

REVIEW OF APPU GOVERNING DOCUMENTATION

RULES OF PROCEDURE OF CONGRESSES: OBSERVERS (Article 5)

(Document prepared by the Sub-Group¹ of the APPU / UPU Reform Working Group for submission to Congress as reference material regarding proposal 03)

1. Subject	References/paragraphs
<p>Informing Congress on:</p> <ul style="list-style-type: none"> - the four documents involved in the review of Congress RoP - the review of Article 5 of the APPU Congress RoP regarding observers - issues encountered by the Sub-Group when looking at the provisions for observers attending APPU meetings – in particular, absence of consistency and uniform processes between the General Regulations, the Congress Rules of Procedure (RoP) and the EC RoP - the detailed review undertaken on <ul style="list-style-type: none"> - identification of observers - processes that apply to the approval of observer status and issuing of invitations - conditions of participation as observers - the need to consolidate the key provisions and create consistency, ease of understanding and user-friendliness (similar, in part, to the UPU action taken at the 2012 Doha Congress) - the preference for an interim step that consolidates and refreshes current information without amending the General Regulations (at this stage) 	<p>§§ 1.1 – 1.2 § 1.3 § 2 §§ 4.1 – 4.2, Appendix 1 §§ 5.1 – 5.4, Appendix 2 §§ 6.1 – 6.3, Appendix 3 §§ 7.1 – 7.2 §§ 8 - 9, Appendix 4</p>
<p>2. Decisions expected</p> <p>Congress is asked to:</p> <ul style="list-style-type: none"> - note the particular issues that the Sub-Group encountered when dealing with three sets of documentation on observers attending APPU meetings - note the preference for an interim step that consolidates and refreshes current information without amending the General Regulations - make decision on Proposal 03 	<p>§§ 2 - 6 §§ 8 - 9 Appendix 4</p>

1. Introduction

- 1.1 There are four documents that deal with the review of the Rules of Procedure of APPU Congresses (“APPU Congress RoP” or “Congress RoP”). The principal document is Congress 2022 Doc 24.1 – “Review of APP Governing Documentation: Rules of Procedure of Congresses: Main Document”. It deals with the methodology of the review etc and presents the outcome of the review for 13 of the 16 APPU Congress RoP.

¹ 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).

1.2 In paragraph 5.2 of Congress 2022 Doc 24.1 it is explained that, for various reasons, three of the Congress RoP are covered in separate, individual documents. These documents are:

- Congress 2022 Doc 24.2 which deals with RoP Article 4, Delegates' Credentials;
- Congress 2022 Doc 24.3 which deals with RoP Article 5, Observers; and
- Congress 2022 Doc 24.4 which deals with RoP Article 9, Quorum. The document also covers a related matter not addressed in the APPU Congress RoP i.e., conditions of approval of proposals.

1.3 This document (Congress 2022 Doc 24.3) presents the review findings for Article 5 (Observers).

2. What is the issue with observers?

2.1 It is not easy to understand the rules and processes for observers attending APPU meetings. Information is a mix of being:

- (i) repetitive between the General Regulations and the RoP;
- (ii) repetitive within the RoP;
- (iii) inconsistent or incomplete between Congress and EC in terms of approving invitations; and
- (iv) not distinctively placed in the General Regulations.

2.2 The impression is that the drafting of various parts of the material has been done at different times by different authors, and the overall picture may not have been fully taken into account.

2.3 The review Sub-Group has decided to look at the observer subject as widely as possible in order for the General Regulations and RoP to be clear, consistent, non-repetitive and user-friendly.

3. Current situation

3.1 The current provisions (General Regulations and RoP (Congress and EC)) were analysed against three features viz.,

- (i) Appendix 1 – identification of observers that shall or may attend APPU meetings;
- (ii) Appendix 2 – processes to be followed for observers to attend APPU meetings; and
- (iii) Appendix 3 – conditions of participation as observers at APPU meetings.

4. Identification of observers that shall or may attend APPU meetings (Appendix 1)

4.1 In the main, the General Regulations and the RoP are consistent in terms of who the observers are. However, there are the following matters to note.

