by qualified postal officials.
9. The functions of the Committee are -
 - a) to maintain contacts with postal administrations of the member-countries of the Union with a view to improving the postal service;
 - b) to prescribe rules for the administration of the Central Office and to supervise the activities of the Central Office;
 - c) to review and approve the annual budget and accounts of the Union prepared by the Central Office in the intervals between Congresses;
 - d) to make useful contacts with the various organs of the Universal Postal Union or with other specialized agencies of the United Nations with special interests in the area, and, if necessary, to appoint representatives to conferences of such organizations; and
 - e) to assemble, prior to each Universal Postal Congress, in accordance with the provisions of Article / ... / 16, Paragraph 3.

■ **Commentary**

10.1 1965 Manila Congress: It is generally held that meetings of the Executive Committee should take place in Manila where the Central Office is situated. However, the member-countries may also agree to hold the same at another place upon invitation of one of them, as in the case of the 1968 meeting held at Bangkok with the Administration of Thailand acting as host. The 1969 meeting was held in Tokyo not only with the Administration of Japan acting as host but also because of the 16th Universal Postal Congress which followed in the same place.

10.1 1970 Kyoto Congress: In paragraph 1, the original provision for the place where an Executive Committee meets was not as precise as it could have been in terms of being either the place where the Central Office was located, or another place. The 1970 Kyoto Congress amended Article 10 paragraph 1 to make the options and selection process clearer.

10.2 1965 Manila Congress: Considering that membership in the Union may be increased during the period that its Convention is in force, the 1965 AOPU Congress decided to stipulate a majority instead of a number of the members to comprise a quorum in the Executive Committee.

10.3 1965 Manila Congress: Unlike the Congress which calls for invitations to be extended by the government of the convoking country through diplomatic channels, the President of the Congress or the Chairman of the Executive Committee convenes the meeting of said Committee and each Administration decides on its participation therein.

The 1968 organizational meeting of the Committee elected Thailand as its Chairman and China as Vice-Chairman and will hold office until the conclusion of the next AOPU Congress

10.4 1965 Manila Congress: Refer to the first sentence of the annotation for 10.3.

10.7 1970 Kyoto Congress: The 1970 Kyoto Congress deleted the second sentence of Article 10, paragraph 7 ("Member-countries meet the travelling and accommodation expenses of their representatives.") acknowledging that the financial burden of travel costs was a barrier to many member-countries' participation in Executive Committee meetings. The principle, thus adopted, was for the travelling costs to be met from the expenses of the Union. This principle was inserted by the 1970 Kyoto Congress in Article 103, paragraph 6 of the Detailed Regulations of the Convention.

Article 11 Central Office

1. The Central Office of the Union functions / ... / **at Manila unless the Executive Committee decides otherwise**
2. The Central Office is composed of a Director, an Assistant Director and such other staff as the Union may require.
3. The Director of the Central Office attends the meetings of the Union and takes part in the discussions without the right to vote.
4. The Central Office provides the secretariat for meetings of the Union, jointly with the postal administrations of the countries where the meetings are held, and serves as a medium of liaison, information and inquiry for the member-countries of the Union.
5. The Director and the Assistant Director of the Central Office are chosen, from among qualified postal officials, by the Congress or, if necessary, by the Executive Committee which also fixes their tenure of office.
6. The Director and the Assistant Director, whenever possible, should be nationals of different countries.
7. The Central Office is under the general supervision of the Executive Committee and its financial accounts are audited by the competent authority of the country where the Central Office is situated.

■ Commentary

11 1965 Manila Congress: During the 1965 AOPU Congress, Postmaster General Enrico Palomar of the Philippines, who had been elected Acting Director of the AOPU Central Office at the 1961 Manila Postal Conference, was reelected Director of the same office until the next Congress of the Restricted Union. The positions of First Secretary and Second Secretary on part-time basis and one full-time Clerk, which had been created as a result of the 1962 Baguio Meeting, were maintained during the effective period of the 1965 AOPU Convention. For reasons of economy, these positions were filled by Philippine nationals.

