

EXECUTIVE COUNCIL 2024

REVIEW OF GOVERNING DOCUMENTATION AND WORKPLAN

(Document prepared by the APPU/UPU Reform Working Group)

1. Subject	References/ Paragraphs
<p>Informing the EC on:</p> <ul style="list-style-type: none"> - the progress of the review of governing documentation and archiving project - the current policy position recommendations for: <ul style="list-style-type: none"> - Objectives and functions of the Union - Centre of excellence - Regional representation - Membership - Reservations - Accession - Ratification - Withdrawal - User-funded subsidiary bodies - the proposed workplan for the APPU/UPU Reform Working Group and next steps 	<p>§ 3.1 – 4.6</p> <p>§ 4.7 – 4.16</p> <p>§ 5.1 – 6.2</p>
<p>2. Decision expected</p> <p>The EC is asked to:</p> <ul style="list-style-type: none"> - note the progress of the review of governing documentation and archiving project - approve the final annotated Acts of the Union - agree the Objectives and functions of the Union position - agree the Centre of excellence position - agree the Regional representation position - agree the Membership position - agree the Reservations position - agree the Accession position - agree the Ratification position - agree the Withdrawal position - agree the User-funded subsidiary bodies position - endorse the proposed workplan for the APPU/UPU Reform Working Group and next steps 	<p>§ 3.1 – 4.6</p> <p>§ 3.1-3.4</p> <p>§ 4.7</p> <p>§ 4.8</p> <p>§ 4.9</p> <p>§ 4.10</p> <p>§ 4.11</p> <p>§ 4.12</p> <p>§ 4.13</p> <p>§ 4.14</p> <p>§ 4.15</p> <p>§ 5.1 – 6.2</p>

1. Purpose of document

- 1.1 This document provides a progress report to the Asian-Pacific Postal Union (APPU) Executive Council (EC) on the work undertaken by the APPU/UPU Reform Working Group (RWG) concerning the review of governing documentation and archiving project, as agreed in EC 2023 Doc 13.1 at the 2023 EC. It presents several policy positions for endorsement at the 2024 EC.
- 1.2 This document also outlines the workplan for the completion of this work for the remainder of the Bangkok Cycle (2022 – 2026) and the next steps for the RWG.

2. Key background

- 2.1 The first detailed report to the EC on the review of governing documentation and archiving project was in EC 2023 Doc 13.3 and included information on the APPU documentation covered and the purpose of this project. Additional documents with details on the review of governing documentation and archiving project include EC 2023 Doc 13.3 Add 1 and EC 2023 Doc 13.5.
- 2.2 The 2023 EC endorsed a vision to guide the review of governing documentation work, which is discussed in EC 2023 Doc 13.1 and outlined in EC 2023 Doc 13.1 Add 1. The RWG has used this vision to guide the review of governing documentation and the development of policy positions.
- 2.3 There have been several disruptions to this work given unforeseen circumstances, including resourcing constraints and complex technical aspects that have required additional time and review by the RWG. Given this, a revised proposed work plan is outlined in Section 5 of this document to ensure that the project is completed by the Bangkok Cycle.

3. Archiving and annotated Acts of the Union

- 3.1 As outlined in EC 2023 Doc 13.1 Add 1, in the Tehran cycle it was identified that the APPU did not have a complete set of Acts of the Union and there was limited information on historical Union decisions (including treaty amendments). To resolve these issues, the RWG and particularly the Reform Consultant undertook to archive Union materials and develop a fully annotated set of the Acts of the Union.
- 3.2 The archiving required for the RWG to progress the review of governing documentation was completed by the 2023 EC meeting. Responsibility for finalising the archiving project was transferred to the Bureau and is now part of the broader Digital Library project of the APPU.
- 3.3 In APPU Circular No. 3 of 2024, the RWG advised the APPU members that the annotated Acts of the Union were available for comment on the APPU website document portal. The RWG received comments from one member country which have been incorporated into the wider review of governing documentation.
- 3.4 Given no comments were received that proposed any changes to these as a historical record, the EC is invited to approve the draft annotated Acts as the final versions. These will remain available to the working groups of the Union, members and the Bureau as a shared resource.

4. Review of the Acts of the Union and policy positions

- 4.1 As outlined in EC 2023 Doc 13.5, as part of the Review of Governing Documentation, the RWG was tasked with developing policy positions and proposing solutions for endorsement by the membership at the 2024 EC Meeting.

4.2 The themes drafted for consideration include:

1. Purpose and functions of the Union
2. Creation and maintenance of the Union
3. Cooperation
4. Structure of the Union
5. Organs
6. Treaty Meetings (Congress)
7. Less than Treaty Meetings (Executive Council)
8. Administration

4.3 The agreed policy topics within each theme are shown below. There are 30 policy positions outlined in this plan, with additional policy positions expected to be drafted given the complexity of some papers and the discussion of multiple issues within a topic. The topics highlighted in green are ready for decision at the 2024 EC, whilst the rest are either in the drafting stage or not yet commenced.

Theme	Topic
Purpose and functions of the Union	Objectives and functions of the Union
	Regional representation
	Centre of excellence
Creation and maintenance of the Union	Membership
	Accession
	Ratification
	Reservations
	Withdrawal
	Treaty structure and amendment
	Budget*
Cooperation	Member cooperation provisions
	Wider Postal Sector Players
Structure of the Union	Organs
	User-funded subsidiary bodies
Organs	Meetings of the Union
	Other organs?
	Administration
Treaty Meetings (Congress)	Purpose, frequency and attendees
	Credentials and proxies
	Quorum
	Decisions and voting
	Observers
Less than Treaty Meetings (Executive Council)	Purpose, frequency and attendees
	Credentials and proxies
	Quorum
	Decisions and voting
	Observers
Administration	Functions
	Secretary General

- 4.4 The RWG has taken a thematic approach with the policy positions papers given the connection between several of the positions. For example, the provisions and recommendations for the Objectives and functions of the Union policy position is interrelated with the Centre of excellence and Regional representation policy positions. Some policy positions needed to be finalised prior to taking decisions on others, for example we need to understand the objectives and functions of the Union prior to considering the role of wider postal sector players.
- 4.5 The RWG created an ad-hoc team to progress the Wider Postal Sector Players policy position. Resourcing constraints and a greater complexity of work required than previously identified have collectively meant the RWG has not been able to finalise all policy positions for endorsement by the membership at the 2024 EC, which was noted in the review roadmap in EC 2023 Doc 13.5.
- 4.6 Nine policy positions have been finalised for presentation at the 2024 EC, and are included as Addendums to this document. The main issues and recommendation for each of these papers are summarised below. While they are not presented for endorsement at the 2024 EC, significant work has also been undertaken by the RWG and the Reform Consultant on several of the other policy position papers, including comprehensive background information into the historical Acts of the Union.

4.7 **Objectives and functions of the Union**

The details on the objectives and functions of the APPU in the treaty documents is limited and does not describe the actual services and functions that the APPU and the Bureau provides. This was the first policy position discussed by the RWG, which encompasses the agreed vision for the APPU, as addressed in EC 2023 Doc 13.1.

The recommendation is to expand the objectives and functions statement to encompass the key functions identified in the vision. This position is closely linked with several other policy positions, including Centre of excellence and Regional representation, which are included functions in the proposed revised objectives statement.

4.8 **Centre of excellence**

The APPU does not currently discuss aiming to be a 'centre of excellence' in its treaty documents, but includes it within its vision statement and in the vision of the Asian-Pacific Postal College (APPC). The RWG discussed that it was important to identify the APPU's aspirations to operate as a 'centre of excellence', particularly to provide direction and ensure this flows through to all work undertaken by the Bureau and members.

The recommendation is to incorporate the APPU's intention to be a 'centre of excellence' in an expanded objectives and functions statement in its treaty documents. This would reflect the aspirations of the APPU and expand its use from the APPC to the APPU more broadly.

4.9 **Regional representation**

The APPU treaty documents reference representation of the Union, however the provision does not accurately describe the role of the Secretary General in representing the APPU and includes a limited mandated responsibility to have a representative role. The RWG discussed the importance of the APPU having the ability to represent both the region and the postal sector, including in its position as an observer at the UPU.

The recommendation is to include an explicit representation function in the APPU treaties to ensure that the current level of representation activity is maintained and continues under future administrations, if desired by members. This is proposed to be included in the expanded objectives and functions statement.

4.10 **Membership**

The current requirements for membership of the APPU are split between two Articles in the Constitution, Article 2 'Members of the Union' and Article 6 'Accession to the Union'. There are some issues with these current provisions and potential scenarios that are not currently covered in the APPU's treaty documents, including if a member of the APPU leaves the UPU. The RWG discussed that the intention of updating the wording covering membership is to ensure that the current membership and eligible countries within the geographical boundaries are not changed.

The recommendation is to list the membership requirements in Article 2, rather than Article 6, and ensure that membership requirements of the APPU are met on an ongoing basis i.e. are not only met on joining. The geographic boundary should be redefined to prevent misinterpretation and maintain the regional character of the APPU and its current members. This would not change the current APPU membership or expand or contract the list of eligible members. Specifically, the Democratic Republic of Korea, Kiribati, Timor Leste and Tuvalu will all remain eligible for APPU membership, with no other current UPU members eligible for APPU membership.