- (i) UPU
 - (a) Not mentioned in the parent Article in the General Regulations (Article 105, § 6) as an invitee.
 - (b) Congress RoP says “may take part in debates”
 - (c) EC RoP says “shall be invited to send representatives”

- (ii) UN or one of its specialised agencies
 - (a) General Regulations – says “may be invited”
 - (b) Congress RoP – says “may be invited”
 - (c) EC RoP makes a distinction between
 - ESCAP and UNDP who “shall be invited”; and
 - UN and its specialised agencies (other than ESCAP and UNDP) who “may be invited”.
 - (iii) Postal administrations of countries which are members of the UPU
 - (a) General Regulations says
“postal administrations of countries which are members of the UPU may be invited”
 - (b) Congress RoP says
“postal administrations of countries, other than APPU members, which are members of the UPU may be invited”
 - (c) EC RoP makes a distinction between
 - “postal administrations in Asia and the Pacific which are member countries of the UPU, but not members of the APPU”, specifying that these countries “shall be invited”; and
 - “member countries of the UPU who are not entitled to membership in the APPU”, specifying that these countries “may be invited”.
- 4.2 For the other categories of observer, the definition and language (e.g., “shall be invited” v “may be invited”) are consistent across the General Regulations and the RoP. These observer categories are as set out below.
- (i) Any other international organisation having an interest in the work of the Union.
 - (ii) Other restricted unions.
 - (iii) Postal administrations of countries which are non-members of the UPU.
 - (iv) Postal administrations of non-self-governing territories and other areas in Asia and the Pacific.

5. Processes to be followed for observers to attend APPU meetings (Appendix 2)

- 5.1 There is no established process that appears to be consistently applied for actions that might take place from the time a potential observer is nominated to when an invitation is issued. That said, the EC RoP have two process options for issuing invitations i.e.,
- (i) an invitation shall be issued (implying that approval is not required); or
 - (ii) approval of the majority of the EC is required.

- 5.2 The other common action is that Congress or the EC must request the Bureau (or the host country of a meeting) to send invitations to observers. In other words, neither the Bureau nor a host country can initiate an invitation to an observer without a request from Congress or from the EC to do so.
- 5.3 Within the process framework, there is no indication of whether observer status is for a single meeting, or on a continuing basis. Invitations to attend as observers appear to be sent each time there is a meeting.
- 5.4 There is also no evidence of the origin of the invitations that **shall** be issued (versus those that may be issued). In the UPU, for example, observers that **shall** be invited are those who have a right to observer status for one reason or another (known as a “standing invitation”). The APPU appears to lack this precision.

6. Conditions of participation as observers at APPU meetings (Appendix 3)

- 6.1 There is a reasonable level of consistency between the General Regulations and the two sets of RoP regarding the conditions of participation as observers.
- 6.2 The common themes are as follows.

(i) “May take part in debates”. This is also expressed as:

- “may take the floor with the Chairman’s permission”,
- “may take the floor at / with the Chairman’s invitation / permission”,
- “may participate in deliberations”

The three bulleted points are judged as being interchangeable for “may take part in debates”.

(ii) “Without the right to vote”. This is also expressed as:

- “not entitled to vote”

The bulleted point is judged as being interchangeable for “without the right to vote”.

- 6.3 Conditions that are not consistent in the documentation are as follows.

- (i) Attendance in an advisory capacity – this is specified in the General Regulations only for two categories of observer viz.,
- (a) UN or one of its specialised agencies
 - (b) any other international organisation having an interest in the work of the Union
- (ii) Not permitted to be present during the discussion of closed items – this is specified in the EC RoP only, and applies to all observer categories.

7. Moving forward

- 7.1 As mentioned in paragraph 2 of this document, the rules and processes for observers attending APPU meetings are not easy to understand. This would appear to reflect part of the problem the UPU had prior to the 2012 UPU Doha Congress i.e., the Doha Congress created an Article

“to provide a clear set of rules concerning UPU observers in the General Regulations, bringing together the various observers referred to in many provisions in the Acts of the Union”.²

- 7.2 While the APPU may not have exactly the same issues that the UPU had, there is enough evidence to justify a review of the current documentation on observers. In this regard, a key point is that the APPU does not have a specific Article in the General Regulations that deals with observers. The current provision on observers (i.e., Article 105, § 6) is actually part of an Article on “Organisation and convening of Congresses and Extraordinary Congresses”. Accordingly, it is somewhat surprising to find a paragraph in Article 105 that addresses observers at meetings of the Union (i.e., not just Congresses and Extraordinary Congresses, but at all meetings).
- 7.3 Against the background of this document, including the detailed analysis set out in the three Appendices, the Sub-Group reviewing APPU rules and regulations initially recommended that a substantive amendment be made to the General Regulations. This was seen as being a new Article to deal specifically with observers at all Union meetings.