11.1 1970 Kyoto Congress: The 1970 Kyoto Congress amended Article 11, paragraph 1 to allow for alternative arrangements for the location of the Central Office in the future.

REVIEW OF APPU GOVERNING DOCUMENTATION

CONSTITUTION: ACCESSION TO THE UNION (Article 6)

(Document prepared by the Sub-Group³ of the APPU / UPU Reform Working Group for inclusion in material identifying a possible requirement for a comprehensive review of the Acts of the Union)

| 1. Subject | References/paragraphs |
|--|---|
| <p>Informing on:</p> <ul style="list-style-type: none"> - the review of Article 6 of APPU Constitution - the development of Article 6 paragraph 2 as per the texts from the 1985, 1995 and 2000 Congresses. - an explanation of the issue - the outcome of the review and the recommendation - the proposal that resolves the issue | <p>§ 1</p> <p>§ 2.2</p> <p>§§ 3.1.1 – 3.1.4, Table 1</p> <p>§ 3.2</p> |
| 2. Decisions expected | |
| <ul style="list-style-type: none"> - note the issue that the Sub-Group identified when dealing with Article 6 of the Constitution - note the reason for the apparent error in Article 6 of the Constitution - note the outcome of the review in terms of proposal submitted for consideration | <p>§§ 3.1.3 – 3.1.4</p> <p>§ 3.2</p> |

1. Introduction

- 1.1 Congress 2022 Doc 24.9 Appendix 4 is one of a suite of documents prepared by the Sub-Group of the Reform Working Group tasked with reviewing the APPU's governing documentation.
- 1.2 In the course of its work, the Sub-Group believes it has identified an error in Article 6 of the Constitution ("Accession to the Union"). Congress 2022 Doc 24.9 Appendix 4 presents the Sub-Group's findings on this matter.

2. Background

- 2.1 A substantive amendment was made to paragraph 2 of Constitution Article 6. at the 1995 APPU Singapore Congress. The amendment appears to be incorrect. The situation was compounded at the 2000 APPU Tehran Congress when a further (editorial) amendment was made to paragraph 2 of Constitution Article 6.
- 2.2 The progressive development of the text of paragraph 2 of Constitution Article 6 is set out below.

³ The Sub-Group is the unit with responsibility for reviewing APPU governing documentation (most recently advised to the EC in EC 2021 Doc 13.3.3).

Text 1 (Original text) – 1985 APPU Bangkok Congress

Accession to the Union shall entail a formal declaration of accession to the Acts of the Union. It shall be addressed through diplomatic channels to the Government of the member-country in which the Central Office is situated.

Text 2 – 1995 APPU Singapore Congress

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 Central Office who shall notify the accession or consult the member-countries on the application for admission.**

Text 3 – 2000 APPU Tehran Congress

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. Explaining the issue

- 3.1 It is easy to make this matter very complicated. A detailed explanation has been attempted through Tables 1 and 2.⁴ In addition, the Sub-Group has set out a summary of the matter below.
- 3.1.1 The APPU used the corresponding UPU text as the basis for its rules on accession to the APPU. The APPU provisions are in APPU Constitution Article 6. The UPU provisions are in UPU Constitution Article 11.
- 3.1.2 While it can be useful to base APPU rules on a UPU model, it is important for the operating conditions to which a particular rule applies to be exactly the same in both organisations.
- 3.1.3 In 1995, the APPU copied an extract from paragraph 3 of UPU Article 11 and added it to paragraph 2 of APPU Article 6. However, the extract that was copied from the UPU applied to a much different situation than that covered in the APPU Article. Accordingly, paragraph 2 of APPU Article 6 contains wording that appears to be completely out of context.
- 3.1.4 Using the information in Table 1 (including a series of identifiers (e.g., **ID 1**)), the problem is explained below in four steps.

Step 1

ID 1 and **ID 2** cover who may accede to the UPU (ID 1) and APPU (ID 2).

Step 2

ID 3 enables a non-UN country to apply for admission as a member country of the UPU. However, **ID 4** says that there is no equivalent arrangement in the APPU (membership of the APPU is restricted to UPU members). This is the significant difference between the two Articles.