4.11 **Reservations**

The APPU has Article 6 'Accession to the Union' and Article 14 'Acts of the Union' in its Constitution, which include provisions for members to make reservations on joining the APPU. There is also Article 113 'Reservations' in the General Regulations, which include a provision for reservations at Congress. There are several gaps with the provisions for reservations, including an unnecessary provision for reservations upon accession which is no longer required, given its initial function in increasing APPU membership which has been successful.

The RWG discussed that while member countries do not currently have any reservations in practice, there could be value in allowing for reservations at Congress to occur in the future against Chapter V of the General Regulations. The recommendation is to remove the ability for reservations upon accession to the UPU and make the parameters of reservations (during membership) clear in the Constitution i.e. that reservations can be made only against Chapter V.

4.12 **Accession**

The issues with the accession provision have been detailed in 'Congress 2022 Doc 24.9 Appendix 4', and include a redundant provision that was copied from the UPU's governing documentation that is not applicable to the APPU's context (consulting with existing members on accession of prospective members). This policy position was closely linked with the membership and reservations policy positions and the recommendations that were suggested for those.

The recommendation is to move the geographic boundaries from the accession Article into the membership Article. The criteria for joining the APPU will remain materially unchanged. Consultation with existing members on accession of prospective members does not currently happen and the RWG discussed that in reality, allowing existing members to decide whether a new member can accede, if it meets the eligibility criteria, would not represent procedural fairness. Reservations should not be available upon accession.

4.13 **Ratification**

The RWG discussed the importance of ensuring that members could give proxies the authority to represent, speak and vote on behalf of another member, particularly in unforeseen circumstances, including COVID-19, however there is no material reason for allowing proxies for signing the Acts of the Union.

The recommendation is to align the APPU Article 15 with the UPU Article 24 to specify acceptance and approval as valid forms of ratification and remove the ability for proxies to sign the Acts of the Union on behalf of the member they are representing.

4.14 Withdrawal

Currently, the APPU treaty documents do not include a clause that requires member countries to meet their operational obligations during the period between the notification of withdrawal to the effective date of withdrawal which is one year from notification.

The recommendation is to expand the existing withdrawal process to clarify that members must meet all current and outstanding financial and operational contributions.

4.15 User-funded subsidiary bodies

The APPU does not currently have any provisions about user-funded subsidiary bodies or the ability to create these within its current treaty framework. This has previously been discussed in the context of the Asia Pacific Post Cooperative. The RWG discussed ensuring the Union had flexibility to respond to future needs and considering specific operation requirements of user-funded subsidiary bodies as needed.

The recommendation is for the APPU to create a new provision in its General Regulations which would allow the EC to establish and administer user-funded subsidiary bodies.

5. Workplan

5.1 The below roadmap has been amended from what was included in EC 2023 Doc 13.5 to reflect the updated timeframe for this work to be undertaken.

Review roadmap			
2023 EC	2024 EC	2025 EC	2026 Congress
Vision and implementation plan for the RWG agreed.	Nine policy development and proposed solutions presented for endorsement.	Remaining policy development and proposed solutions presented for endorsement. Text of proposals, including treaty amendments, presented as 'zero draft' for the 2026 Congress.	Approve proposals and treaty amendments.

5.2 The roadmap notes that the remaining policy development and solutions will be discussed at the 2025 EC Meeting, accompanied by the proposed draft text for the APPU’s treaty documents.

5.3 It is necessary for the RWG to meet this deadline at the 2025 EC, to ensure that there is sufficient time ahead of the 2026 Congress for member consultation and domestic approval. It is expected that changes will need to be made to the treaties at the 2026 Congress, and the RWG is committed to ‘doing it right the first time’ to provide adequate timeframes for domestic consultation and minimise future changes to the Acts of the Union.

6. Next steps

- 6.1 The RWG will continue to progress the review of governing documentation.
- 6.2 The development of the policy positions will be a priority focus of the RWG given the proposed deadlines and the need to present the proposed text amendments at the 2025 EC for approval at the 2026 Congress. The archiving project will continue to be progressed by the Bureau as capacity allows.

ADDENDUM 1

TOPIC: OBJECTIVES AND FUNCTIONS OF THE UNION

Overview

In the Constitution of the Asian-Pacific Postal Union (APPU), the listed purpose of the Union is included in Article 1, paragraph 2:

The purpose of the Union is to extend, facilitate and improve postal relations between member-countries and to promote cooperation in the field of postal services.

In practice, the Union provides services in training, consultancy, information sharing and facilitating relationships through organising meetings and events.

What have others done on this issue?

The Universal Postal Union (UPU) addresses its objectives in its Constitution, in both the preamble, which includes its mission statement followed by a list of actions to achieve this mission, and Article 1 'Scope and objectives of the Union'.

The Asia-Pacific Telecommunity (APT) lists its objectives in Article 2 of its Constitution and includes a high-level purpose statement and a list of activities to achieve that purpose.

The Convention of the Pan African Postal Union, Article 9, states that the objectives of that Union are to:

The objectives of the Union shall be to:

- 1. Foster development cooperation among Member States in the area of postal services;*
- 2. Promote and facilitate access to quality universal postal services;*
- 3. Promote and facilitate reform of the postal sector*
- 4. Promote and facilitate technical assistance in the postal sector;*
- 5. Promote and advance common positions of Member States on postal issues;*
- 6. Promote research and development in the postal sector;*
- 7. Promote regional projects for developing the African Postal network;*
- 8. Promote the development of new postal products and services;*
- 9. Promote the sustainable development of the postal sector;*
- 10. Promote affirmative action in the development of the postal sector.*

The Constitution of the Postal Union of the Americas, Spain and Portugal, Article 1, states that the objectives of that Union are to:

The Union has essential objectives:

(a) To coordinate the regulation and guidance of postal activity in general among member countries, to ensure the right of everyone to have quality public postal benefits;

(b) To promote the development of postal companies such as Operators of the National Public Service and to establish linkages between them, at the technical and commercial levels, to allow for commitments regarding the definition of products and the development of collective control systems;

(c) To promote collective commercial action and the development of homogeneous products, with high added value content, specifying their characteristics and qualities, through commitment standards;

(d) To undertake concrete actions to improve international postal transport;

(e) To seek the establishment of computer networks and national applications, in particular in developing countries;

(f) To facilitate the practice of postal activity through direct action to other related organizations (customs, transport, information technology, etc.);

(g) and, in general, to improve, develop and modernize the postal services of member countries through close coordination and collaboration among their members.

What gaps in current governing documentation exist?

There do not appear to be any gaps, other than to understand how some of the current functions of the APPU contribute to achieving its purpose. This can be addressed by expanding the purpose statement and better codifying Union activities that form a core part of its business. It is also proposed that the APPU uses the term 'objectives' instead of 'purpose', to be aligned with the UPU and other regional organisations.

Are there any existing or emerging issues?

There are no apparent issues with the existing purpose statement, other than possible opportunity lost by better reflecting the activities of the Union or expanding its objectives to deliver more value for members in light of changing operational conditions.

How can existing structures be strengthened and optimised?

The purpose statement could expand beyond its focus on relations and cooperation to include other aspects of the agreed vision from the 2023 Bangkok Executive Council. It may be suitable to extend the Article to include both expanded objectives, as a single high-level statement, and a list of the activities the Union undertakes to achieve these. This would be consistent with the approaches of the UPU and the APT.

Taking this approach, the expanded objectives statement should encompass the key functions in the vision. The existing purpose statement does not reflect the vision's capacity building functions (information sharing, centre of excellence) or advocacy functions (regional positions, postal development)¹.

¹ Note the final vision point on financial sustainability is not a function of the Union but the manner in which it should carry out its functions. Therefore, it does not need to be explicitly called out in the high-level statement.

A possible wording could be:

The objectives of the Union are to extend, facilitate and improve postal relations between member-countries by serving as a:

forum to inform and engage members on international postal challenges and opportunities, that takes forward the decisions from Universal Postal Union meetings, and forges regional consensus on common interests,

facilitator and organiser of cooperation between postal operators, ministries, regulators, and wider postal sector players to build relationships and address common challenges, and to promote active collaboration and mutual assistance on matters of common interest,

knowledge centre to share information, services and solutions to support member countries in the region,

representative and advocate for regional positions at the Universal Postal Union or other fora on behalf of the membership, particularly members who have the most difficulty in participating,

advocate on behalf of its membership at the Universal Postal Union for postal development, and centre of excellence for education and capacity-building, including through a dedicated training function.

This change would better reflect both the current activities of the APPU, which extend beyond facilitating relationships, as well as the areas members indicated they would like more activity from the Union, such as advocating for the region at the UPU.

An alternative could be to incorporate the additional words on the APPU website as updated objectives, such as -

The objectives of the Union are to extend, facilitate and improve postal relations between member-countries, and to promote cooperation in the field of postal services, and act as a regional centre of excellence to take postal services in the Asia-Pacific region into the future by facilitating access to regulatory, operational and commercial best practices.

Does this align with the vision or what changes might be required to achieve the vision?

This change aligns with the vision.

Recommendation

Recommend that the policy position on the objectives and functions of the Union be:

1. To expand the existing purpose statement to include the Union's capacity building and advocacy functions, with final wording to be agreed.

ADDENDUM 2

TOPIC: CENTRE OF EXCELLENCE

Overview

A 'centre of excellence' is a place where a particular activity is done extremely well. The term is not currently included in the Asian-Pacific Postal Union's (APPU) treaty documents and there are therefore no treaty functions of the APPU as a 'centre of excellence'.