8. Reform WG review of amendment to General Regulations

- 8.1 The Reform WG appreciated the detailed analysis prepared by the Sub-Group. It provided a thorough picture of the variations and issues. There was support for improvements being made to the Union’s rules on observers.
- 8.2 However, there was a view in the Reform WG that it was not the right time to amend the General Regulations. This was a reference to the fact that the processes and effort required in some members’ domestic situations for formalising changes to the Acts of the Union placed considerable pressure on ministries and departments. The preference was to complete the review of all governing documentation prior to amending the Acts of the Union (i.e., deal with all amendments in one process, rather than taking a progressive approach that required more than one formalisation process for members).
- 8.3 The Reform WG agreed with deferring amendment of the General Regulations until the full Acts of the Union had been assessed. This was likely to be in time for the 2026 Congress. This approach was in line with Proposal 01 that urges the 2022 Congress to look for practical alternatives to amending the Acts of the Union in anticipation of the 2026 Congress being the opportunity to make a comprehensive updating of governing documentation.

9. Interim solution for the observer issue

- 9.1 The Reform WG agreed to a resolution being submitted to the 2022 Congress that reflected the analysis and improvements prepared by the Sub-Group. To a degree the draft resolution summarises the various provisions that currently apply. However, it goes further in creating consistency and common purpose in the processes, criteria and reasons for inviting observers.
- 9.2 The draft resolution is an interim solution that provides a single view of observers attending Union meetings. Until such time as it (or a variation of the text) is taken into the General Regulations, it is a guide only.
- 9.3 The draft resolution is Proposal 03. It is at Appendix 4.

² Reference UPU General Regulations, Article 105, Annotation 105.

Analysis of current situation (General Regulations and RoP (Congress and EC)): Identification of observers that shall or may attend APPU meetings

Ref.	Starting-Point	Congress RoP References	EC RoP References
1	UPU Const. Article 9, § 3 The (Universal Postal) Union may send observers to Congresses, conferences and meetings of Restricted Unions.	Art. 5, § 1 Representatives of the Universal Postal Union may take part in the debates of Congress ...	Art. 3, § 2 A The following shall be invited to send representatives to meetings of the Council to observe in an advisory capacity ... UPU
2	APPU Gen Regs, Art. 105, § 6 (1 st sentence) Observers may be invited to attend meetings of the Union in an advisory capacity without the right to vote provided they represent the United Nations or one of its specialised agencies ... having an interest in the work of the Union. ... provided they represent any other international organisation having an interest in the work of the Union	Art. 5, § 2 The following may be invited at the request of Congress or the EC to send representatives as observers the UN and its Specialised Agencies Art. 5, § 2 ... any other international organisation having an interest in the work of the Union	Art. 3, § 2 B and C The following shall be invited to send representatives to meetings of the Council to observe in an advisory capacity ... ESCAP and UNDP ³ Art. 3, § 4 D Upon agreement by a majority of members of the Council, the following may be invited to send representatives to observe the meetings of the Council or sessions thereof: ... representatives of the UN or any of its specialised agencies (other than ESCAP or UNDP). Art. 3, § 4 E ... any other international organisation having an interest in the work of the Union

³ The specific reference to ESCAP and UNDP as entities that shall be invited to EC meetings as observers may be linked to APPU Gen Regs, Art. 111, § 3 (2nd sentence) which specifies these two organisations “may be invited to attend meetings of the Governing Board as observers.

