

REVIEW OF APPU GOVERNING DOCUMENTATION

RULES OF PROCEDURE OF CONGRESSES: QUORUM (APPU RoP Article 9) and CONDITIONS OF APPROVAL OF PROPOSALS (UPU RoP Article 19)¹

(Document prepared by the Sub-Group² of the APPU / UPU Reform Working Group for submission to Congress as reference material regarding proposals 19.9.1 and 19.12.91)

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 9 of the APPU Congress RoP regarding quorum and the broadening of the work to include conditions of approval of proposals as set out in UPU Congress RoP Article 19 <p>Quorum</p> <ul style="list-style-type: none"> - the difficulty in clearly understanding the details regarding quorum and conditions of approval of proposals in the APPU governing documentation - the comparative ease of understanding quorum and conditions of approval of proposals in UPU governing documentation - issues with interpreting APPU Congress RoP 9 regarding quorum - the Sub-Group view on what the APPU quorum should be <p>Conditions of approval of proposals</p> <ul style="list-style-type: none"> - distinction between quorum required to hold a meeting v quorum required for the approval of proposals - the rules for approval of proposals are neither clear nor precise - the conditions of approval for proposals regarding the APPU General Regulations need priority attention - a proposed consolidation of information on quorum and conditions of approval of proposals <p>Interim solution</p> <ul style="list-style-type: none"> - the preference for an interim step that provides some immediate clarity without amending the General Regulations (at this stage) 	<p>§§ 1.1 – 1.2</p> <p>§§ 1.3 – 1.4</p> <p>§ 1.5</p> <p>§ 3.1</p> <p>§ 4.1.1, § 4.2.1</p> <p>§ 4.3.1</p> <p>§ 5.2.1</p> <p>§ 5.2.1, Table 3</p> <p>Table 3, Line 2</p> <p>§ 5.3.1, Table 5, § 5.4</p> <p>§§ 5.5, 6</p> <p>§ 7</p>
<p>2. Decisions expected</p> <p>Congress is asked to:</p> <ul style="list-style-type: none"> - note the information regarding quorum and conditions of approval of proposals - note the proposed solution that clearly defines the number of members constituting a quorum - note the recommended solution to the apparent anomaly in the number of members required to approve amendments to the APPU General Regulations 	<p>§§ 1 - 6</p> <p>§ 4.3.1</p> <p>§ 5.4.2 (ii)</p>

¹ In order to deal properly with the APPU Congress quorum matter, the Sub-Group found it necessary to also look at the conditions of approval of proposals. The text it used for the conditions of approval of proposals was Article 19 of the UPU Congress RoP. Further reference is made to the link between quorum and conditions of approval of proposals in paragraph 1.4 of Congress 2022 Doc 24.4 .

² 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).

- note the proposed consolidation of conditions of approval of proposals that makes the requirements clear	§§ 5.5, 6
- note the preference for an interim step that provides some immediate clarity without amending the General Regulations (at this stage)	§ 7
- note the outcome of the Sub-Group's work as drafted in:	
- Congress proposal 19.9.1	Appendix 1
- Congress proposal 19.12.91	Appendix 2
- make decisions on:	
- proposal 19.9.1	Appendix 1
- proposal 19.12.91	Appendix 2

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.
- 1.2 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 24.4) presents the review findings for APPU Congress RoP Article 9 (Quorum) in conjunction with the conditions of approval of proposals.
- 1.4 In the first part of its work on the quorum, the Sub-Group found it difficult to deal only with the quorum required to convene a meeting. There were other instances where quorum had to be defined i.e., the various quorums required to consider proposals to amend the Acts and Rules, with due reference to the majorities necessary for approval of proposals. To the Sub-Group it seemed inefficient to only review one aspect of quorum (i.e., APPU Congress RoP Article 9) and leave other aspects of quorum requiring review / improvement. Accordingly, the Sub-Group broadened the scope of its work with the objective of drafting a complete set of information on quorums required in all situations.
- 1.5 Of equal influence on the Sub-Group to broaden its work was the fact that because of the way in which the APPU Acts and RoP were written, it was not easy clearly understand the quorums and voting majorities for the approval of proposals. Included in the documentation issues were:
 - (i) incomplete information;
 - (ii) ambiguous information;
 - (iii) unexplained differences between the APPU RoP and the UPU RoP;

- (iv) inconsistencies in how information is documented or reported; and
- (v) absence of definitions of key terms.

