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Proposed amendments to the Rules of Procedure of the Executive Council

Monday 14 August

Presentation by Australia

Executive Council Meeting
Bangkok, Thailand
14 - 18 August 2023

Rules of Procedure of the EC - documents



- The Reform Working Group considered the need to harmonise the Rules of Procedure of the Executive Council with recent changes made to the Rules of Procedure of Congresses at the 2022 Bangkok Congress.
- The Reform Working Group has prepared the following documents:
 - EC 2023 Doc 4 – Harmonisation of the Rules of Procedure of the Executive Council with recent changes made to the Rules of Procedure of Congresses
 - Proposal 4.1 – editorial amendments
 - Proposal 4.2 – correction
 - Proposal 4.3 – voting

Document	Proposal	Associated article
EC 2023 Doc 4 Add 1 Editorial amendments	Proposal 4.1	Table of contents
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EC 2023 Doc 4 Add 2 Correction	Proposal 4.2	8
EC 2023 Doc 4 Add 3 Harmonisation amendment	Proposal 4.3	14

Rules of Procedure of the EC - background



- The Rules of Procedure of Congresses were extensively updated at the 2022 Bangkok Congress, following an assessment of their completeness, currency, consistency and duplication, as well as standard editorial checks.
- As Congress is the supreme organ of the Union, the Executive Council should follow its lead on matters which also affect it.
- It would be a negative outcome if the Executive Council applied a rule which the membership had recently changed at the Congress but the complementary amendment had not been considered by the Executive Council.
- Some rules will differ between the Congress and the Executive Council, which is appropriate given the different powers that each organ possesses.

Rules of Procedure of the EC - background



- Following the approval of the work item, the Working Group agreed that amendments should be drafted based on set themes and principles. The Working Group agreed these as:
 - no substantive changes to the Rules shall be proposed at the 2023 Executive Council meeting, except to facilitate online participation. A full review of the Rules can occur at a later stage.
 - proposals shall utilise and implement gender-neutral language to ensure harmonisation as outlined in Congress 2022 Doc 24.1.
 - proposals may make grammatical and spelling amendments which do not materially change the provision to ensure consistency of language and minimise the chance of misinterpreting the provision.
 - proposals may introduce clarification which does not materially change the provision to minimise the chance of misinterpreting the provision (for example, clarifying if 'Chair' refers to the Chair of the EC or the Chair of the Committee or Working Group).
- As part of the Review of Governing Documentation, a more fulsome review can occur at a later stage.

Rules of Procedure of the EC – editorial amendments



- Ten articles and the table of contents are proposed to have editorial amendments.
- Common editorial amendments include:
 - including missing grammatical symbols such as colons, semi-colons, commas and full stops, as well as correcting capitalisation and spacing errors.
 - including missing words such as ‘and’.
 - amending ‘Chairman’ to ‘Chair’ and associated rephrasing to ensure grammatical correctness, and other gender-neutral language adjustments.
 - clarifying ‘Chair’ to be ‘Chair of the Council’ where this could be ambiguous.
- A specific editorial amendment to raise is in Article 13, which clarifies that delegates may indicate ‘in the required manner’ that they wish to speak, rather than specifying they must raise their hand. This provides more flexibility to the Chair of the Council in recognising speakers, including potential online participants.

Rules of Procedure of the EC – editorial amendments



- Details of the editorial amendments applied to each provision are included in this table.