Ref.	Starting-Point	Congress RoP References	EC RoP References
3	<p>APPU Gen Regs, Art. 105, § 6 (2nd sentence)</p> <p>Other observers may also be invited to attend provided that they represent ...</p> <p>... other restricted unions</p> <p>... postal administrations of countries which are members of the UPU</p> <p>... postal administrations of countries which are non-members of the UPU</p> <p>... postal administrations of non-self-governing territories and other areas in Asia and the Pacific</p>	<p>Art. 5, § 2</p> <p>The following may be invited at the request of Congress or the EC to send representatives as observers ...</p> <p>... any other Restricted Postal Union</p> <p>... postal administrations of countries, other than APPU members, which are members of the UPU</p> <p>... postal administrations of countries which are non-members of the UPU</p> <p>... postal administrations of non-self-governing territories and other areas in Asia and the Pacific</p>	<p>Art. 3, § 4 A, B and C</p> <p>Upon agreement by a majority of members of the Council, the following may be invited to send representatives to observe the meetings of the Council or sessions thereof:</p> <p>... other Restricted Unions of the Universal Postal Union;</p> <p>... member-countries of the UPU which are not entitled to membership in the APPU</p> <p>... postal administrations of countries which are non-members of the UPU</p> <p>... postal administrations of non-self-governing territories and of other areas in Asia and the Pacific.</p>
4	<p>APPU Gen Regs, Art. 105, § 6 (2nd sentence)</p> <p>Other observers may also be invited to attend provided that they represent ...</p> <p>... postal administrations of countries which are members of the UPU ⁴</p>	<p>Art. 5, § 2</p> <p>The following may be invited at the request of Congress or the EC to send representatives as observers ...</p> <p>... postal administrations of countries, other than APPU members, which are members of the UPU ⁵</p>	<p>Art. 3, § 1</p> <p>The following shall be invited as observers</p> <p>... Postal Administrations in Asia and the Pacific which are member countries of the UPU, but not members of the APPU</p>

⁴ Duplicate reference i.e., already documented under Ref. 3. Repetition is to provide a “Starting-Point” for variation in EC RoP.

⁵ Duplicate reference i.e., already documented under Ref. 3. Repetition is to provide the equivalent Congress RoP example to match the EC RoP entry under Ref. 4.

Analysis of current situation (General Regulations and RoP (Congress and EC)): Processes to be followed for observers to attend APPU meetings

Ref.	Starting-Point	Congress RoP References	EC RoP References
1	<p>UPU Const. Article 9, § 3</p> <p>The (Universal Postal) Union may send observers to Congresses, conferences and meetings of Restricted Unions.</p> <p>Processes to be followed</p> <p>The UPU Constitution provides for observers to attend Restricted Union meetings. No process is mentioned.</p>	<p>Art. 5, § 1</p> <p>Representatives of the Universal Postal Union may take part in the debates of Congress ...</p> <p>Processes to be followed</p> <p>There is no mention of approval or process to be followed. However, the tone of the EC provision (“... shall be invited ...”) strongly suggests the UPU would be a de jure observer at Congresses.</p>	<p>Art. 3, § 2 A</p> <p>The following shall be invited to send representatives to meetings of the Council to observe in an advisory capacity ... UPU</p> <p>Processes to be followed</p> <p>The intent is clear i.e., the UPU is issued with an invitation to attend EC meetings. Invitation issued as set out in Gen Regs Article 105, § 6.</p>
2	<p>APPU Gen Regs, Art. 105, § 6 (1st sentence)</p> <p>Observers may be invited to attend meetings of the Union in an advisory capacity without the right to vote ...</p> <p>... provided they represent the United Nations or one of its specialised agencies ... having an interest in the work of the Union.</p> <p>Processes to be followed</p> <p>The UN or one of its specialised agencies may be invited to attend meetings of the Union. The proviso is “having an interest in the work of the Union”. Congress or the EC must request invitations to be sent to the parties in question.</p>	<p>Art. 5, § 2</p> <p>The following may be invited at the request of Congress or the EC to send representatives as observers ...</p> <p>... the UN and its Specialised Agencies</p> <p>Processes to be followed</p> <p>The Congress RoP do not make reference to “having an interest in the work of the Union” as a proviso for being invited to observe at Congresses. It is possibly not necessary to do so given the reference in the Gen Regs. Congress or the EC must request invitations to be sent to</p>	<p>Art. 3, § 2 B and C</p> <p>The following shall be invited to send representatives to meetings of the Council to observe in an advisory capacity ... ESCAP and UNDP</p> <p>Art. 3, § 4 D</p> <p>Upon agreement by a majority of members of the Council, the following may be invited to send representatives to observe the meetings of the Council or sessions thereof:</p> <p>... representatives of the UN or any of its specialised agencies (other than ESCAP or UNDP).</p> <p>Processes to be followed</p> <p>EC RoP have a split process. On the one hand ESCAP and UNDP shall be invited; whereas any other UN or specialised agencies need agreement from the majority of EC members. In this regard, the EC RoP do not appear to be consistent with Article 105, § 6 of the Gen Regs i.e., “the</p>