The APPU states its intention to be a 'centre of excellence' in its vision statement, as outlined on the website:

APPU aims to extend, facilitate and improve postal relations between the 32 member countries and promote cooperation in the field of postal services. By acting as a regional centre of excellence we are Taking Posts into the Future by facilitating access to regulatory, operational and commercial best practice.

The Asian-Pacific Postal College (APPC) is also identified as a 'centre of excellence' in its vision, as included in its annual Governing Board meeting documents:

APPC aims to be a highly valued center of excellence for all postal and related training for the Asia Pacific region and beyond. APPC inspires all attendees to the College through practical and innovative training methods to meet the future challenges with the vision of motivate, connect and innovate.

Identifying the APPU's intention to be a 'centre of excellence' in its treaty functions would formally signal the restricted union's ongoing aim to act as a postal leader in providing services to its members, including in training, consultancy, information sharing and facilitating relationships through organising meetings and events. It could also ensure that the APPU consistently works towards achieving this aim and endeavours to consistently evolve and expand its ability to deliver its objectives, including evaluating and reporting on progress.

What have others done on this issue?

The Universal Postal Union (UPU) does not include references of being a 'centre of excellence' in its governing documents. However, the UPU has historically been described as a 'centre of excellence', as well as synonymous terms such as a 'centre of expertise' and a 'centre of knowledge', and identifying the postal network as an "excellent platform for information sharing". Most recently, the UPU has developed its 'Knowledge Centre and Think Tank Unit' to deliver this function.

The UPU also has the Postal Technology Centre (PTC), located at the UPU Headquarters in Bern, Switzerland. The PTC is the operational arm of the Telematics Cooperative and carries out the project and activities approved by the General Assembly and the Management Board of the Telematics Cooperative. The PTC's mission includes:

Operating as a centre of excellence through the provision of information, support, project management and strategic advice for the development of postal services.

Other postal and regional organisations do not appear to discuss being a 'centre of excellence' within their treaty-level documents. However, some regional groups have used this concept or similar

terminology. For example, Dr. Sifundo Chief Moyo, the Secretary General of the Pan African Postal Union (PAPU) noted in a speech on PAPU Day 2024, the intention of “driving operational excellence”. The Postal Union of the Americas, Spain and Portugal notes that the vision of the Back-Office Operations Center is to “consolidate itself as the best Regional Center of the UPU PTC”.

The International Telecommunications Union had the ‘Centre of Excellence Network in the Asia-Pacific’, a project from 2014-2017 aimed at building a self-dependent mechanism in the Asia-Pacific region, which involved distinct training programs.

Similar to the APPU, the UPU, other restricted unions and other organisations tends to consider a ‘centre of excellence’ as comprising of training and other functions/activities.

What gaps in current governing documentation exist?

There do not appear to be any gaps, other than to better incorporate how the APPU endeavours to be a ‘centre of excellence’ in the APPU’s treaty level documents. This can be addressed by expanding the existing purpose statement and better codifying Union activities that form a core part of its aims.

Are there any existing or emerging issues?

There are no apparent issues with the existing purpose statement, other than potential opportunity lost by better reflecting the activities of the Union and expanding its intention to be a ‘centre of excellence’.

How can existing structures be strengthened and optimised?

The ‘centre of excellence’ is proposed to be referenced as part of the objectives of the Union and is discussed in the Policy Position Paper - Objectives and functions of the Union. This paper proposes that it would be suitable to extend the current Article to include both extended objectives, as a single high-level statement, as well as a list of the activities the Union undertakes to achieve this, including being a ‘centre of excellence’. This incorporates aspects from the agreed vision from the 2023 Bangkok Executive Council.

A possible wording for the expanded objectives statement could be:

The objectives of the Union is to extend, facilitate and improve postal relations between member-countries by serving as a:

forum to inform and engage members on international postal challenges and opportunities, that takes forward the decisions from Universal Postal Union meetings, and forges regional consensus on common interests,

facilitator and organiser of cooperation between postal operators, ministries, regulators, and wider postal sector players to build relationships and address common challenges, and to promote active collaboration and mutual assistance on matters of common interest,

knowledge centre to share information, services and solutions to support member countries in the region,

representative and advocate for regional positions at the Universal Postal Union or other fora on behalf of the membership, particularly members who have the most difficulty in participating,

advocate on behalf of its membership at the Universal Postal Union for postal development, and

centre of excellence for education and capacity-building, including through a dedicated training function.

This change would better reflect the current range of activities of the APPU and expand the use of a 'centre of excellence' from the APPC to the Union more broadly.

Does this align with the vision or what changes might be required to achieve the vision?

This change aligns with the vision.

Recommendation

Recommend that the policy position on the 'centre of excellence' be:

1. To expand the existing purpose statement to include recognition of the APPU as a centre of excellence for postal services, with final wording to be agreed.

ADDENDUM 3

TOPIC: REGIONAL REPRESENTATION

Overview

First, it is important to define the term ‘representation’ and explain what it means for the Asian-Pacific Postal Union (APPU) to undertake representation for the Asia-Pacific region and the postal sector as a restricted union of the Universal Postal Union (UPU).

Being a ‘representative’ and advocating for the region means that the APPU, through the Secretary General, will utilise opportunities, relationships and secondary forums to advance the postal interests of the broader Asia-Pacific region.

The APPU General Regulations, Article 108 ‘Organisation and staff of the Bureau’, paragraph 3 currently includes details about the role of the Secretary General in representing the APPU, noting:

Unless otherwise decided by the Executive Council, the Director² represents the Union in the international conferences regarding the postal service where representation of the Union is required.

However, this provision does not accurately describe the expanded role of the Secretary General in representing the APPU. In practice, the Secretary General regularly represents and advocates for the region. This includes at the UPU, where the APPU, as a restricted union, is identified in the UPU treaty documents as an observer at its Congresses, Council of Administration and Postal Operations Council. For example, the APPU Bureau (the Bureau) coordinated a regional statement in response to the UPU discussion on opening up to wider postal sector players, which the Secretary General delivered on behalf of the APPU membership at the 4th Extraordinary Congress of the UPU. This regional representation occurs consistently and is embedded within the Secretary General’s role description.

‘Representation’ and ‘advocacy’ are proposed within the *Policy Position Paper: Objectives and Functions of the Union* to be incorporated into the treaties as a core function of the APPU. This is proposed to be included in an expanded objectives statement explaining that the objectives of the Union includes serving as a:

Representative and advocate for regional positions at the Universal Postal Union or other fora on behalf of the membership, particularly members who have the most difficulty in participating,

Advocate on behalf of its membership at the Universal Postal Union for postal development.

This expands on the existing General Regulations Article which currently limits the circumstances where the Secretary General represents the Union.

Relevantly, when creating the first Convention, the 1961 Manila Postal Conference considered a text for Article 1, § 2 to be:

² Director meaning the Director of the Bureau. This title is to be amended to Secretary General in the future to align with current use.

The purpose of the Union is to extend, facilitate and improve their postal relations and represent effectively in the International Forums and Congresses their common interests in regards to communications by mail.

The text was referred to the Drafting Committee and returned to the meeting for approval as:

The purpose of the Union is to extend, facilitate and improve the postal relations between the member-countries and to promote cooperation in the field of the postal services.

There is no record in the 1961 Minutes of why the text was changed by the Drafting Committee. However, the modified form has a closer resemblance to the equivalent UPU paragraph.

What have others done on this issue?

The UPU does not have a specific representation or advocacy function for the Director General, however the UPU has the aim to “secure the organization and improvement of the postal services and to promote in this sphere the development of international collaboration”. The Director General is also required to act as an intermediary between the Union and a variety of other actors.

Separately, it is also important to identify the ability for restricted unions to function within and outside the UPU. The UPU has two specific provisions in its treaty documents which discuss restricted unions and their agreements, one in the Constitution and one in the General Regulations.

In the UPU Constitution, Article 9 ‘Restricted Unions. Special Agreements’, paragraphs 1 and 2 state that:

1. *Member countries, or their designated operators if the legislation of those member countries so permits, may establish Restricted Unions and make Special Agreements concerning the postal service, provided always that they do not introduce provisions less favourable to the public than those provided for by the Acts to which the member countries concerned are parties.*
2. *Restricted Unions may send observers to Congresses, to the Council of Administration, to the Postal Operations Council, and to other conferences and meetings organized by the Union.*

Given these provisions, restricted unions have broad scope within the UPU Acts to function as decided by its members countries. This includes the ability for the APPU to fulfill a representative and advocacy role, as demonstrated by other restricted unions of the UPU, which have included an aspect of ‘representation’ within their treaty frameworks. For example, the Postal Union of Americas, Spain, and Portugal mentions within Article 118 ‘Functions’, paragraph 1, point d of its General Regulations that the Secretariat must:

d) Participate and collaborate in multilateral technical cooperation plans and represent the Union in its dealings with international organizations or member countries or territories regarded as potential sources of assistance for the improvement of postal services in member countries or territories;

This can also be observed within the Asia-Pacific Telecommunity (APT), which mentions the representation of the APT at other international bodies. Describing the role of the Secretariat, it states in Article 10 ‘The Secretariat’, paragraph 4, point h:

(h) Where necessary, and except where otherwise directed by the General Assembly or the Management Committee, representing the Telecommunity at conferences or meetings to which the Telecommunity may be invited;

There is a commonality to include a representation role for the Secretariat of the restricted unions, however this is usually fairly narrow and does not include advocating for the region.

What gaps in current governing documentation exist?