2. Structure of document

- 2.1 Congress Doc 24.4 deals with quorum and conditions of approval of proposals separately (i.e., quorum is covered in paragraph 4, conditions of approval of proposals is covered in paragraph 5). This separate treatment makes it easier to show the complexities of each area. Once this is completed, Congress Doc 24.4 brings the two items together in a summary in paragraph 6.

3. Relevance of UPU Congress RoP

- 3.1 Congress Doc 24.4 uses the UPU Congress RoP as a guide to how the two matters are documented by the UPU. Among other things, the UPU Congress RoP identified the value of details for quorum and conditions of approval of proposals being consolidated in one document (i.e., Article 19 of the UPU Congress RoP).

4. Quorum

4.1 Definition

- 4.1.1 There is only one specific reference to a Congress quorum in the APPU governing documentation. This is in APPU Congress RoP, Article 9.

“A majority of the member-countries represented in Congress or on the Committee shall constitute a quorum”.

- 4.1.2 There are three implied references to a Congress quorum in the APPU governing documentation. These are as follows.

APPU Constitution Article 19, § 1

“To be adopted, proposals submitted to the Congress and relating to this Constitution must be approved by at least two-thirds of the member-countries of the Union.”

APPU General Regulations Article 123, § 1

“To become effective, proposals submitted to Congress relating to these General Regulations shall be approved by a majority of the member-countries represented at Congress.”

APPU Congress RoP Article 16, § 2

“To be adopted, proposals for amendments to the present Rules must be approved by at least two-thirds of the member-countries represented in Congress.”

4.2 Interpretation of Definition of Quorum

- 4.2.1 The definition of the quorum in APPU Congress RoP 9 (i.e., “A majority of the member-countries represented in Congress or on the Committee shall constitute a quorum”) was tested for clarity. The conclusion was that the definition was ambiguous.³ There were two issues.

³ The Sub-Group conducted a survey of 20 parties to see whether the quorum definition was uniformly interpreted. Allowing for inconclusive responses from surveyed parties, approximately 50% of respondents interpreted the definition as the majority of APPU

- (i) The wording “a majority of the members represented at Congress” was interpreted as either:
 - (a) a majority of the members of the Union – which produces a quorum of 17 (there being 32 members of the APPU); or
 - (b) a majority of those members of the Union who are attending Congress – which can produce a different quorum number e.g., if 24 members attend Congress, then the quorum would be 13.
- (ii) If the intention of the quorum definition was “a majority of the members of the Union” (i.e., 17), then what is the purpose of having the words “represented in Congress” as part of the definition?

4.3 Investigating the interpretation issue

4.3.1 What is the quorum number that the APPU wishes to have for a Congress to proceed?

Given that the current provision is unclear, this is a matter that the APPU needs to decide. The Sub-Group believes that the intention has always been for the quorum for a Congress to be set at a majority of the members of the Union. Further, the eligibility of member-countries to vote should be taken into account when assessing the quorum. Accordingly, the Sub-Group **recommends** that Article 9 of the APPU RoP be amended to read:

“The quorum necessary for the opening of the meetings and for voting shall be the majority of the member countries of the Union, provided that these member countries have the right to vote.”

4.4 Comment on Sub-Group recommendation

4.4.1 The Sub-Group offers the following material regarding its recommendation to set the Congress quorum at the majority of the members of the Union.

- (i) The APPU EC, which comprises the full membership of 32 countries, sets its quorum at a majority of its members (i.e., 17).
- (ii) The words “represented in Congress” are puzzling in terms of what they mean. Taken literally, they mean the actual number of member countries physically present at a Congress. This is unhelpful because it legitimises very low numbers as a quorum e.g., if there are 11 member countries present, there is nothing that appears to prevent the quorum being six member countries. The words “represented in Congress” come from the UPU. Research has identified the following.
 - (a) The phrase “represented at Congress” is not defined in any UPU documentation reviewed by the Sub-Group. It is a phrase used by the UPU Credentials Committee in its reports to Plenary. The UPU Congress then uses the figure supplied by the Credentials Committee to set the quorum for its meetings.
 - (b) Based on sub-paragraph (a) above, the best the Sub-Group is able to conclude is that the phrase “represented at Congress” indicates members whose credentials have been

members (i.e., 17) being required to form a quorum, whereas the other 50% interpreted the definition as the majority of members represented at Congress (e.g., if 24 members were represented at Congress, then the majority (quorum) would be 13).

verified and accepted by the UPU Credentials Committee. Hence, the UPU defines its quorum as follows - “the quorum necessary for the opening of the meetings and for voting shall be half the members represented in Congress and having the right to vote.”