Article	Description of amendment
Table of Contents	Remove inconsistent capitalisation
3 – Observers	Clarify that ‘Chair’ refers to ‘Chair of the Council’ Gender-neutral language Correcting grammatical errors
4 – Officers of the Council	Clarify that ‘Chair’ refers to ‘Chair of the Council’ Gender-neutral language Correcting grammatical errors
5 – Secretary General	Clarify that ‘Chair’ refers to ‘Chair of the Council’ Gender-neutral language Correcting grammatical and spelling errors
6 – Sessions	Clarify that ‘Chair’ refers to ‘Chair of the Council’ Gender-neutral language Correcting grammatical errors
7 – Agenda	Clarify that ‘Chair’ refers to ‘Chair of the Council’
9 – Committees, Sub-Committees, Working Groups of the Council	Gender-neutral language Correcting grammatical errors
10 – Urgent matters raised between sessions	Clarify that ‘Chair’ refers to ‘Chair of the Council’ Gender-neutral language Simplification of language
13 – Order of discussion	Clarification to provide more flexibility to the Chair of the Council in recognising speakers, including potential online participants Clarify that ‘Chair’ refers to ‘Chair of the Council’ Gender-neutral language
15 – Minutes and summary report of sessions	Clarify that ‘Chair’ refers to ‘Chair of the Council’ Gender-neutral language
16 – Press notice	Clarify that ‘Chair’ refers to ‘Chair of the Council’ Gender-neutral language

Rules of Procedure of the EC – correction



- The correction amendment relates to an erroneous reference to an article in the Constitution.
- The present wording of Article 8(1) of the EC Rules of Procedure includes a reference to Article 22 of the Constitution. It appears that this should be a reference to Article 21 of the Constitution.
- A review of the circumstances has identified:
 - the Article titled "Co-operation in Universal Postal Congresses" was Article 22 in the Constitution up to the 2000 Tehran Congress.
 - At the 2000 Tehran Congress the Central Office and the Training Centre were merged to form the Bureau.
 - The two separate Articles in the Constitution that dealt with Central Office (Article 12) and the Training Centre (Article 13) were merged into one Article (Article 12).
 - This required renumbering all subsequent articles, resulting in Article 22 becoming Article 21.
 - An adjustment to the Rules of Procedure of the Executive Council to reflect this renumbering was not made at the time, and it is proposed to correct this reference.



Rules of Procedure of the EC – correction – 8(1)

- The proposed amendment also includes simplifying language and reduces duplication across the EC Rules of Procedure, as well as minor grammatical changes.
- The proposed amendment is included here alongside the current wording.

2011 Ulaanbaatar Text	Proposed Text
Examination of proposals introduced between two Congresses related to modification of the UPU Convention.	Examination of proposals introduced between two Congresses related to modification of the UPU Convention / ... /
1. The Council examines, at the request of a postal administration of a member-country, any proposal that said administration transmits to the UPU International Bureau and notifies to the Bureau in accordance with Article 22 of the Constitution and Article 115 paragraph 1 of the General Regulations, by preparing its comments thereon and directing the Bureau to attach the same to the proposal before informing the postal administrations of the member-countries.	1. The Council examines, at the request of a postal administration of a member-country, any proposal that said administration / ... / <u>submits to the Universal Postal Congress in accordance with Article 21 of the Constitution and</u> Article 115, paragraph 1 of the General Regulations, by preparing its comments thereon and directing the Bureau to attach the same to the proposal before informing the postal administrations of the member-countries.



Rules of Procedure of the EC – voting – 14(2)

- The first change to Article 14 is to clarify the application of Article 14(2).
- The Acts of the Union do not provide for hybrid or online participation at meetings. Neither do they provide for a proxy at Executive Council meetings.
- Given technological developments, Article 14(2) is presently ambiguously worded, however the Working Group considers it cannot be used in any way to enable a member who is not physically present *at all* to assign its vote to a member who is physically present.

2011 Ulaanbaatar Text	Proposed Text
1. Each member of the Council has only one vote.	1. Each member of the Council has only one vote.
2. If a member of the Council is unable to attend a meeting, it has the option of delegating its right to vote to a representative of another member-country, on condition that it gives previous advice thereof, in writing, to the Chairman of the Council. It is understood that a member of the Council may represent only one country other than its own.	2. If a member of the Council is unable to <u>physically</u> attend <u>part of</u> a meeting, it has the option of delegating its right to vote to a representative of another member-country, on condition that it gives previous advice thereof, in writing, to the /.../ <u>Chair</u> of the Council. It is understood that a member of the Council may represent only one country other than its own.