‘Representation’ is presently a minor part of the Bureau’s outlined role in the General Regulations (confined to attending international meetings) and ‘advocacy’ is not codified or entrenched within any APPU treaty. Representation is included as part of the Secretary General’s role outlined in the less-than-treaty instrument ‘APPU Bureau General Regulations’. This will be discussed further in *Policy Position Paper – Secretary General*.

Are there any existing or emerging issues?

There is a good argument that the functions of the Union should be included in the treaties, at least at a high level, to create the obligation on the Union to perform these functions. This can then be elaborated further in a lower treaty or less-than-treaty instruments.

The lack of an explicit ‘representation’ function in the treaties could pose an issue. For example, with the current provisions, if a future Secretary General did not want to engage in advocacy for the APPU members at the UPU, the APPU treaties would not explicitly require this to be undertaken. If a broader representation function were incorporated into the treaties, then the APPU (through the Bureau and the Secretary General) would be obliged to represent and advocate on behalf of the Union and its membership, protecting against this situation. An explicit function could also allow the Congress or the Executive Council to direct the Bureau or Secretary General to represent or advocate on behalf of the members on a particular topic. While the UPU treaties envisage restricted unions as observers to meetings, they do not prescribe a function for restricted unions to engage with the UPU through other means, such as submitting development proposals.

The current references also do not recognise some existing activities of the Bureau, such as applying for regional programs at the UPU or attending non-postal regional meetings or events. For example, the Secretary General may attend a meeting of a regional intergovernmental organisation which discusses e-commerce. If appropriate, the Secretary General should be able to advocate for the postal sector in this forum.

Integrating the representation function into the treaties could raise issues about how the Secretary General should represent the region when there is not consensus on an issue. Current practice as explained by the Bureau is that in scenarios where there is no consensus, the Secretary General does not present a regional view on an issue. Congress or the Executive Council could therefore agree approaches for specific scenarios with reporting from the Secretary General back to these bodies following representational activities.

How can existing structures be strengthened and optimised?

The role of the Bureau and APPU, both broadly and with respect to representation, could be noted and explicitly defined within the Constitution. Further elaboration of the duties and responsibilities could also be outlined within the General Regulations or a less-than-treaty instrument. This would create clarity and direction without limiting the Bureau. This would maintain the Bureau’s existing level of representation activity and ensures it continues under future administrations.

Does this align with the vision or what changes might be required to achieve the vision?

This aligns with the vision as it facilitates the role of the APPU to allow representation and advocating on the behalf of APPU membership which improves regional outcomes. Detailing the role of representation of the APPU will also potentially allow APPU members to gain access to regulatory, operational and commercial best practices – aligning with the outlined vision. Further, it acts as a check-and-balance function, ensuring that the APPU executive perform their duties appropriately, allowing regional cooperation to be cultivated, and regional interests represented. Whilst this is not an issue presently, it is good practice to create this framework.

Recommendation

1. Expand on the APPU's and the Secretary General's function of representation and advocacy for the Asia-Pacific region in the treaties.

ADDENDUM 4**TOPIC: MEMBERSHIP**

Overview

Currently, requirements for membership of the Asian-Pacific Postal Union (APPU) are split between two articles in the APPU Constitution; Article 2 ‘Members of the Union’, and Article 6 ‘Accession to the Union’.

Article 2 ‘Members of the Union’ defines member countries of the APPU:

Member-countries of the Union are:

(a) Countries which have membership status at the date on which this Constitution comes into force.

(b) Countries admitted to membership in accordance with Article 6.

Article 6 ‘Accession’, paragraph 1 discusses membership by outlining the criteria required:

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.

What have others done on this issue?**Universal Postal Union**

The Universal Postal Union (UPU), states in Article 3 ‘Members of the Union’ of its Constitution:¹
Member countries of the Union shall be:

1.1. countries which have membership status at the date on which the Constitution comes into force;

1.2. countries admitted to membership in accordance with article 12.

Article 12 ‘Accession or admission to the Union. Procedure’ of the UPU Constitution states:

1. Any member of the United Nations may accede to the Union.

2. Any sovereign country which is not a member of the United Nations may apply for admission as a member country of the Union.

3. Accession or application for admission to the Union must entail a formal declaration of accession to the Constitution and to the obligatory Acts of the Union. It shall be addressed by the government of the country concerned to the Director General of the International Bureau, who shall notify the accession or consult the member countries on the application for admission, as the case may be.

4. A country which is not a member of the United Nations shall be deemed to be admitted as a member country if its application is approved by at least two thirds of the member countries of the Union.

Similar to the APPU, the UPU membership criteria are found within the accession section – Article 12. Its membership provision, Article 3, is quite narrow and only refers to the successful completion of the accession process in Article 12.

UPU	
Similarities with the APPU	Differences to the APPU
<ul style="list-style-type: none"> • Sovereignty as an entry condition. • Membership criteria is included in the accession provision, with a further separate membership provision. 	<ul style="list-style-type: none"> • UPU admits United Nations (UN) members whilst APPU admits UPU members. • UPU can admit non-UN members, following approval by the existing membership.

Other restricted union membership provisions include requirements around sovereignty, geographic boundaries, and membership class, and are often split into two articles: membership and accession.

Postal Union of the Americas, Spain and Portugal

In the Constitution of the Postal Union of the Americas, Spain and Portugal (PUASP), membership is split between Article 5 ‘Members of the Union’ and Article 11 ‘Accession’.

Article 5 dually describes membership:

Union members consist of:

a) countries or territories with membership status as of the effective date of this Constitution;

b) countries or territories acquiring membership status under Article 11 below.

Article 11 defines geographic boundaries and membership restrictions by stating:

Any American mainland or island nation or territory with membership status in the Universal Postal Union may accede to the Union provided it has no sovereignty dispute with any member country or territory.

There are PUASP members which are not sovereign but constituent countries (Aruba, Curaçao, and Saint Martin). Jointly, these countries hold one membership in the UPU but are independent members at PUASP.

There are also United Kingdom (UK) overseas territories in the Americas (Anguilla, Bermuda etc.) who have not acceded to PUASP, who are members of the UPU in a similar manner to Aruba, Curaçao and Saint Martin (joint UPU membership). French overseas territories in the Americas have also not acceded, such as French Guiana. French Guiana falls under France within the UPU.

PUASP	
Similarities with the APPU	Differences to the APPU
<ul style="list-style-type: none"> • Geographic limitations/boundaries. • Membership criteria is included in the accession provision, with a further separate membership provision. 	<ul style="list-style-type: none"> • PUASP has a ‘sovereignty conflict’ clause. • PUASP allows non-sovereign countries to join.

Pan African Postal Union

The Pan African Postal Union (PAPU) membership provisions are split between two articles within its Convention, Article 5 ‘Composition of the Union’ and Article 6 ‘Membership’.

Article 5 states:

The Union shall be composed of Member States of the African Union who have signed or acceded to the Convention in accordance with Articles 26 and 27.

Articles 26 and 27 describe ratification and accession and are generally separate from membership.

Article 6 of the PAPU Convention states:

The Union’s membership is open to:

- 1. Member States of the African Union as defined in Article 5;*
- 2. Associate Members who upon application and admission become members pursuant to the rules provided in the Detailed Regulations.*

To be a member in the African Union, as outlined in Article 29 of the African Union Constitutive Act, a member must be an African state (no definition provided). This means that to join PAPU, the prospective member must be an ‘African State’ (despite no explicit requirement contained in the PAPU treaties) as a result of the African Union membership requirement.

To be a member of PAPU there is technically no requirement to be a member of the UPU. In practice, all PAPU members are UPU members, however not all UPU and African Union members are PAPU members. For example, Guinea-Bissau is part of the African Union and UPU but not PAPU.

PAPU	
Similarities with the APPU	Differences to the APPU
<ul style="list-style-type: none"> • Geographic limitations/boundaries (in practice). • Membership criteria is included in a non-membership provision, with a further separate membership provision. 	<ul style="list-style-type: none"> • PAPU members must be a part of the African Union and do not need to be members of the UPU. • PAPU allows for associate members. • There are members who are not ‘sovereign’ within the African Union.

Asia-Pacific Telecommunity

The Asia-Pacific Telecommunity (APT) does not have an explicit membership provision but instead a composition provision, which is found within Article 3 ‘Composition of the Telecommunity’ of its Constitution.

Article 3 requires members to be a part of the UN Economic and Social Commission for Asia and the Pacific (ESCAP), a regional commission under the UN Economic and Social Council. Members must also be within the “region” (not defined). However, there is a stipulation that any prospective members who are within the region but are not party to ESCAP may join following a two-thirds majority vote. Note: to be a member of the APT, it is not a requirement to be a member of the International Telecommunication Union (ITU).

Similar to PAPU, ESCAP and APT have an associate member option. Whilst full members must be UN members, there is no sovereignty stipulation for associate members. Current associate members are Cook Islands, Hong Kong (China), Macao (China) and Niue.

The APT also has affiliate members which are private companies (the involvement of industry in the APPU will be subject to a different Policy Position paper). Details of APT's three membership classes are included in the membership provision.

APT	
Similarities with the APPU	Differences to the APPU
<ul style="list-style-type: none"> Geographic limitations/boundaries. 	<ul style="list-style-type: none"> Membership classes include full member, associate member, and affiliate member. APPU members need to be part of the UPU but APT members do not have to be part of the ITU. APT includes a stipulation for prospective members who are part of the region but not in ESCAP.

This policy position paper does not consider the possibility of other types of membership, including associate and affiliate members, which is being explored in *Policy Position Paper – Wider Postal Sector Players*.

What gaps in current governing documentation exist?