- (c) The Sub-Group believes the draft text it has proposed in paragraph 4.3.1 is more specific and reflects an intent that the APPU can be comfortable with.

5. Conditions of approval of proposals

5.1 The current APPU provisions that relate to the approval of proposals are set out in **Table 1**.

Table 1: Current APPU conditions for approval of proposals

Ref.	Document	Provision Reference	Provision Text
1.	Constitution	Const, Art. 19, § 1	To be adopted, proposals submitted to the Congress and relating to this Constitution must be approved by at least two-thirds of the member-countries of the Union.
2.	General Regulations	Gen Regs, Art. 123, § 1	To become effective, proposals submitted to Congress relating to these General Regulations shall be approved by a majority of the member-countries represented at Congress.
3.	Reservations to Chapter V of the General Regulations	Gen Regs, Art. 113, § 3	To be adopted, reservations submitted to Congress shall be approved by a majority of the member-countries present and voting.
4.	Rules of Procedure of Congresses	RoP, Art. 16, § 2	To be adopted, proposals for amendments to the present Rules must be approved by at least two-thirds of the member-countries represented in Congress.
5.	Proposal of a general nature	RoP, Art. 14, § 1	Drafts of ... Resolutions submitted by the Drafting Committee may only be regarded as adopted after approval at Plenary sessions.

5.2 Initial assessment of APPU rules for the approval of proposals

5.2.1 The APPU rules for approval of proposals are neither clear nor precise. In this regard, there are two parts that should be clearly stated when establishing conditions for the approval of proposals.

- (i) The number of members present so that an amendment can be properly considered. This is the **"quorum"**.
- (ii) The number of members in favour of an amendment for it to be approved. This is the **"majority required"**.

5.2.2 The purpose of a **quorum** and a **majority required** is to protect an organisation against totally unrepresentative action by an unduly small number of members (or, in other words, to prevent a few members making changes that might not be in the interests of the majority of members).

5.2.3 The general situation is that more important laws and regulations require higher numbers for quorums and for majorities required. The other general principle is that organisations make it quite clear for each type of Law, Act, Regulation, etc, what the **quorum** is for considering an amendment, and what the **majority required** is for approving an amendment.

5.2.4 In the case of the UPU, for example, it is clear what the **quorum** and **majority required** is for amending the UPU Constitution, General Regulations, Convention and Agreements. This can be found, in a consolidated statement, in Annotation 31.1 of the UPU Constitution. For ease of reference, the key data from Annotation 31.1 has been extracted and placed in **Table 2** below (for the UPU Constitution and UPU General Regulations).

Table 2: UPU “Quorum and Majority Required” System

Line	Document	Quorum	Majority Required	Comment
1	UPU Constitution	Two-thirds of the member countries of the Union must be present and eligible to vote	Two-thirds of the member countries of the Union	Quorum very clear and precise Majority required very clear and precise
2	UPU General Regulations	Two-thirds of the member countries of the Union must be present and eligible to vote	Majority of the member countries represented at Congress	Quorum very clear and precise Majority required very clear and precise

5.2.5 On the other hand, the APPU does not make it clear what the **quorum** is for considering amendments to the Constitution and General Regulations. Further, the **majority required** is not clear in the case of the General Regulations. The APPU situation is set out in **Table 3**.

Table 3: APPU “Quorum and Majority Required” System

Line	Document	Quorum	Majority Required	Comment
1	APPU Constitution	Not specified	Two-thirds of the member countries of the Union	Quorum is not clear; however, the fact that two-thirds of the member countries of the Union is the majority required for approval, means that at least the same number is required for a quorum .
2	APPU General Regulations	Not specified	Majority of the member countries represented at Congress	Quorum is not clear. The majority required is a real issue. What exactly does “ majority of the member countries represented at Congress ” mean? For example, if there are 17 members at Congress, does it mean the majority required to amend the General Regulations is 9?

5.2.6 If the APPU **quorum** and **majority required** was originally intended to follow the UPU system, then **Table 4** sets out how it would look.