Ref.	Starting-Point	Congress RoP References	EC RoP References
	<p>However, there is no provision that initiates an approval process.</p> <p>... provided they represent any other international organisation having an interest in the work of the Union</p> <p>Processes to be followed</p> <p>No process is specified nor is there any indication whether the issuing of invitations requires approval.</p>	<p>the parties in question. However, there is no provision that initiates an approval process.</p> <p>Art. 5, § 2</p> <p>... any other international organisation having an interest in the work of the Union</p> <p>Processes to be followed</p> <p>No process is specified nor is there any indication whether the issuing of invitations requires approval.</p>	<p>UN or one of its specialised agencies may be invited to attend meetings of the Union". Invitation issued as set out in Gen Regs Article 105, § 6.</p> <p>Art. 3, § 4 E</p> <p>... any other international organisation having an interest in the work of the Union</p> <p>Processes to be followed</p> <p>The process is agreement from the majority of EC members. In this regard, the EC RoP may not be consistent with Article 105, § 6 of the Gen Regs i.e., "any other international organisation having an interest in the work of the Union may be invited to attend meetings of the Union". Invitation issued as set out in Gen Regs Article 105, § 6.</p>
3	<p>APPU Gen Regs, Art. 105, § 6 (2nd sentence)</p> <p>Other observers may also be invited to attend provided that they represent ...</p> <p>... other restricted unions</p> <p>... postal administrations of countries which are members of the UPU</p> <p>... postal administrations of countries which are non-members of the UPU</p> <p>... postal administrations of non-self-governing territories and other areas in Asia and the Pacific</p> <p>Processes to be followed</p>	<p>Art. 5, § 2</p> <p>The following may be invited at the request of Congress or the EC to send representatives as observers ...</p> <p>... any other Restricted Postal Union</p> <p>... postal administrations of countries, other than APPU members, which are members of the UPU</p> <p>... postal administrations of countries which are non-members of the UPU</p> <p>... postal administrations of non-self-governing territories and other areas in Asia and the Pacific</p> <p>Processes to be followed</p>	<p>Art. 3, § 4 A, B and C</p> <p>Upon agreement by a majority of members of the Council, the following may be invited to send representatives to observe the meetings of the Council or sessions thereof:</p> <p>... other Restricted Unions of the Universal Postal Union;</p> <p>... member-countries of the UPU which are not entitled to membership in the APPU</p> <p>... postal administrations of countries which are non-members of the UPU</p> <p>... postal administrations of non-self-governing territories and of other areas in Asia and the Pacific.</p> <p>Processes to be followed</p>

Ref.	Starting-Point	Congress RoP References	EC RoP References
	Congress or the EC must request invitations to be sent to the parties in question. However, there is no provision that initiates an approval process.	Congress or the EC must request invitations to be sent to the parties in question. However, there is no provision that initiates an approval process.	For an invitation to be sent to the parties in question, it requires agreement by the majority of EC members. In this regard, the EC RoP may not be consistent with Article 105, § 6 of the Gen Regs which specifies that the organisations in question may be invited to attend meetings of the Union. Invitation issued as set out in Gen Regs Article 105, § 6.
4	<p>APPU Gen Regs, Art. 105, § 6 (2nd sentence)</p> <p>Other observers may also be invited to attend provided that they represent ...</p> <p>... postal administrations of countries which are members of the UPU ⁶</p> <p>Processes to be followed</p> <p>Congress or the EC must request invitations to be sent to the parties in question. However, there is no provision that initiates an approval process.</p>	<p>Art. 5, § 2</p> <p>The following may be invited at the request of Congress or the EC to send representatives as observers ...</p> <p>... postal administrations of countries, other than APPU members, which are members of the UPU ⁷</p> <p>Processes to be followed</p> <p>Congress or the EC must request invitations to be sent to the parties in question. However, there is no provision that initiates an approval process.</p>	<p>Art. 3, § 1</p> <p>The following shall be invited as observers</p> <p>... Postal Administrations in Asia and the Pacific which are member countries of the UPU, but not members of the APPU</p> <p>Processes to be followed</p> <p>The EC RoP appears to regard these UPU member countries as de jure observers i.e., they “shall be invited”. However, Article 105, § 6 of the Gen Regs does not convey this certainty regarding these UPU members. The reference is that they “may be invited” (not “shall be invited”). Invitation issued as set out in Gen Regs Article 105, § 6.</p>