⁴ Table 1 is actively used in the “Reasons” for proposal 10.6.1. Table 2 is provided as a reference document if more detailed background is required.

Step 3

ID 5 deals with the process in the UPU when a declaration of accession or an application for membership is received. **ID 6** is the equivalent provision in the APPU – however, it only deals with the process when a declaration of accession is received (because, as pointed out at **ID 4**, there is no application for admission for countries who are not UPU members).

Step 4

ID 7 identifies the problem with the text of APPU Article 6, paragraph 2 i.e., paragraph 2 includes wording that refers to consulting with members on an application for admission. The full text of paragraph 2 is set out below with the wording under scrutiny **underlined in bold**.

“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.**”

- 3.2 The Sub-Group examining the APPU Acts believes the error was made because the 1995 APPU Congress had not understood that the UPU text it copied was based on two options for membership related to a parent organisation (i.e., whether a country was a UN member or not). The key difference is there is only one option in the APPU for membership related to a parent organisation (i.e., whether a country is a UPU member). Accordingly, paragraph 2 should not have the reference copied from the UPU Constitution that reflects the membership process when a country is not a member of the UN (the reference being to an application for admission). The text of paragraph 2 should read as:

“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.”

- 3.3 The Sub-Group also believes that the 1995 Congress may have approved the amendment because of the process set out in paragraph 4 of Article 6. This is where a country, that has the required qualifications but cannot comply with all the provisions of Chapter V of the APPU General Regulations, may apply for membership with reservations. In such a case, a consultation would take place to see if the required number of APPU members approved the application for membership. However, the Sub-Group is of the view that reference to a consultation based on a reservation to Chapter V should not be included in paragraph 2. This is because the concept of such a consultation is not mentioned until paragraph 4. Further, the Congress did not make a cross-reference between paragraphs 2 and 4.

Table 1: Structure of UPU and APPU Articles on Accession or Admission to the UPU or APPU

| | UPU | | APPU |
|----|--|----|--|
| § | What is covered in the paragraph | § | What is covered in the paragraph |
| 1. | ID 1 If a country is a member of a qualifying parent organisation, they can accede to the UPU. The qualifying parent organisation is (membership of) the United Nations. | 1. | ID 2 If a country is a member of a qualifying parent organisation, and they are located in Asia-Pacific, they can accede to the APPU. The qualifying parent organisation is (membership of) the UPU. |
| 2. | ID 3 If a country is not a member of the United Nations, they can apply for admission as a member country of the UPU. | | ID 4 The APPU has no equivalent provision i.e., a non-UPU member located in Asia-Pacific cannot apply for membership. |
| 3. | ID 5 (i) The process for accession or application for membership that countries follow. (ii) The process that the UPU follows when it receives a declaration of accession or an application for admission. (iii) In cases where a country applies for admission the UPU commences a consultation among members. | 2. | ID 6 (i) The process for accession that countries follow. (ii) The process that the APPU follows when it receives a declaration of accession. ID 7 (iii) An incorrect additional comment i.e., "who shall notify the accession after consulting with the member-countries on the application for admission" . |
| 4. | The level of support required for an application for membership to be approved for a country that is not a member of a qualifying parent organisation. | | The APPU has no equivalent provision because it is closed to countries who are not UPU members (i.e., it does not accept applications for membership from non-UPU members). |
| 5. | The process for notifying accession or admission to membership to UPU members. | 3. | The process for notifying accession to membership to APPU members. |
| | | 4. | Countries who meet the conditions in paragraph 1, but who cannot comply with any provision in Chapter V of the APPU General Regulations, may apply for membership with reservations |
| | | 5. | (i) The process that a country follows where it applies for membership with Chapter V reservations. (ii) The process that the APPU follows when it receives an application for membership with Chapter V reservations i.e., the APPU commences a consultation among members. |
| | | 6. | The level of support required for an application for membership to be approved for a country that has Chapter V reservations. |
| | | 7. | Time limit for members to reply to a consultation on application for membership. |