Table 4: APPU “Quorum and Majority Required” if Based on UPU

Line	Document	Quorum	Majority Required
1	APPU Constitution	Two-thirds of the member countries of the Union must be present	Two-thirds of the member countries of the Union
2	APPU General Regulations	Two-thirds of the member countries of the Union must be present	Majority of the member countries represented at Congress

5.3 The implications of the current APPU rules for the approval of proposals

5.3.1 Apart from best practice that the **quorum** and **majority required** should be clearly stated for each type of Act, Regulation, Rule, etc, there are two anomalies (both concerning the APPU General Regulations) that point to the rules needing to be improved.

- (i) The situation set out in Line 2 of Table 3 where it appears that the General Regulations can be amended by as few as nine members being in favour of a proposal.
- (ii) It is easier to change the APPU General Regulations than it is to change the APPU Congress Rules of Procedure (whereas one would think that the APPU General Regulations which bind governments to decisions would require greater rigour than changes to the Congress Rules of Procedure). To understand this issue, Table 5 presents the key information that leads to this conclusion.

Table 5: Majorities Required to Approve Proposals for General Regulations and Congress Rules of Procedure

Line	Document	Provision	Majority Required if 17 Members at Congress
1	APPU General Regulations	General Regulations, Article 123, § 1: “To become effective, proposals submitted to Congress relating to these General Regulations shall be approved by a majority of the member-countries represented at Congress.”	9
2	APPU Congress Rules of Procedure	APPU Congress Rules of Procedure, Article 166, § 2: “To be adopted, proposals for amendments to the present Rules must be approved by at least two-thirds of the member-countries represented in Congress.”	12

5.4 Solution required

5.4.1 Taking into account:

- (i) the principle set out in paragraph 5.2.1 of having a clear statement for the **quorum** and a clear statement for the **majority required** (noting that, as identified in Table 3, neither of these are clearly stated for the General Regulations);

- (ii) the principle set out in paragraph 5.2.2 that clear statements for **quorum** and **majority required** protect the general interests of the Union (noting that, as further identified in Table 3, under current provisions it appears that as few as nine members could make a change to the General Regulations);
- (iii) the principle set out in paragraph 5.2.3 of a commonsense hierarchy for **quorums** and **majorities required** to approve proposals depending on the importance of the Law, Act, Regulation, Rule, etc in question (noting that, as identified in Table 5, under current provisions it appears that the majority required to change the General Regulations is lower than the majority required to change the Congress Rules of Procedure);
- (iv) the practice in the UPU, as described in paragraph 5.2.4, where there is a clear statement for **quorum** and **majority required** for the approval of proposals relating to each of their various Acts, Regulations, Rules, etc;
- (v) the general practice of the APPU to model its rules on those established in the UPU; and
- (vi) the clear evidence that the APPU has used the UPU **quorums** and **majorities required** as the basis for its own rules in this area (albeit the UPU material has not been applied consistently or logically by the APPU),

the Sub-Group is in no doubt that an issue exists with the **quorum** and **majority required** for approving proposals regarding the General Regulations.

5.4.2 Based on paragraph 5.4.1, the Sub-Group **recommends** as follows.

- (i) The **quorum** and **majority required** for approval of proposals to amend the APPU General Regulations be aligned with the UPU arrangements for its General Regulations. This should be done by amending the parent provision in the APPU General Regulations (Article 123, § 1) to include the identical text from the UPU counterpart provision (UPU General Regulations, Article 156, § 1). The proposed revised text of APPU General Regulations Article 123, § 1 would be as follows.

“1. To become effective, proposals submitted to Congress relating to these General Regulations shall be approved by a majority of the member-countries represented at Congress. **At least two-thirds of the member-countries of the Union shall be present and eligible to vote at the time of voting.**”

- (ii) The opportunity be taken to ensure that other areas involving approval of proposals are consistent in language and logic within the APPU and, to the extent appropriate, aligned with corresponding arrangements in the UPU.

5.5 Comment regarding other APPU Acts (reference paragraph 5.4.2 (ii))

5.5.1 Constitution

- (i) There are no practical issues with the approval of proposals concerning the APPU Constitution. The APPU Congress RoP specifies that proposals must be approved by at least two-thirds of the member-countries of the Union.
- (ii) As set out in Line 1 of Table 3, the only point of note regarding the Constitution is that the quorum for approving proposals is not explicitly stated in the governing documentation. That

said, the quorum is implied in the majority required to approve a proposal i.e., the approval required is two-thirds of members in favour (i.e., 22 members); therefore, the minimum number of members present needs to be at least 22 in order to get a decision.