⁶ Duplicate reference i.e., already documented under Ref. 3. Repetition is to provide a “Starting-Point” for variation in EC RoP.

⁷ Duplicate reference i.e., already documented under Ref. 3. Repetition is to provide the equivalent Congress RoP example to match the EC RoP entry under Ref. 4.

Analysis of current situation (General Regulations and RoP (Congress and EC)): Conditions of participation as observers at APPU meetings

Ref.	Starting-Point	Congress RoP References	EC RoP References
1	<p>UPU Const. Article 9, § 3</p> <p>The (Universal Postal) Union may send observers to Congresses, conferences and meetings of Restricted Unions.</p> <p>Conditions of participation</p> <p>No comment made regarding conditions of participation in meetings of Restricted Unions.</p>	<p>Art. 5, § 1</p> <p>Representatives of the Universal Postal Union may take part in the debates of Congress ...</p> <p>Conditions of participation</p> <p>May take part in debates. Without the right to vote.</p>	<p>Art. 3, § 2 A</p> <p>The following shall be invited to send representatives to meetings of the Council to observe in an advisory capacity ... UPU</p> <p>Conditions of participation</p> <p>May take the floor with the Chairman's permission. Not entitled to vote. Not permitted to be present during the discussion of closed items.</p>
2	<p>APPU Gen Regs, Art. 105, § 6 (1st sentence)</p> <p>Observers may be invited to attend meetings of the Union in an advisory capacity without the right to vote ...</p> <p>The United Nations or one of its specialised agencies ... having an interest in the work of the Union.</p> <p>Conditions of participation</p> <p>Advisory capacity. Without the right to vote.</p>	<p>Art. 5, § 2 and § 3</p> <p>The following may be invited at the request of Congress or the EC to send representatives as observers ...</p> <p>The UN and its Specialised Agencies</p> <p>Conditions of participation</p> <p>May take part in debates. Without the right to vote.</p>	<p>Art. 3, § 2 B and C</p> <p>The following shall be invited to send representatives to meetings of the Council to observe in an advisory capacity</p> <p>ESCAP and UNDP</p> <p>Conditions of participation</p> <p>May take the floor with the Chairman's permission. Not entitled to vote. Not permitted to be present during the discussion of closed items.</p> <p>Art. 3, § 4 D</p> <p>Upon agreement by a majority of members of the Council, the following may be invited to send representatives to observe the meetings of the Council or sessions thereof:</p> <p>The UN or any of its specialised agencies (other than ESCAP or UNDP).</p>

Ref.	Starting-Point	Congress RoP References	EC RoP References
	<p>Any other international organisation having an interest in the work of the Union</p> <p>Conditions of participation</p> <p>Advisory capacity. Without the right to vote.</p>	<p>Art. 5, § 2 and § 3</p> <p>Any other international organisation having an interest in the work of the Union</p> <p>Conditions of participation</p> <p>May take part in debates. Without the right to vote.</p>	<p>Conditions of participation</p> <p>To observe meetings of the Council or sessions thereof. Not entitled to vote. May take the floor at / with the Chairman's invitation / permission. Not permitted to be present during the discussion of closed items.</p> <p>Art. 3, § 4 E</p> <p>Any other international organisation having an interest in the work of the Union</p> <p>Conditions of participation</p> <p>To observe meetings of the Council or sessions thereof. Not entitled to vote. May take the floor at / with the Chairman's invitation / permission. Not permitted to be present during the discussion of closed items.</p>
3	<p>APPU Gen Regs, Art. 105, § 6 (2nd sentence)</p> <p>Other observers may also be invited to attend provided that they represent ...</p> <p>Restricted unions</p> <p>Postal administrations of countries which are members of the UPU</p> <p>Postal administrations of countries which are non-members of the UPU</p>	<p>Art. 5, § 2 and § 3</p> <p>The following may be invited at the request of Congress or the EC to send representatives as observers ...</p> <p>Restricted Postal Union</p> <p>Postal administrations of countries, other than APPU members, which are members of the UPU</p> <p>Postal administrations of countries which are non-members of the UPU</p>	<p>Art. 3, § 4 A, B and C</p> <p>Upon agreement by a majority of members of the Council, the following may be invited to send representatives to observe the meetings of the Council or sessions thereof:</p> <p>Restricted Unions of the Universal Postal Union;</p> <p>Member-countries of the UPU which are not entitled to membership in the APPU</p> <p>Postal administrations of countries which are non-members of the UPU</p>