1. Gap between initial eligibility and ongoing eligibility for membership of the APPU

Initial eligibility for membership is set out in Article 6, paragraph 1 (i.e. sovereign country which is a member of the UPU and whose entire territory is located within the defined geographical area). The definition of a member is then included in Article 2. However, there is nothing in the Constitution (i.e. in either Article 6 or Article 2) that covers a situation where a member no longer meets the initial membership eligibility requirements. An example would be if an APPU member decided to no longer be a member of the UPU. Originally, such a member would have gained APPU membership because of its UPU membership. Article 2 would then enable the country to retain membership because it would have had membership status on the date on which the Constitution came into force. When UPU membership ceases, there is no reference to what happens regarding the country's APPU membership.

The solution to this gap would be to include an ongoing obligation to meet the required membership criteria. An example is at the Recommendations section.

Note

Although Article 2 and Article 6 of the APPU Constitution are modelled on UPU Constitution Article 3 and Article 12, it does not mean that there is a similar ongoing membership eligibility issue in the UPU Constitution.

2. Geographic boundaries

2.1 Background

The current geographic boundaries in paragraph 1 of Article 6 were established at the 1981 APPU Congress, replacing wording that simply defined the territory of the Union as “Asia and Oceania”.

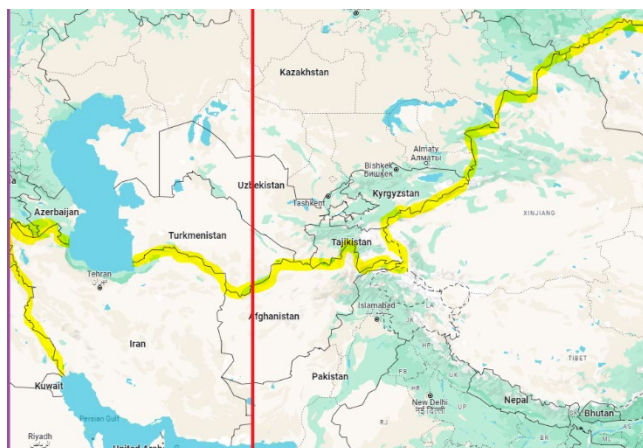
The 1981 APPU Congress made a number of observations and recommendations:

- (i) The geographical area of the Union should be aligned as closely as possible to that of the Regional Commission for Asia and the Pacific (ESCAP), considering the need for ongoing co-ordination and cooperation with ESCAP. It was necessary to refine the ESCAP geographic definition of “from Iran to the Cook Islands” because it was considered that greater precision was necessary for the APPU, i.e.
 - (a) Asia was defined as “those countries in Asia east of and including Iran”, and
 - (b) Oceania was replaced by “Australasia, Melanesia, Micronesia or Polynesia”.
- (ii) To cater for situations where a country’s political centre may not necessarily be in Asia or Oceania, a requirement was introduced for the entire territory of a country being in the region.
- (iii) There should be no overlapping of membership of restricted unions (and that any definition of the geographic area should clearly exclude countries other than Asian and Oceanic ones). Of note, while this position is documented, this requirement was not included in the APPU treaties.

2.2 Are the boundaries clear?

The geographic definition of the region as “countries in Asia east of and including Iran” does not adequately consider the eligibility of some countries that may fit this parameter for APPU membership but are not traditionally considered eligible.

Taking a literal interpretation based on reviewing a map of the area, the map below shows the complexities of the current description. The yellow highlighted boundary represents current APPU members, the purple line represents the westernmost point of Iran, and the red line shows the easternmost point of Iran. Regardless of the measurement point of APPU membership eligibility, the map shows that some countries not traditionally considered part of Asia-Pacific may technically be eligible join the APPU under the current provisions.



Additionally, the current wording of Article 6 also does not explicitly include or exclude countries north or south of Iran.

Considering an interpretation based on common country groupings, geopolitical changes have taken place since the current APPU geographic definition was drafted in 1981. Describing countries as Asian, Central Asian, Eurasian or Middle Eastern is not useful in defining the boundaries of the APPU, given the variation in definitions of these groupings. Therefore, it would not be appropriate to say that a certain grouping is entirely not eligible (these groupings are also subject to future change).

It would also not be appropriate to make the geographic criteria based on being in the Asia-Pacific region and not being a member or eligible for membership with another restricted union. This is because the eligibility to other restricted unions is beyond the control of the APPU and the decisions of another organisation could make dedicated APPU members ineligible. It also does not address circumstances where operator-only or regulator-only restricted unions could be created in the future and create overlapping membership, as is the case in Europe for example.

To address the above complexities, the APPU should consider aligning its geographic membership criteria with an authoritative source relevant to the Union. The best candidates are ESCAP, the UPU and the UN. Whilst originally aligned with ESCAP, the APPU has less connection than it did in the past and ESCAP is unlikely a suitable organization to align with now. The UPU does not have a suitable regional grouping that could be applied to the APPU, given the UPU South Asia and Oceania region includes some members of the Arab Permanent Postal Commission and the Postal Union for the Mediterranean.

The most appropriate option appears to be alignment with the UN. The UN geoscheme divides the world into six continental regions and 22 geographical subregions. The continental region of Oceania (inclusive of Australia and New Zealand, Melanesia, Micronesia and Polynesia sub regions) and the subregions of Eastern Asia, Southern Asia and Southeastern Asia include what is currently considered to be the eligible members of the APPU. Using this definition maintains the current membership and eligibility.

Recommendations

There are no identified reasons to change the current membership composition or the eligible members who have yet to join the APPU. However, technical changes should be made to maintain this 'status quo' and ensure there are no unintended outcomes from the current provisions. This should be achieved by making the following changes:

1. Membership requirements should be listed in the membership Article of the Constitution, rather than the accession Article.
2. Membership eligibility should be required to be continually met, not just at the time of accession.
3. The following general principles for APPU membership should be:
 - a. Territoriality: APPU members should have a majority of territory in Asia and the Pacific.
 - b. UPU membership: APPU members should be a UPU member.
 - c. Geographic boundary: should be redefined to prevent misinterpretation and maintain the regional character of the APPU.

Example articles to give effect to these recommendations are below. These include revisions to Article 2 and Article 6.1. Article 6 is considered further in the *Policy Position paper - Accession*.

Article 2 'Members of the Union'

Member countries of the Union:

(a) are countries which have membership status at the date on which this Constitution comes into force;

(b) Countries are admitted to membership in accordance with Article 6;

(c) must:

(i) have the entirety of its territory within the Asia-Pacific region, which is defined according to the United Nations Geoscheme geographical subregions of Southern Asia, South-Eastern Asia, Eastern Asia, Australia and New Zealand, Micronesia, Polynesia, and Melanesia;

(ii) be a member country of the Universal Postal Union; and

(d) continue to meet the membership requirements at Article 2(c) throughout the course of their membership.

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.~~ Any country which meets the membership criteria outlined in Article 2(c) may accede to the Asian-Pacific Postal Union.

ADDENDUM 5

TOPIC: RESERVATIONS

Overview

The function of reservations is to exclude or to modify the legal effect of a clause of an Act in its application to the relevant member country. Reservations generally are not allowed to exempt members from core provisions of the relevant treaty which would undermine the underlying purpose of the treaty, however they allow member countries to exempt themselves from or modify the application of ancillary provisions. Reservations can allow member countries to join international treaties who otherwise may not be able to, however they can also result in inconsistent application of provisions of the treaty.

Articles 19-23 of the 1969 [Vienna Convention on the Law of Treaties](#) govern the process of making and withdrawing reservations. The general principles are that:

- Reservations cannot be incompatible with the object and purpose of the treaty.
- A treaty may also prohibit reservations for some or all of the treaty's provisions.
- Other states may object to a reservation.
- A reservation may also be withdrawn at a later date.
- Reservations and objections must be in writing.

The Asian-Pacific Postal Union (APPU) governing documents include two styles of reservations:

- an APPU-only treaty process whereby an eligible country can apply for membership of the Union with reservations (as set out in Constitution Article 6); and
- an international treaty Final Protocol process available to members at a Congress (as set out in General Regulations Article 113).

Constitution – reservations on joining the Union

Article 6 'Accession to the Union', paragraph 4 establishes the ability of prospective member countries to apply to the APPU with reservations. It states:

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.

Paragraphs 5, 6 and 7, are interconnected with the provision established in paragraph 4 and continue to outline the application process:

5. Application for membership, in accordance with paragraph 4, shall be addressed by the government of the country concerned to the Director of the Bureau, who shall consult the member-countries on the application for admission.

6. The country concerned is admitted if its request is approved by the majority of member-countries.

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

Article 14 'Acts of the Union', paragraph 4 establishes that the annexation of the Final Protocol to the General Regulations contain reservations. It states:

4. The Final Protocol annexed to the General Regulations as their integral parts contain the reservations to the General Regulations.

Elements of Reservations within the Constitution

- Reservations are confined to a single chapter of the General Regulations (Chapter V 'Provisions concerning the international postal service between the member-countries').
- Reservations are annexed to the General Regulations.
- Reservations can occur alongside membership application.

General Regulations – reservations at Congress

The General Regulations includes Article 113 'Reservations':

1. Reservations to the provisions of Chapter V of the General Regulations shall be inserted in the Final Protocols to the General Regulations on the basis of a proposal approved by Congress.

2. Article 112 relating to the introduction of proposals to Congress shall not apply to proposals concerning reservations.

3. To be adopted, reservations submitted to Congress shall be approved by a majority of the member-countries present and voting.