- (iii) The difference between the UPU and the APPU is that the UPU specifies the minimum attendance required (i.e., two-thirds of the Union members having the right to vote) in the UPU Congress RoP. The APPU should clearly state the quorum required for proposals concerning the Constitution.

5.5.2 Reservations to Chapter V of the General Regulations

There are no issues with this area of the General Regulations.

5.5.3 APPU Congress RoP

- (i) The majority required is clearly stated in the RoP, being two-thirds of the member-countries represented in Congress.
- (ii) The quorum required for proposals to amend the RoP is not specifically mentioned in the RoP. In this regard, it would be appropriate to use the quorum defined in RoP Article 9. For the record, the current text of Article 9 is:

“A majority of the member-countries represented in Congress or on the Committee shall constitute a quorum.”

However, for completeness of information, the Sub-Group has proposed amending Article 9 to read:

“The quorum necessary for the opening of the meetings and for voting shall be the majority of the member countries of the Union, provided that these member countries have the right to vote.”

5.5.4 Decisions not amending the Acts

- (i) The governing documentation is almost silent on this area of proposals and decisions. There is just one reference in the APPU Congress RoP i.e., Article 14, § 1.

“Drafts of ... Resolutions submitted by the Drafting Committee may only be regarded as adopted after approval at Plenary sessions.”

- (ii) The UPU Congress RoP has one reference (in **bold** for ease of reading) i.e., Article 19, § 2 which states:

*“Procedural matters which cannot be decided by common consent shall be decided by a majority of the member countries present and voting which have the right to vote. The same shall apply to **decisions not concerning the Acts**, unless Congress decides otherwise **by a majority of the member countries present and voting which have the right to vote.**”*

- (iii) For the purpose of this part of Congress Doc 24.4, the Sub-Group has followed the UPU example i.e., decisions not amending the Acts are subject to a majority of the member countries present and voting.

6. Consideration of the two items combined (quorum and conditions of approval of proposals)

- 6.1 Having completed a review of the two matters as separate items, the Sub-Group has taken some guidance from the UPU Congress RoP which has a partial consolidation of the provisions relating to quorum and conditions of approval of proposals (i.e., UPU Congress RoP Article 19). In this regard the Sub-Group recommends the APPU Congress RoP also consolidates the provisions for conditions of approval of proposals and the respective quorum requirements. While this will involve some duplication of information already in the Constitution and General Regulations, the purpose is to provide all parties (Congress Chair, delegations, secretariat and Bureau), with a single source of information. As it stands, information is either scattered through documents or does not exist. This needs to be rectified.
- 6.2 The Sub-Group recommends the following text (based on UPU Congress RoP Article 19) as a draft consolidated Article for the APPU Congress RoP. For completeness, particularly in assessing the number of votes required to achieve a majority, the recommended draft also includes a definition of “present and voting”, as well as the treatment of abstentions, blank votes, and null and void votes.

“Article 12 bis

Conditions of Approval of Proposals

1. To be adopted, proposals involving amendments to the Acts must:

1.1 in the case of the Constitution, be approved by at least two-thirds of the member countries of the Union having the right to vote, provided that at least two-thirds of the member countries of the Union are present and eligible to vote before the voting takes place;

1.2 in the case of the General Regulations, be approved by a majority of the member countries represented at Congress, provided that at least two-thirds of the member-countries of the Union are present and eligible to vote at the time of voting;

1.3 in the case of reservations to Chapter V of the General Regulations, be approved by the majority of those present and voting; and

1.4 in the case of the Rules of Procedure of Congresses, be approved by at least two-thirds of the member-countries represented in Congress, provided that the majority of member countries of the Union are present and eligible to vote at the time of voting.

2. Procedural matters which cannot be settled by common consent shall be decided by a majority of the member countries present and voting. The same shall apply to decisions not concerning changes in the Acts, unless Congress decides otherwise by a majority of the member countries present and voting.

3. Subject to paragraph 5, “member countries present and voting” shall mean member countries which have the right to vote voting “for” or “against”, abstentions being disregarded in counting the votes required to constitute a majority, and similarly blank or null and void ballot papers in the case of a secret ballot.