Table 2: Detailed identification of the issue

| Element No. | Description of Element | How Element is Applied in the UPU | UPU Text (Article 11) | How Element is Applied in the APPU | APPU Text (Article 6) |
|-------------|--|--|--|---|--|
| 1. | Process for joining based on membership of a qualifying parent organisation | Qualifying parent organisation: UN Any UN member can accede to the UPU | 1. Any member of the United Nations may accede to the Union. | Qualifying parent organisation: UPU Any UPU member in Asia-Pacific can accede to the APPU | 1. (Abridged to key wording) 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 . |
| 2. | Process for joining if a country is not a member of the qualifying parent organisation | Qualifying parent organisation: UN Any non-UN member may apply for admission as a member of the UPU. | 2. Any sovereign country which is not a member of the United Nations may apply for admission as a member country of the Union. | No equivalent provision because non-UPU members in Asia-Pacific are not eligible to join the APPU | No text as element is not applicable to APPU |
| 3. | The requirement to accede (UPU or APPU) by a country that is a member of a qualifying parent organisation | The country concerned must make a formal declaration of accession. | 3. Accession must entail a formal declaration of accession to the Constitution and to the obligatory Acts of the Union. | The country concerned must make a formal declaration of accession. | 2. Accession to the Union shall entail a formal declaration of accession to the Acts of the Union. |
| 4. | The requirement to apply for admission (UPU only) by a country that is not a member of the qualifying parent organisation | The country concerned must make a formal declaration of accession. | 3. ... or application for admission must entail a formal declaration of accession to the Constitution and to the obligatory Acts of the Union. | Not applicable as there is no possibility of a non-UPU member applying for admission to the APPU. | No text as element is not applicable to APPU |
| 5. | The process followed for accession by a country that is a member of a qualifying parent organisation | The accession declaration is sent to the IB who notifies the UPU members. | 3. ... It shall be addressed by the government of the country concerned to the Director General of the International Bureau, who shall notify the accession (to) the member countries. | The accession declaration is sent to the Bureau who notifies the APPU members. | 2. ... 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. |

| Element No. | Description of Element | How Element is Applied in the UPU | UPU Text (Article 11) | How Element is Applied in the APPU | APPU Text (Article 6) |
|-------------|--|--|---|---|---|
| 6. | The process followed for application for admission (UPU only) by a country that is not a member of a qualifying parent organisation | The application for admission is sent to the IB who consults with the UPU members. | 3. ... It shall be addressed by the government of the country concerned to the Director General of the International Bureau, who shall ... consult the member countries on the application for admission. | Not applicable as there is no possibility of a non-UPU member applying for admission to the APPU. | There should be no text because APPU membership is not available to non-UPU members. However, the text highlighted in Element No. 5 i.e., who shall notify the accession after consulting with the member countries on the application for admission incorrectly appears in APPU Constitution Article 6, paragraph 2. It is not possible to have a country applying for membership if they are not a member of a qualifying parent organisation. |

EXAMPLE PROPOSAL ONLY – NOT FOR CONSIDERATION BY 2022 CONGRESS

Constitution – Proposal

10.6.X

Delete reference to an application for admission in paragraph 2.

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 / ... /.
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.

Review of Article 107, § 4 of the APPU General Regulations to reflect current needs and practices in the selection of the Director of the Bureau (Secretary General of the APPU)

1. Background

Included in the work undertaken by a Sub-Group of the Reform WG to review all the APPU rules and regulations (particularly the Constitution and General Regulations), an apparent anomaly was identified in a change of wording at the 2000 Tehran Congress in Article 107, § 4 of the APPU General Regulations.