Ref.	Starting-Point	Congress RoP References	EC RoP References
	<p>Postal administrations of non-self-governing territories and other areas in Asia and the Pacific</p> <p>Conditions of participation</p> <p>Advisory capacity. Without the right to vote.</p>	<p>Postal administrations of non-self-governing territories and other areas in Asia and the Pacific</p> <p>Conditions of participation</p> <p>May take part in debates. Without the right to vote.</p>	<p>Postal administrations of non-self-governing territories and of other areas in Asia and the Pacific.</p> <p>Conditions of participation</p> <p>To observe meetings of the Council or sessions thereof. Not entitled to vote. May take the floor at / with the Chairman's invitation / permission. Not permitted to be present during the discussion of closed items.</p>
4	<p>APPU Gen Regs, Art. 105, § 6 (2nd sentence)</p> <p>Other observers may also be invited to attend provided that they represent ...</p> <p>Postal administrations of countries which are members of the UPU ⁸</p> <p>Conditions of participation</p> <p>Advisory capacity. Without the right to vote.</p>	<p>Art. 5, § 2 and § 3</p> <p>The following may be invited at the request of Congress or the EC to send representatives as observers ...</p> <p>Postal administrations of countries, other than APPU members, which are members of the UPU ⁹</p> <p>Conditions of participation</p> <p>May take part in debates. Without the right to vote.</p>	<p>Art. 3, § 1</p> <p>The following shall be invited as observers</p> <p>Postal Administrations in Asia and the Pacific which are member countries of the UPU, but not members of the APPU</p> <p>Conditions of participation</p> <p>May participate in deliberations. Not entitled to vote. Not permitted to be present during the discussion of closed items.</p>

⁸ Duplicate reference i.e., already documented under Ref. 3. Repetition is to provide a "Starting-Point" for variation in EC RoP.

⁹ Duplicate reference i.e., already documented under Ref. 3. Repetition is to provide the equivalent Congress RoP example to match the EC RoP entry under Ref. 4.

CONGRESS

Proposal of a general nature

03

NEW ZEALAND

Resolution

Observers to meetings of the Union

Congress,

recognizing

the need to have a consistent and holistic view among members on the procedures for inviting observers to meetings of the Union, that are currently stipulated separately in the General Regulations, the Congress Rules of Procedure, and the EC Rules of Procedure,

reaffirming

that the work carried out by the Sub-Group of the APPU Reform Working Group aims to streamline members' understanding on the relevant rules

bearing in mind

that the legal stability of the existing rules is important and that the relevant texts regarding observers have functioned adequately over many years, albeit with some concerns expressed about consistency

welcoming

members' willingness to establish a clear and common understanding on the relevant rules without creating new rules at the present time,

decides

based on a review of all existing rules and the variations between them, that the principles for inviting observers to meetings of the Union should be as follows:

1. Observers may be invited to attend meetings of the Union and take part in debates without the right to vote.
2. Observers include the following entities:
 - 2.1 the Universal Postal Union;
 - 2.2 representatives of the United Nations or one of its other specialised agencies;
 - 2.3 any other international organization having an interest in the work of the Union;
 - 2.4 other restricted postal unions;
 - 2.5 postal administrations of member-countries of the Universal Postal Union categorised according to:
 - 2.5.1 being located in Asia and the Pacific, but not members of the APPU; or
 - 2.5.2 being ineligible for membership of the APPU,