Rules of Procedure of the EC – voting – 14(2)



Prior to the 1985 Congress, the Acts were the Convention and its Detailed Regulations.

Article 14, paragraph 2 of the 1981 Yogyakarta Convention (and all the preceding versions back to the 1961 Manila Convention) specified as follows:

"2. At meetings of the Union convened in accordance with the provisions of the Convention, a country may arrange for its representation by another country, provided that a delegation may represent and vote for only one country other than its own."

The important words are "At meetings of the Union" - i.e., not differentiating between Congresses or EC meetings. The period between the 1981 and 1985 Congresses studied making the Convention a Permanent Act (i.e., the present Constitution and General Regulations). The main work was undertaken in 1982 and 1983 - and signed off at the EC meetings in those two years.

In 1982, the WG commented (EC 1982 Doc 12, page 2): "There is only one omission from the existing Acts - Article 14, paragraph 2 of the Convention which belongs, more correctly, in the Rules of Procedure of Congress and of Executive Council".

Rules of Procedure of the EC – voting – 14(2)



In 1983, the WG indicated (EC 1983 Doc 12, Attachment A) that it had reinstated the intent of the former Convention Article 14, paragraph 2 in the General Regulations (Article 105, paragraph 2). Thus, from reading as:

"Each country is represented in Congress by one or more delegates duly authorized for that purpose by their respective Governments."

it was amended to read:

"Each country is represented in Congress by one or more delegates duly authorized for that purpose by their respective Governments. A country may arrange for its representation in Congress by another country, provided that a delegation represents and votes for only one country other than its own."

The reason for reinstating the intent of the former Convention Article 14, paragraph 2 was documented as:

"Addition for clarification and to provide for proxies".

Rules of Procedure of the EC – voting – 14(2)



The situation at the 1985 Congress (based on the decisions in the 1982 and 1983 EC meetings) was as follows:

1. The possibility of members being represented by another at meetings of the Union was seen as something that should be covered in RoP (Congresses and EC).
2. The provision for members to represent others at meetings of the Union was proposed as being deleted from the Convention. This was an intentional action as noted in the 1982 comment from the WG.
3. A reference to members representing others at Congresses was drafted into the GR in 1983 to clarify the situation and to provide for proxies.
4. No further action (nor comment) was made regarding the situation for representation by others in EC meetings (i.e., the EC RoP were not amended).
5. As a result, the Congress undid the desired outcome at (1) by moving the issue of proxies *back to the treaties*. However, either as an oversight or intentionally, it did not create arrangements for EC meetings.

This oversight means that the treaties specially provide for the circumstances of proxies – and therefore the EC RoP cannot provide arrangements. (i.e. the lack of a rule is intentional)



Rules of Procedure of the EC – voting – 14(2)

The proposed amendments clarify that a member seeking to avail themselves of this provision may only do so if they are ‘unable to *physically* attend *part of* a meeting’. This covers the scenario where a delegate may need to leave the room and miss a vote but not the situation where they cannot attend the meeting *at all*.

Notwithstanding this interpretation, this can be revisited as part of the Review of Governing Documentation.

2011 Ulaanbaatar Text	Proposed Text
1. Each member of the Council has only one vote.	1. Each member of the Council has only one vote.
2. If a member of the Council is unable to attend a meeting, it has the option of delegating its right to vote to a representative of another member-country, on condition that it gives previous advice thereof, in writing, to the Chairman of the Council. It is understood that a member of the Council may represent only one country other than its own.	2. If a member of the Council is unable to <u>physically</u> attend <u>part of</u> a meeting, it has the option of delegating its right to vote to a representative of another member-country, on condition that it gives previous advice thereof, in writing, to the /.../ <u>Chair</u> of the Council. It is understood that a member of the Council may represent only one country other than its own.