4. In the event of a tie, a proposal shall be regarded as rejected.

5. When the number of abstentions and blank or null and void ballot papers exceeds half the number of votes cast (for, against and abstentions), consideration of the matter shall be deferred until a subsequent meeting, at which abstentions and blank or null and void ballot papers shall be disregarded.”

7. Reform WG review of amendment to General Regulations

- 7.1 The Reform WG acknowledged the thorough assessment undertaken by the Sub-Group. It had examined a complex aspect of the Acts in a manner and style that, almost certainly, had not been done previously. The Sub-Group had correctly identified issues that should be addressed by the Union. There was support for improvements being made to the Union's provisions on quorum and conditions of approval of proposals.
- 7.2 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).
- 7.3 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.

8. Interim solution for quorum and conditions of approval of proposals

- 8.1 To deal with this matter, albeit as an interim step, the Reform WG supported two proposals that amend the APPU Congress RoP as follows.
- (i) **Proposal 19.9.1** – this deals with **Quorum** as covered in paragraph 4 of this document, with the specific amendment presented in paragraph 4.3.1 and Appendix 1.
 - (ii) **Proposal 19.12.91** – this deals with **Conditions of Approval of Proposals** as covered in paragraph 6 of this document, with the specific amendment presented in paragraph 6.2 and Appendix 2.
- 8.2 The Sub-Group makes one further observation regarding proposal 19.12.91 i.e., in its paragraph 1.2 it specifies that "two-thirds of the member-countries of the Union must be present and eligible to vote at the time of voting" for amendments to the General Regulations. Ideally, this provision would be the result of Article 123 of the General Regulations actually specifying the two-thirds criterion. However, the General Regulations will not be amended at the 2022 Congress. The Sub-Group does not see that as an issue. Amending the General Regulations at a later Congress will make the two-thirds criterion absolutely clear. In the meantime, the two-thirds criterion is correct – but it requires the extensive process set out in the various sub-paragraphs and tables under paragraph 5 to arrive at that conclusion.

13th CONGRESS

Rules of Procedure of Congresses – Proposal

19.9.1

CHINA, NEW ZEALAND

2005 Seoul Text	Proposed Text
Article 9 Quorum A majority of the member-countries represented in Congress or on the Committee shall constitute a quorum.	Article 9 Quorum The quorum necessary for the opening of the meetings and for voting shall be the majority of the member countries of the Union, provided that these member countries have the right to vote.

Reasons – see Congress Doc 24.4, paragraph 4.

13th CONGRESS

Rules of Procedure of Congresses – Proposal

19.12.91

CHINA, NEW ZEALAND

Create a new Article as follows.

Article 12 bis

Conditions of Approval of Proposals

1. To be adopted, proposals involving amendments to the Acts must:

1.1 in the case of the Constitution, be approved by at least two-thirds of the member countries of the Union, provided that at least two-thirds of the member countries of the Union are present and eligible to vote before the voting takes place;

1.2 in the case of the General Regulations, be approved by a majority of the member countries represented at Congress, provided that at least two-thirds of the member-countries of the Union are present and eligible to vote at the time of voting;

1.3 in the case of reservations to Chapter V of the General Regulations, be approved by the majority of those present and voting; and

1.4 in the case of the Rules of Procedure of Congresses, be approved by at least two-thirds of the member-countries represented at Congress, provided that the majority of member countries of the Union are present and eligible to vote at the time of voting.

2. Procedural matters which cannot be settled by common consent shall be decided by a majority of the member countries present and voting. The same shall apply to decisions not concerning changes in the Acts, unless Congress decides otherwise by a majority of the member countries present and voting.

3. Subject to paragraph 5, “member countries present and voting” shall mean member countries which have the right to vote voting “for” or “against”, abstentions being disregarded in counting the votes required to constitute a majority, and similarly blank or null and void ballot papers in the case of a secret ballot.

4. In the event of a tie, a proposal shall be regarded as rejected.

5. When the number of abstentions and blank or null and void ballot papers exceeds half the number of votes cast (for, against and abstentions), consideration of the matter shall be deferred until a subsequent meeting, at which abstentions and blank or null and void ballot papers shall be disregarded.

Reasons – see Congress Doc 24.4, paragraph 6.