4. Any member-countries benefiting from a reservation may, at any time, waive the application of that reservation. The waiver shall be notified to member-countries through the Bureau.

Elements of Reservations within the General Regulations

- Approval of reservations is subject to Congress and requires the majority of the member countries to be present and voting.
- Any member country can waive the application of a reservation. Waiver is notified to member countries through the APPU Bureau.

Both the Constitution and the General Regulations cover conditions of reservations, which creates some confusion. For example, in the Constitution, reservations appear only available upon accession to the Union, however the General Regulations appear to envisage reservations being available more broadly.

What have others done on this issue?

Pan African Postal Union

The Acts of the Pan African Postal Union (PAPU) do not include any reservation provisions. There are several benefits of not allowing reservations, such as maintaining unity and consistency, and protecting the purpose of the PAPU, which is to facilitate regional cooperation.

PAPU	
Similarities with the APPU	Differences to the APPU
<ul style="list-style-type: none"> Does not allow reservations to core treaty provisions. 	<ul style="list-style-type: none"> Does not allow reservations at all.

Postal Union of the Americas, Spain and Portugal

The Postal Union of the Americas, Spain and Portugal (PUASP) allows reservations against activities relating to postal operations, but not against the Constitution and General Regulations. Article 18, paragraph 3 of the Constitution states:

3. The formulation of reservations to the PUASP Constitution and General Regulations is forbidden.

The Constitution also notes in Article 19 ‘Resolutions and Recommendations by the Congress’, paragraph 3 that the reservations of resolutions are also found within the Final Protocols:

3. Where applicable, any reservations with respect to Resolutions passed by the Congress referring to the operation of postal services are to be set forth in the Final Protocol appended thereto.

Reservations also appear in the broader governing documents but are included within the General Regulations, and state in Article 103 ‘Organization and Operation of Congresses’, paragraph 13:

13. Any member country or territory may formulate reservations to Resolutions adopted by the Congress with regard to postal or postal-related activities at the time of their signature. Overall Elements:

- Member countries have the right to make reservations to specific topics related to Congress resolutions concerning postal operations.
- The Constitution and General Regulations cannot be reserved against.

Further, PUASP does not allow reservations to be made when acceding, which differs from the APPU.

PUASP	
Similarities with the APPU	Differences to the APPU
<ul style="list-style-type: none"> Does not allow reservations to core treaty provisions. Reservations are listed in a final protocol. Reservations are focused on ‘postal activities’. 	<ul style="list-style-type: none"> PUASP does not allow reservations upon accession.

Universal Postal Union

The Universal Postal Union (UPU) does not have a separate reservation provision in its Constitution or General Regulations. The key reference at this level is within the Constitution Article 21 'Acts of the Union', paragraphs 1, 2 and 6:

- 1. The Constitution shall be the basic Act of the Union. It shall contain the organic rules of the Union and shall not be subject to reservations.*
- 2. The General Regulations shall embody those provisions which ensure the application of the Constitution and the working of the Union. They shall be binding on all member countries and shall not be subject to reservations.*
- 6. The Final Protocols annexed to the Acts of the Union referred to in paragraphs 3, 4 and 5 shall contain the reservations to those Acts.*

Like the PUASP, the UPU explicitly prevents member countries from making reservations to the Constitution and the General Regulations. In the UPU, members can only reserve on other Acts of the Congress, namely the Universal Postal Convention and the Postal Payment Services Agreement. This is both similar and different from the APPU – where the equivalent to the Universal Postal Convention at the UPU is incorporated as Chapter V of the APPU General Regulations.

The Universal Postal Convention includes further details on reservations, including a number of provisions which reservations may not be made against. The dedicated reservation article is Article 40 'Reservations at Congress':

- 1. Any reservation which is incompatible with the object and purpose of the Union shall not be permitted.*
- 2. As a general rule, any member country whose views are not shared by other member countries shall endeavour, as far as possible, to conform to the opinion of the majority. Reservations should be made only in cases of absolute necessity, and proper reasons given.*
- 3. Reservations to any article of the present Convention shall be submitted to Congress as a Congress proposal written in one of the working languages of the International Bureau and in accordance with the relevant provisions of the Rules of Procedure of Congresses.*
- 4. To become effective, proposals concerning reservations must be approved by whatever majority is required for amendment of the article to which the reservation relates.*
- 5. In principle, reservations shall be applied on a reciprocal basis between the reserving member country and the other member countries.*
- 6. Reservations to the present Convention shall be inserted in the Final Protocol to the present Convention, on the basis of proposals approved by Congress.*

This is significantly more comprehensive than the APPU provisions.

UPU	
Similarities with the APPU	Differences to the APPU
<ul style="list-style-type: none"> • Does not allow reservations to core treaty provisions. • Reservations are listed in a final protocol. • Reservations are focused on ‘postal activities’. 	<ul style="list-style-type: none"> • UPU does not allow reservations upon accession. • Reservations are allowed for a specific UPU treaty, while only for a Chapter of an APPU treaty. • At the UPU, reservations are, in principle, on a reciprocal basis.

What gaps in current governing documentation exist?

There are several gaps within the APPU governing documents and the extent of reservations is not uniform.

The treaties allow for the reservation of Chapter V in the General Regulations, but do not explicitly prevent member countries from reserving other chapters in the General Regulations. Further, there is no provision that does not explicitly prevent member countries from reserving the Constitution. It is unclear and the boundaries of reservations are not adequately set.

In the current form of the treaties, in the Constitution member countries can only reserve when joining the Union. However, the General Regulations also allow applying for reservations through APPU Congress. This two-tiered system means it is unclear if member countries can reserve against provisions being amended or agreed at a Congress.

Are there any existing or emerging issues?

Reservations on accession appears unique to the APPU. This provision was included at a time when the Union had a significantly smaller membership and is no longer required to encourage new members. If reservation upon accession was removed, prospective members could still have reservations considered at Congress.

There are presently no reservations annexed to the APPU General Regulations, suggesting the membership does not currently see a need for reservations. However, historically there have been reservations against Chapter V. Not all restricted unions allow reservations, however those that do not allow reservations also do not include cooperation provisions similar to Chapter V of the General Regulations.

Presently APPU members do not use the provisions in Chapter V due to changes at the UPU, but there could be a future scenario where members did wish to utilise these provisions and reserve against Chapter V. Allowing reservations could negatively affect the purpose of the APPU if broadened from Chapter V. As such, the ability to make reservations against these operational cooperation provisions should be retained.

How can existing structures be strengthened and optimised?

The existing structure can be strengthened by better defining the extent of the reservations (including removing reservations upon accession), boundaries around what can be reserved, and outlining a clear process for how reservations work.

For example, reservations can only be against certain articles of the General Regulations (Chapter V) and explicitly not against the Constitution, and the reservation article is explicitly defined in the Constitution; while the process (waiving, annexation, member notification), is found within the General Regulations.

Does this align with the vision or what changes might be required to achieve the vision?

This approach aligns with the vision. It allows reservations but ensures they are strictly and clearly defined. It will require member countries to follow a defined process whilst preserving their national interests.

Recommendation

1. Remove the ability to make reservations upon acceding to the Union. This would include removing paragraphs 4-7 of Article 6 'Accession to the Union' of the Constitution.
2. Amend the Constitution to include parameters on reservations.

Example text could be:

Article 14 'Acts of the Union'

1. *The Constitution is the basic Acts of the Union. It contains the organic rules of the Union and shall not be subject to reservations.*
2. *The General Regulations embody those provisions which ensure the application of the Constitution and the working of the Union and those provisions which concern the international postal service between the member countries. They shall be binding on all member countries. Only Chapter V of the General Regulations may be subject to reservations.*
3. *The Additional Protocols of the Constitution and those of the General Regulations are the Acts of the Union.*
4. *The Final Protocol annexed to the General Regulations as their integral parts contain the reservations to the General Regulations.*

APPU Reservations History

Year	Congress	Structure of Acts	Authority for Reservations	Actual Reservations Taken	Comment
1961	Manila	Convention Final Protocol to the Convention Detailed Regulations of the Convention	No specific authority in Acts	1 – Adherence to the Union of territories for whose international relations a member-country of the Universal Postal Union is responsible	The Final Protocol was taken to support Article 3 of the Convention on membership. As such, it was affirmation of a principle.
1965	Manila	Convention Detailed Regulations of the Convention	Convention Article 3, § 6 (new paragraph) “Any country which has the required qualifications but which cannot comply with any provision of the Convention may apply for membership to the Union subject to the conditions which may be acceptable to all member-countries.”	None	The Final Protocol entered in 1961 was not repeated at the 1965 Congress.
1970	Kyoto	Convention Detailed Regulations of the Convention	As for 1965 regarding Article 3 on membership.	1 – Accession to the Convention (to safeguard the continued membership of the Union by a country that was unable to sign the Convention at the conclusion of the Congress).	The Final Protocol taken in 1961 to support Article 3, became redundant due to a change in the eligibility for membership.
1975	Melbourne	Convention Detailed Regulations of the Convention	As for 1965 regarding Article 3 on membership.	1 - Accession to the Convention (to safeguard the continued membership of the Union by a country that was unable to sign the Convention at the conclusion of the Congress).	