2. The change made to Article 107, § 4

Whereas the text of Article 107, § 4 had read as the Director of the Bureau is:

“chosen, from among qualified postal officials, by the Congress or, if necessary, by the Executive Council”

it was changed in 2000 to read:

“chosen, from among qualified postal officials, by the Executive Council, **or in Congress year by Congress**”

3. Detailed information on the appointment of the Director

To understand the full picture on the appointment of the Director and how it has evolved in the 60 years of the Union, the table below provides a summary.

| Period | Description of Period | Practical Features |
|-----------|--|---|
| 1961-2000 | Stable process (despite ten changes of Director) | <p>No elections held; Postmaster General (PMG) of the Philippines held the position as part of his or her overall role.</p> <p>Congress or EC would formalise a change of Director after the change had happened (i.e., after a new PMG had been appointed).</p> <p>The text of the Acts for the entire period was that “the Director and the Assistant Director of the Central Office are chosen, from among qualified postal officials, by the Congress or, if necessary, by the Executive Committee (Council)⁵ which also fixes their tenure of office.”</p> <p>In practical terms, neither Congress nor the EC chose the Director. The process was simply a formality based on the appointment of a new PMG of the Philippines. The fact that the EC met, in principle, annually, meant that it was better placed to complete appointment formalities for any new PMG of the Philippines in more or less real-time.⁶</p> |

⁵ Executive Committee changed to Executive **Council** at the 1975 Melbourne APPU Congress.

⁶ Postmasters General of the Philippines changed in 1971, 1972, 1981, 1986, 1988, 1991, 1993, 1995, 1998 (twice)

| | | |
|-----------|---|--|
| 2000-2005 | <p>Transitioning from old to new.</p> <p>Conservative approach to change.</p> | <p>The relocation of the Central Office and its merger with the APPTC, required the Union to make decisions on rules and practices for the Director role.</p> <p>For the first time, the role would be decided through an election process.</p> <p>The term of appointment focused more on the training side of the role. At its fifth meeting in June 2000, the APPU Steering Committee agreed that a three-year term was “more appropriate ... in view of the expanded role of the Director to include training”. As a result of this shortening of the intended duration to three years, the Steering Committee changed a proposed amendment to the General Regulations to:</p> <p style="text-align: center;">“The Director of the Bureau is chosen, from among qualified postal officials, by the Executive Council, or in Congress year by Congress.”</p> <p>Thus, the current wording of Article 107, § 4 of the General Regulations came into use to provide greater control over the management of the training which, in turn, recognised that the EC met annually (whereas the Congress did not). As it transpired, the EC only appointed the Director on one occasion i.e., 2001 (to take effect on 1 July 2002).</p> <p>The term of appointment continued to be an issue. Doc 19 prepared for the 2001 EC meeting set the term at 1.5 years (from July 2002 to December 2003 to coincide with the end of the 2003 financial year). From 1 January 2004, the term was set at two years. EC 2001 Doc 19 also commented that “there shall be no limit to the number of terms a Director may serve”.</p> <p>The 2001 EC meeting made a further change to the term. It decided that the term shall be 3.5 years (from July 2002 to December 2005). The Minutes of the 2001 EC meeting covered the term for the period beyond December 2005 in the statement “the term of office or the appointment of his successors shall depend on the decision of the APPU Congress”.</p> <p>In preparing for the 2005 APPU Congress, the 2004 EC meeting agreed “that the next Director should be appointed for a two-year probation period with the possibility of an extension until the next APPU Congress in 2009 or 2010”. It is noted that such an arrangement (i.e., a probation period followed by an extension of the incumbent, or by the election of a successor), would require the EC to act in a selection role (as provided for in the amended version of Article 107).</p> |
| 2005-2022 | Stable process | <p>The 2005 Congress rejected the EC proposal for the two-year probation period. Instead, it appointed the Director for a four-year period until the next Congress (which, at that stage had been agreed as taking place in 2009). The 2005 Congress also established a set of principles and procedures for the election of the Director.</p> <p>Since 2005, Directors have been appointed to serve for a period up to the end of the year in which the next APPU Congress is anticipated to take place (e.g., the Director appointed by the 2013 New Delhi Congress was contracted to serve until 31 December 2017 on the basis that next Congress was scheduled for 2017).</p> |

4. Comment regarding the change made at the 2000 Congress

Based on the analysis of the three periods for the selection and employment of the Director, it is important for the regulations and processes to reflect the needs and practices of the Union. Whereas:

- the first set of regulations (signed at Manila, 1961) were used to formalise personnel changes arising from the unrelated process of appointing the PMG of the Philippines; and
- the current regulations (signed at Tehran, 2000) reflected a need to ensure the training function would be protected during the transition to the merged Bureau and beyond (i.e., the amendment made at the 2000 Tehran Congress),

the period since 2005 has neither of these characteristics. Accordingly, it is suggested that a review of Article 107, § 4 of the APPU General Regulations is warranted to confirm the appropriateness of:

- (i) how the selection of this key role is positioned in the General Regulations; and
- (ii) the manner in which Congress, as the supreme body of the Union, is positioned in relation to this key role.

REVIEW OF APPU GOVERNING DOCUMENTATION

CONSTITUTION AND GENERAL REGULATIONS: REPLACEMENT OF THE TERM “POSTAL ADMINISTRATION”

(Document prepared by the Sub-Group⁷ of the APPU / UPU Reform Working Group)

| | |
|------------------------------|------------------------------|
| 1. Subject | References/paragraphs |
| 2. Decisions expected | |

1. Introduction

- 1.1 Congress 2022 Doc 24.9 Appendix 6 is one of a suite of documents prepared by the Sub-Group of the Reform Working Group tasked with reviewing the APPU’s governing documentation.
- 1.2 In the course of its work, the Sub-Group discovered that the term of “postal administration(s)” has been used in the APPU Constitution and General Regulations since the first APPU Congress in 1961 in Manila. The provisions containing the term “postal administration(s)” is still reflected in the current APPU Constitution and General Regulations.
- 1.3 Although the APPU and UPU are two different entities, most of the APPU rules based on a UPU model. Many of the provisions in the APPU Governing documents use the corresponding UPU Acts’ text. The APPU Governing Documents have not been reviewed and amended since the Tehran Congress in 2000, whilst the UPU Acts (Constitution, General Regulations and Convention) are reviewed and amended regularly at every UPU Congress.
- 1.4 The term of “postal administration” has been reviewed at UPU Congresses and replaced with the terms “member country” and “designated operator”.

2. Background

- 2.1 Pursuant to C29/1994 UPU Congress in Seoul, the term “postal administration” is interpreted as postal service operators and the ministry or other governmental entity which is responsible for the postal services stipulated in the Acts of the Union.
- 2.2 The Beijing Congress, in its resolution C 110/1999, stressed the need to define more clearly, and distinguish between, the governmental and operational roles and responsibilities of the bodies of the Union with respect to the provision of international postal services.
- 2.3 The 2004 Congress in Bucharest through its Resolution no C11 noted that the term “postal administration” as mentioned in Seoul Congress Resolution C 29/1994 was no longer accurate or adequate in representing the variety of structures that members have put in place to provide and administer postal service. The Bucharest Congress instructed the Council of Administration and the International Bureau to study the term “postal administration” within the context of the Acts of the Union and as defined by Universal Postal Union member countries recognising the recommendation of the High Level group to update the term “postal administration” and defining new terms for use in the Acts of the Universal Postal Union.

⁷ The Sub-Group is the unit with responsibility for reviewing APPU governing documentation (most recently advised to the EC in EC 2021 Doc 13.3.3).

- 2.4 Subsequently the 2004 Bucharest Congress created a new article 2 to the UPU Convention, concerning "designation of the entity or entities responsible to fulfilling the obligation arising out of adherence to the Convention" which reads as follows:

1 Member countries shall notify the International Bureau, within six months of the end of Congress, of the name and address of the governmental body responsible for overseeing postal affairs. Within six months of the end of Congress, member countries shall also provide the International Bureau with the name and address of the operator or operators officially designated to operate postal services and to fulfil the obligations arising from the Acts of the Union on their territory. Between Congresses, changes in the governmental bodies and the officially designated operators shall be notified to the International Bureau as soon as possible.