Rules of Procedure of the EC – voting – 14(3) and (4)



- The second change to Article 14 is to amend Article 14(3) for improved clarification and readability. The amendments do not change the meaning of the paragraph.
- There is also a minor change to incorporate gender-neutral language in 14(4).

2011 Ulaanbaatar Text	Proposed Text
3. The Council endeavors to secure the greatest measure of common agreement possible on all matters discussed, and when such agreement is not possible, the matter shall be decided by the majority of members present and voting. In case of an equal division of votes, the matter is considered rejected.	3. The Council /.../ <u>shall endeavour</u> to secure the greatest measure of common agreement on all matters discussed /.../. <u>Questions which cannot be settled by common consent</u> shall be decided by the majority of members present and voting. In case of an equal division of votes, the matter is considered rejected.
4. Voting is held by raising of hands. However, upon request of a member of the Council or by the desire of the Chairman, a roll call vote may be undertaken in accordance with the alphabetical listing in English of the countries represented at the Council.	4. Voting is held by raising of hands. However, upon request of a member of the Council or by the desire of the /.../ <u>Chair</u> , a roll call vote may be undertaken in accordance with the alphabetical listing in English of the countries represented at the Council.
5. If, at the time of voting, one of the members of the Council, supported by at least one other member, request a secret ballot, the same is given due course and the necessary steps are undertaken to assure the normal functioning of this procedure.	5. If, at the time of voting, one of the members of the Council, supported by at least one other member, request a secret ballot, the same is given due course and the necessary steps are undertaken to assure the normal functioning of this procedure.
6. The expression “members present and voting” comprises the members voting “for” or “against”. Abstentions are not counted; also blank or nullified ballots are not taken into account in case of secret voting.	6. The expression “members present and voting” comprises the members voting “for” or “against”. Abstentions are not counted; also blank or nullified ballots are not taken into account in case of secret voting.

Rules of Procedure of the EC – voting – 14(7), (8) and (9)



- The third change to Article 14 is to incorporate three new paragraphs from the Rules of Procedure of Congresses to become Articles 14(7), 14(8) and 14(9), renumbering the existing Article 14(7) to 14(10).
- These additional provisions provide further detail on:
 - the precedence of a secret ballot over other methods of voting;
 - the eligible reason for interrupting a vote; and
 - permitting members to explain their vote.

2011 Ulaanbaatar Text	Proposed Text
7. When a motion has been adopted or rejected by the Council, the subject matter thereof may be taken up again only if the Council approves its re-examination by a vote undertaken in the manner mentioned in the above paragraphs of this article as the balloting previously applied thereto.	<u>7. Regardless of the system of voting used, the secret ballot shall take precedence over any other voting procedure.</u>
	<u>8. Once the voting has begun, no delegation may interrupt it, except to raise a point of order relating to the way in which the vote is being taken.</u>
	<u>9. After the vote, the Chair may permit delegates to explain why they voted as they did.</u>
	10. When a motion has been adopted or rejected by the Council, the subject matter thereof may be taken up again only if the Council approves its re-examination by a vote undertaken in the manner mentioned in the above paragraphs of this article as the balloting previously applied thereto.

Rules of Procedure of the EC – decisions



For decision:

- **note** the need to harmonise the Rules of Procedure of the Executive Council with the amendments made to the Rules of Procedure of Congresses
- **note** that amendments will not be substantive changes at this time, with a full review to occur in conjunction with the Review of Governing Documentation
- **approve** the amendments to the Table of contents and articles 3, 4, 5, 6, 7, 9, 10, 13, 15 and 16 that are editorial in nature (Proposal 4.1)
- **approve** the amendments to Article 8 (Proposal 4.2)
- **approve** the amendments to Article 14 (Proposal 4.3)