Year	Congress	Structure of Acts	Authority for Reservations	Actual Reservations Taken	Comment
1981	Yogyakarta	Convention Detailed Regulations of the Convention	As for 1965 regarding Article 3 on membership. Introduction of (new) Article 15 into Convention dealing with reservations to the Convention and Detailed Regulations.	1 – Accession to the Convention (to safeguard the continued membership of the Union by a country that was unable to sign the Convention at the conclusion of the Congress). 2 – Malaysia, Singapore and Sri Lanka opting out of Convention Article 23 on postage rates. 3 – Malaysia and Singapore opting out of Convention Article 24 on gratuitous transit.	The new Article 15 was inserted by the so that there could be a specific provision dealing with this matter. Prior to the 1981 Congress, reservations had been covered in paragraph 6 of Article 3 on “Adherence to the Union”. However, a study undertaken by the Executive Council had concluded that Article 3 should only deal with membership procedures (adherence / accession to the Union), and that the matter of reservations should be covered in a separate Article. (The Executive Council view on the structure of the APPU Acts in this area was consistent with how the UPU set out membership procedures and reservations.)
1985	Bangkok	Constitution General Regulations Convention Detailed Regulations of the Convention	As for 1965 regarding Article 3 on membership, with the previous Convention Article 3 becoming Constitution Article 6. As for 1981 regarding reservations to the Convention and Detailed Regulations with the previous Convention Article 15 becoming General Regulations Article 113.	1 – Malaysia and Singapore opting out of Convention Article 1 on transit charges. 2 – Malaysia, Singapore and Sri Lanka opting out of Convention Article 3 on postage rates.	

Year	Congress	Structure of Acts	Authority for Reservations	Actual Reservations Taken	Comment
1990	Rotorua	Constitution General Regulations Convention Detailed Regulations of the Convention	As for 1985 regarding Constitution Article 6 on membership. As for 1985 regarding General Regulations Article 113 on reservations to the Convention and Detailed Regulations.	None	
1995	Singapore	Constitution General Regulations	As for 1985 regarding Constitution Article 6 on membership. Article 113 which, in 1985 and 1990, had dealt with reservations to the Convention and Detailed Regulations was amended to refer to reservations to Chapter V of the General Regulations (“Provisions concerning the international postal service between the member-countries”). This change was the result of the Convention being absorbed into the General Regulations and the Detailed Regulations of the Convention becoming a non-treaty document “Rules for the operation of the international postal service between member-countries”.	None	
2000	Tehran	Constitution General Regulations	As for 1985 regarding Constitution Article 6 on membership. As for 1995 regarding General Regulations Article 113 on provisions concerning the international postal service between the member- countries.	None	

ADDENDUM 6

TOPIC: ACCESSION

Overview

The protocols for accession to the Asian-Pacific Postal Union (APPU) are detailed within Article 6 'Accession to the Union' of the Constitution, as follows:

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

This article largely mirrors the accession provision of the Universal Postal Union (UPU), as the APPU's parent organisation. However, the UPU's accession protocols differ, as they allow non-United Nations (UN) members to apply, whereas in the APPU, only UPU members may join. Therefore, there are some unnecessary or redundant provisions in the APPU Article, such as application for admission (in paragraph 2 of APPU Article 6).

The APPU Constitution also has a reference to 'accession' in Article 17, 'Accession to the Acts of the Union'. The accession aspect in Article 17 is dealt with separately in the *Policy Position Paper - Ratification*.

What have others done on this issue?

Universal Postal Union

The UPU's accession protocols are included in Article 12 'Accession or admission to the Union' of the Constitution as follows:

- 1 Any member of the United Nations may accede to the Union.*
- 2 Any sovereign country which is not a member of the United Nations may apply for admission as a member country of the Union.*
- 3 Accession or application for admission to the Union must entail a formal declaration of accession to the Constitution and to the obligatory Acts of the Union. It shall be addressed by the government of the country concerned to the Director General of the International Bureau, who shall notify the accession or consult the member countries on the application for admission, as the case may be.*
- 4 A country which is not a member of the United Nations shall be deemed to be admitted as a member country if its application is approved by at least two thirds of the member countries of the Union. Member countries whose replies have not been received by the International Bureau within a period of four months counting from the date of the consultation shall be considered as having abstained. The aforementioned replies, to be submitted by physical or secure electronic means to the International Bureau, shall be signed by a duly authorized representative of the governmental authority of the member country concerned. For the purposes of this paragraph, "secure electronic means" shall refer to any electronic means used for the processing, storage and transmission of data that ensure that completeness, integrity and confidentiality of such data are maintained during the submission of the aforementioned replies by a member country.*
- 5 Accession or admission to membership shall be notified by the Director General of the International Bureau to the governments of member countries. It shall take effect from the date of such notification.*

The main difference from the UPU is that a non-parent organisation member (such as a country that is not a member of the UN) can apply through a separate admission process at the UPU, which the APPU does not include. The UPU also does not allow reservations upon accession, which is explored in [Policy Position Paper – Reservations](#).

Similarly, the UPU also has membership eligibility criteria within the accession Article in paragraphs 1 and 2, which is also similar to the APPU's membership eligibility criteria of geographic boundaries within Article 6, paragraph 1 of the APPU Constitution.

Pan African Postal Union

The Pan African Postal Union (PAPU) has a shorter accession provision compared to the UPU and the APPU. In the PAPU Convention, Article 27 'Accession to the Convention' states:

- 1. Any Member State that has not signed the Convention may accede to it.*
- 2. The instrument of accession shall be deposited with the Secretary General of the Union by diplomatic channels. It shall enter into force on the date it is deposited, unless otherwise stipulated.*

3. The Secretary General shall notify Member States of such accession and forward to each of them a certified copy of the instrument.

This provision is shorter and less complex than the UPU and APPU. Of note, when PAPU refers to 'Member State' it is referencing the African Union, not the UPU.

Postal Union of the Americas, Spain and Portugal

Article 11 'Accession or Admission to the Union' in the Constitution of the Postal Union of the Americas, Spain and Portugal (PUASP) details the accession process:

- 1. Any American mainland or island nation or territory with membership status in the Universal Postal Union may accede to the Union provided it has no sovereignty dispute with any member country or territory.*
- 2. Any sovereign American nation which is not a member of the Universal Postal Union may apply for admission to the Postal Union of the Americas, Spain and Portugal.*
- 3. Instruments of accession or applications for admission to the Union must include a formal declaration of accession to the Constitution and other binding Union provisions.*

Similar to the PAPU, PUASP's accession Article also includes membership eligibility conditions. PUASP allows non-parent organisation members to apply for accession. However, PUASP also expands on the process of accession within the General Regulations. Article 101 'Accession or Admission to the Union. Procedure' includes:

- 1. Governments of interested countries or territories are to send notices of accession or applications for admission to the General Secretariat, which will notify the Union's other member countries or territories of their receipt.*
- 2. Applications for admission to the Union by interested countries or territories must be approved by a minimum of two thirds of its member countries and territories.*
- 3. Member countries and territories failing to respond within four months from the date of their notification of the receipt of an application for admission will be deemed to have given their approval.*
- 4. The General Secretariat will inform the governments of all member countries and territories of the accession or admission of any new country or territory.*
- 5. Applicant countries or territories will be notified of the decision taken on their application and, if admitted, of the effective date of their admission and other relevant information.*

PUASP requires applications of prospective members to be approved by two-thirds of current members.

Comparison

The below table compares the accession provisions of the different entities for similarities and differences, for easy reference.

	UPU	APPU	PUASP	PAPU
Application procedure	Yes	No	Yes	No
Membership eligibility in Accession Article	No	Yes	Yes	No
Membership of parent body required	No	Yes	No	Yes
Sovereignty a requirement	No	Yes	Yes	No
Notification procedure	Yes	Yes	Yes	No

What gaps in current governing documentation exist?

Issues with the accession protocols within Article 6 ‘Accession to the Union’ of the Constitution are detailed within the ‘Congress 2022 Doc 24.9 Appendix 4’ document presented to the 2022 Bangkok Congress.

The main issue identified is an impractical provision that was copied from the UPU’s governing documentation. It specifically concerns Article 6, paragraph 2 of the APPU Constitution:

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.

For comparison, Article 12 ‘Accession or admission to the Union. Procedure’, paragraph 3 of the UPU Constitution:

3. Accession or application for admission to the Union must entail a formal declaration of accession to the Constitution and to the obligatory Acts of the Union. It shall be addressed by the government of the country concerned to the Director General of the International Bureau, who shall notify the accession or consult the member countries on the application for admission, as the case may be.

The UPU provision provides two admission processes: one for UN members and an alternate admission process for countries who apply without being part of the parent organisation. Since non-UPU members cannot join the APPU, this alternate admission pathway does not exist. Therefore, in the APPU there is only a formal declaration of accession from eligible members and not an application for admission from non-automatically eligible members. The second sentence of Article 6, paragraph 2 highlights a consultation process which is not relevant in the APPU.

Congress 2022 Doc 24.9 Appendix 4 recommends that reference for an application of admission be deleted, given that “APPU membership is not available to non-UPU members”.

There is a further issue to be considered separately. Article 6, paragraph 5 states:

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.*

In the context of the existing paragraph 2, paragraph 5 is unclear as it is only related to paragraph 4 where the Director of the Bureau must consult member countries on applications with reservations. If there is no ability to make reservations upon accession to the Union then paragraphs 5-7 are not required.

Are there any existing or emerging issues?

The second half of Article 6, paragraph 2 is redundant as it was copied from the UPU and refers to a consultation process which does not exist at the APPU.

The geographic boundaries concerning membership eligibility are presently included in the accession provision in paragraph 1, however this detail would be better suited to have its own dedicated article, as noted and explored within the *Policy Position Paper - Membership*.