- 2.5 Resolution C 3 /2008 Interpretation of the term "member country": replacing "postal administration" in the Acts of the Union Congress declared officially that without prejudice to the definition provided in the Acts of the Union, the term member country may include, in order to implement the obligations arising from the Acts of the Union, the "governmental authorities responsible for postal services stipulated in the Acts of the Union" within the framework of member countries' national legislation, as the context requires.

- 2.6 The 2008 Geneva Congress introduced a new paragraph on Definitions in article 1bis of the UPU Constitution:

1.7 Designated operator: any governmental or non-governmental entity officially designated by the member country to operate postal services and to fulfil the related obligations arising out of the Acts of the Union on its territory.

The term "designated operator" includes postal service operator, the term "member country" means "sovereign state contracting the Constitution of the Universal Postal Union and other Acts of the Union"

In this article, Congress recognised two types of national entities responsible for fulfilling UPU treaty obligations: governmental bodies responsible for overseeing postal affairs, and officially designated operators that provide postal services on their territory.

3. Findings

The Sub-Group has identified the following provisions in the APPU Constitution and General Regulations have the term "postal administration(s)":

2000 Tehran Constitution, amended by the Second Additional Protocol– use of "postal administration(s)"

| Article number and Title | Para reference | Sentence where "postal administration(s)" appears |
|-----------------------------|------------------------------|---|
| Introduction | 1 st bullet point | - considering the importance of the common problems which face the postal administration in the Asian and Pacific area |
| Art 4 Special Agreements | | 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. |
| Art 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. |
| Art 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. |
| Art 22 Arbitration | | Questions in dispute between two or more postal administrations of member-countries shall be decided in the manner prescribed in the General Regulations of the Universal Postal Union. |

2000 Tehran General Regulations, amended by the Additional Protocol - use of “postal administration(s)”

| Article number and Title | Para reference | Sentence where “postal administration(s)” appears |
|--|----------------|--|
| Art 103 Special Agreements | | The conclusion of special agreements in accordance with Article 4 of the Constitution shall be notified through the intermediary of the / ... / Bureau to member-countries or their postal administrations , as the case may be. |
| Article 105 Organization and convening of Congresses and Extraordinary Congresses | Para 6 | Other observers may also be invited to attend provided that they represent other restricted postal unions , or postal administrations of member-countries of the Universal Postal Union, or postal administrations of countries which are non-members of the Universal Postal Union and of non-self governing territories and other areas in Asia and the Pacific. |
| Art 106 Compositions, functioning and meetings of the Executive Council | Para 4 | In that event, the host will be the Bureau itself and not the postal administration of the country where the Bureau is situated. |
| Art 106 Compositions, functioning and meetings of the Executive Council | Para 9(c) | (c) to maintain contacts with postal administration ⁴ of the member countries of the Union with a view to improving the postal service; NB: grammatical correction required – “administration” should read “administrations” |
| Art 106 Compositions, functioning and meetings of the Executive Council | Para 13 | The Council sends to the postal administrations of the member-countries of the Union, for information, a summary report at the end of each meeting of the Council. |
| Art 107 / ... / Bureau | Para 3 | The / ... / Bureau provides the secretariat for meetings of the Union, jointly with the postal administration of the country where each meeting is held |
| Art 108 Organisation and staff of the / ... / Bureau | Para 1 | The Director appoints them, subject to the confirmation of the Executive Council, from among those who are recommended by their respective postal administrations , on condition that they satisfy the needs of the / ... / Bureau on the technical aspect. |