- 2.6 postal administrations of non-members of the Universal Postal Union; and
 - 2.7 postal administrations of non-self-governing territories and other areas in Asia and the Pacific.
3. Invitations must be approved by Congress or by the Executive Council. The approval requirement is support from the majority of members of the Union. Invitations shall include the capacity in which an observer is invited.
4. Invitations will generally be for one meeting only, although Congress or the Executive Council may issue a standing invitation, subject to the approval requirement in paragraph 3.
5. In the convening of meetings where observers are present, the Chair may, with the agreement of the meeting, declare the discussion of certain agenda items closed. In such cases, observers are not permitted to be present.
6. Observers may only be invited at the request of Congress or the Executive Council. Unless the host country of a meeting so wishes, the invitations will be sent by the Bureau.
7. In addition to the observers defined in paragraph 2 of this Article, Congress or the Executive Council may designate ad hoc observers to attend their meetings in accordance with their Rules of Procedure, when this is in the best interests of the Union.

Reasons – See Congress Doc 24.3.

Proposal 03 partly summarises current provisions that are separately recorded in Union documents, as well as introducing some new features that are regarded as necessary for a complete and balanced set of rules for observers attending all Union meetings. Overall, the objective of the draft resolution is to bring consistency to the processes for inviting observers to meetings, to minimise duplication of information, and to generally make the process easier to understand.

Proposal 03 does introduce some new information. The table below is a guide to what is existing text, and what is **new text**.

Para	Source
1	Gen Regs, Article 105, § 6, first sentence, plus references in Congress and EC RoP.
2	Gen Regs, Article 105, § 6, first and second sentences, EC RoP § 1, § 4 D.
3	EC RoP § 4 – see further comment for § 3 of Proposal 03 below.
4	See comment for § 4 of Proposal 03 below.
5	EC RoP § 7.
6	Gen Regs, Article 105, § 6, third and fourth sentences, EC RoP § 6.
7	See comment for § 7 of Proposal 03 below.

§ 3 of Proposal 03

1. **Invitations must be approved by Congress or by the Executive Council. The approval requirement is support from the majority of members of the Union.**

Currently, a number of observer categories are subject to majority approval by the EC (EC RoP § 4). However, the approval requirement is not specifically stated for all observer categories, the particular gap being the Congress RoP which are silent on the approval process.

The Sub-Group believes that seeking approval, in principle, for every situation is a standard discipline that the APPU should follow. (Refer also to notes under § 4 of Proposal 04 for a process rationalisation option.)

2. Invitations shall include the capacity in which an observer is invited.

Currently, the reason for observer status being given is stated in a few cases e.g., “in an advisory capacity”. In the majority of cases, however, observers appear to be present for assumed reasons. In the interests of transparency, the dignity and value of APPU as a meeting forum warrants specific reasons being agreed as to why an observer should attend.

§ 4 of Proposal 03

1. Invitations will generally be for one meeting only, ...

At present it is unclear what the commitment is from the APPU for various observers to attend. It might also be unclear for observers whether they have a permanent seat at APPU meetings. The proposal to issue invitations for one meeting only is not aimed at making it difficult for an observer, nor onerous for the Bureau. It is simply to establish a practice, and to exercise a form of control.

2. ... although Congress or the Executive Council may issue a standing invitation, subject to the approval requirement in paragraph 3.

As mentioned in notes for § 3 of Proposal 03 above, requiring all observers to be approved might appear onerous, particularly when combined with the “one meeting only” aspect. However, there are some observers for whom approval can be dealt with differently e.g., UPU, UN, UPU members in Asia-Pacific who are not members of the APPU. Congress or the EC should be able to have a standing invitation arrangement with these entities which might be reviewed at each Congress.

§ 7 of Proposal 03

In addition to the observers defined in paragraph 2 of this Article, Congress or the Executive Council may designate ad hoc observers to attend their meetings in accordance with their Rules of Procedure, when this is in the best interests of the Union.

The origin of this provision is from the UPU General Regulations, Article 105, § 3. In principle, it appears a useful mechanism that enables observers other than those listed in § 2 of Proposal 03 to be invited to meetings when it is considered in the best interests of the Union to do so.