| | | |
|---|--------|---|
| Art 109 Functions of the / ... / Bureau | Para 2 | / ... / The Bureau communicates with the postal administrations of member-countries of the Universal Postal Union in Asia and the Pacific which have not acceded to the Union on the advisability of their recommending to their governments to apply for accession, through diplomatic channels, as members of the Union. |
| Art 109 Functions of the / ... / Bureau | Para 3 | / ... / The Bureau should at all times be ready to furnish the Executive Council and the postal administrations of the Union with any necessary information on questions relating to the postal service. |
| Art 109 Functions of the / ... / Bureau | Para 4 | / ... / The Bureau makes up an annual report on the activities of the Union, which is sent to the postal administration of each member-country. |
| Art 110 Publications of the / ... / Bureau | Para 1 | The / ... / Bureau of the Union furnishes gratuitously to the postal administration of each member-country and to the International Bureau of the Universal Postal Union at Berne, Switzerland, the documents which it publishes, allowing each administration the number of copies which corresponds to the number of units which it contributes. Additional copies of documents requested by postal administrations are paid for by them at cost. |
| Art 110 Publications of the / ... / Bureau | Para 2 | The / ... / Bureau prepares and distributes among the postal administrations of the member-countries a schedule of all the proposals which it receives in accordance with Article 115 / ... / paragraph 1 of these General Regulations in order that such proposals may be studied by the said countries. |
| Art 111 | Para 3 | The Governing Board comprises the head of the host administration of the / ... / Bureau as Chairman, the Chairman of the Executive Council and a representative of the postal administration ³ of / ... / ⁴ member-countries which make a contribution to the activities of the / ... / training section in cash, or in kind or by way of fellowships, self-funding or supplied experts of not less than 10,000 Dollars (United States) per annum, as full members with the right to vote. NB: Grammatical correction required – “postal administration” should read “postal administrations” |
| Art 112 Introduction of proposals to Congresses | Para 3 | The / ... / Bureau publishes the proposals and distributes them, as early as possible, among the postal administrations of the member-countries. |
| Art 114 Proposals to amend the General Regulations submitted between Congresses | Para 1 | Each proposal to amend the provisions of Chapter V of the General Regulations and their Final Protocols submitted by a postal administration between Congresses shall be sent to other postal administrations through the intermediary of the / ... / Bureau. |
| Art 114 Proposals to amend the General Regulations submitted between Congresses | Para 2 | Every ¹ proposal 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 a / ... / Bureau circular, and for forwarding their observations, if any, to the / ... / Bureau. Amendments shall not be admissible. The replies shall be collected by the / ... / Bureau and |

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| | | communicated to postal administrations with an invitation to vote for or against the proposal. |
| Art 115 Proposals submitted to Universal Postal Congresses | Para 1 | The postal administrations of all member-countries shall make known to the other member-countries and to the / ... / Bureau, at the same time as they advise the International Bureau of the Universal Postal Union, the proposals which they submit to Universal Postal Congresses ³ . |
| Art 117 Budget and Accounts of the Union | Para 3 | This report shall be submitted to the Executive Council or to Congress for approval and for distribution to the postal administrations of the Union. |
| Art 117 Budget and Accounts of the Union | Para 9 | Where funds are advanced by the host country of the Bureau, the postal administration of each country concerned shall reimburse the host country, through the Governing Board, the sum advanced on its behalf by virtue of the preceding paragraph. |
| Art 120 | | In the relations of the postal administrations of the Union, reduced postage rates shall apply to letters and postcards exchanged between them by surface. |
| Art 121 | Para 1(a) | 1. Official correspondence exchanged between the following is exempt from all postal charges: a) the organs of the Union and postal administrations ; |

4. Recommendations

APPU is the restricted union under the UPU which still uses the term of postal administration in its governing documents whilst the term does not describe the current structure in every member country accurately.

The sub-group recommends an approach that replaces the term “postal administration” by using the appropriate substitute expression based on the intent of the provision being amended:

- a. Replace the term “postal administration” with the term “member country”

Some provisions stipulate the fundamental obligations and rights of member countries.

- b. Replace the term “postal administration” with “member country and designated operator”

Some provisions stipulate that both member countries and designated operators have joint responsibilities in connection with the provision of postal services.

- c. Replace the term “postal administration” with “member country or designated operator”

Either member countries or designated operators could exercise certain types of responsibilities, depending on national legislation or practice.

- d. Replace the term “postal administration” with “designated operator”

Designated operators will bear responsibly for their execution.

- e. Replace the term “postal administration” with “member country and/or designated operator”

Either the member country or its designated operator, or both, would be responsible for fulfilling the obligations relating to the provisions.

It is also recommended the consistent use of these terms “member country” and “designated operator” throughout the Acts as well as for language harmonisation.