A further consideration is the existence of reservations in the APPU accession article. Whether the APPU should have reservations at all is explored within the *Policy Position Paper – Reservations*.

How can existing structures be strengthened and optimised?

There are three main principles that need to be addressed:

1. Geographic boundary provision: this provision should not be included as part of accession but rather in relation to membership eligibility conditions. See *Policy Position Paper - Membership*.
2. Clarification of admission process: The second half of paragraph 2 only exists due to it being copied from the UPU Constitution. The UPU has a process to allow non-parent organisation members join, which the APPU does not. This is the process that is referred to in the second half of paragraph 2 and needs to be removed.
3. Reservations: the APPU should not have a provision to take out reservations upon acceding to the Union. This would result in deleting paragraphs 5-7 of Article 6. See *Policy Position Paper – Reservations*.

Does this align with the vision or what changes might be required to achieve the vision?

The proposed changes align with the APPU's vision.

Recommendations

Overall, the proposed recommendations are:

1. The geographic boundaries should be removed from the accession Article and instead added into a membership eligibility section. See *Policy Position Paper - Membership*.
2. The criteria for joining the APPU should remain materially unchanged, meaning that any UPU member can accede automatically. Therefore, there is no need to detail any consultation process to be undertaken in relation to accession.
3. Reservations should not be available upon accession. See *Policy Position Paper – Reservations*.

Example text for a revised accession Article could be:

Article 6 'Accession to the Union' of the Constitution, as follows:

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.~~ **Any country which meets the membership criteria outlined in Article 2(c) may accede to the Asian-Pacific Postal Union.**
2. ~~Accession to the Union shall entail a formal declaration of accession to the Acts of the Union. It shall be addressed by the government of the country concerned to the Director of the Bureau, who shall notify the accession after consulting with the member countries on the application for admission.~~
3. ~~Accession to membership shall be notified by the Director of the Bureau to the governments of the other member countries. It shall take effect from the date of such notification.~~
4. ~~Any country which has the required qualifications but which cannot comply with any provision of Chapter V of the General Regulations may apply for membership to the Union with reservations.~~
5. ~~Application for membership, in accordance with paragraph 4, shall be addressed by the government of the country concerned to the Director of the Bureau, who shall consult the member countries on the application for admission.~~
6. ~~The country concerned is admitted if its request is approved by the majority of member countries.~~
7. ~~Member countries failing to reply to the consultation within four months from the date of notification are considered as abstaining.~~

ADDENDUM 7

TOPIC: RATIFICATION

Overview

Ratification defines the international act whereby a state indicates its consent to be bound to a treaty. It is the key process by which members of the Asian-Pacific Postal Union (APPU) commit to being party to the treaties (Constitution and General Regulations). Ratification is generally a three-step process: firstly, sign the Acts of the Union following amendment; secondly, complete the required process under domestic law; and thirdly, notify the Union of successful ratification through the deposit of the ratification instrument. Of note, signing the Acts of the Union indicates an intention to be bound by them, however ratification does not require a member to have signed the Acts.

The APPU Constitution has three Articles that deal with ratification. These are Articles 15, 16 and 17 of the 1985 Bangkok Constitution as amended at Singapore (1995) and Tehran (2000).

The elements of the APPU ratification provision comprise signature, ratification and other forms of approval of the Acts of the Union as follows:

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

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

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

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

Article 17 Accession to the Acts of the Union

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

What have others done on this issue?

Universal Postal Union

The Universal Postal Union (UPU) text is very closely aligned with the APPU. One difference is the inclusion of an 'authentication provision' in the UPU Constitution, in Article 24, paragraph 2:

The Regulations shall be authenticated by the Chair and the Secretary General of the Postal Operations Council.

This provision relates to the Regulations to the UPU Convention. As the APPU does not have similar Regulations, authentication is not relevant to the APPU.

Postal Union of the Americas, Spain and Portugal

The Postal Union of the Americas, Spain and Portugal (PUASP) text is very closely aligned with the APPU. One difference is the inclusion of a 'provisional ratification' provision in the PUASP Constitution in Article 22, paragraph 4g:

Without prejudice to the provisions of paragraphs 2 and 3 above, signatory countries or territories may ratify or approve Union Acts and Resolutions on a provisional basis, with written notice to the PUASP General Secretariat.

There are no known advantages to this provision but a potential risk of slowing down the full ratification of the Acts. Given it is not widespread, it is not recommended that this is introduced at the APPU.

Pan African Postal Union

The Pan African Postal Union (PAPU) text only partially fits the framework that exists for the APPU, UPU and PUASP, and is generally a simpler approach. As such, it is not included here for comparison.

Asia-Pacific Telecommunity

The Asia-Pacific Telecommunity (APT) text similarly appears to align with the ratification provisions of the APPU, UPU and PUASP. However, the key provisions relate only to the initial formation of the APT in 1976. As such, it was not considered relevant to a comparison exercise and not explored further.

Comparison

Key features of ratification provisions are listed in the table below, including whether the provisions appear in the various organisations.

Feature	APPU	UPU	PUASP	PAPU
Signatures on agreement	Yes	Yes	Yes	No
Proxies	Yes	No	No	No
Authentication	No	Yes	No	No
Domestic ratification required	Yes	Yes	Yes	Yes

Suggested timeframe for domestic process	Yes	Yes	Yes	No
Provisional ratification	No	No	Yes	No
Instrument	Yes	Yes	Yes	Yes
Notification	Yes	Yes	Yes	No
Lack of ratification ³	Yes	Yes	Yes	No

The only feature unique to the APPU is expecting proxies to sign the Acts of the Union on behalf of the member they are representing. This was added in 2000 due to risks of failing to meet the required quorum to amend the Acts of the Union. It appears that it was interpreted that a two-thirds majority is required to approve Constitutional amendments, and a two-thirds majority must sign the Acts of the Union. It is unclear where this interpretation originates, as members who were not present for the relevant Congress or amendment decision are still able to ratify the revised Acts of the Union. There is also no minimum number of signatures or ratification instruments to be deposited for the amendments to take effect.

What gaps in current governing documentation exist?

The UPU has adopted a compact and inclusive approach for presenting the range of options that members use for indicating commitment to the UPU Acts e.g., signature, ratification, authentication, acceptance, accession. Its basis is in the Vienna Convention on the Law of Treaties and the associated official United Nations glossary, whereby instruments of “acceptance” or “approval” of a treaty have the same legal effect as ratification, and equally express the consent of a state to be bound by a treaty.

The APPU may have a need similar to that of the UPU to specifically reference “acceptance” in the title (to reflect the possibility that “acceptance” for some members might be of equal ranking to ratification).

Are there any existing or emerging issues?

The expectation that proxies should sign the Acts of the Union on behalf of the member they are representing appears unnecessary. It is not reproduced in any other organisation’s treaties and could give rise to disputes between members.

How can existing structures be strengthened and optimised?

Alignment of text with the UPU for APPU Article 15 (UPU Article 24) where appropriate.

Recommendations

It is recommended that the Policy Position on ratification involves:

2. Alignment of APPU Constitution Article 15 with UPU Constitution Article 24 to specify acceptance and approval as valid forms of ratification.
3. Remove the expectation and ability for proxies to sign the Acts of the Union on behalf of the member they are representing from Article 15(1).

³ Meaning that the treaty applies to members who have ratified the treaty, even if not all members have ratified it.

ADDENDUM 8

TOPIC: WITHDRAWAL

Overview

Withdrawal from the Union is detailed within Article 7 'Withdrawal from the Union' of the Asian-Pacific Postal Union (APPU) Constitution. It states:

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

Further, the General Regulations Article 166 Contribution Classes, states:

- 2. Countries which accede to the Union as well as those which withdraw from the Union share in the expenditure of the administrative section for the entire year during which their accession or withdrawal becomes effective.*

What have others done on this issue?

Article 13 'Withdrawal from the Union. Procedure' of the Universal Postal Union's (UPU) Constitution states that:

- 1. Each member country may withdraw from the Union by notice of denunciation of the Constitution given by the government of the country concerned to the Director General of the International Bureau, such notice to then be communicated by the Director General of the International Bureau to the governments of member countries.*
- 2. Withdrawal from the Union shall become effective one year after receipt of the notice of denunciation provided for in paragraph 1 by the Director General of the International Bureau.*

This is supplemented by Article 147 in the General Regulations, which includes:

Article 147 Regulation of member countries' contributions

- 1. Countries which accede to the Union or are admitted to the status of members of the Union as well as those which leave the Union shall pay their contributions for the whole of the year during which their admission or withdrawal becomes effective.*

Similarly, the Postal Union of Americas, Spain and Portugal has two separate withdrawal provisions. Chapter 2, Article 12 of the Constitution establishes the ability for member countries to withdraw, while Article 102 of the General Regulations outlines the process.

Constitution, Article 12:

Withdrawal from the Union

Any country or territory may withdraw from the Union by renouncing its membership status.

General Regulations, Article 102:

Withdrawal from the Union. Procedure

1. Any member country or territory may withdraw from the Union by denouncing the Constitution in a notice to such effect addressed to the General Secretariat which, in turn, will inform the governments of the other member countries or territories.

2. A withdrawal from the Union will become effective one year from the date of receipt by the General Secretariat of the notice of denunciation referred to in paragraph 1 above.

3. Member countries or territories withdrawing from the Union must continue to fulfill all their obligations under the Union Acts until the effective date of their withdrawal.

The Pan African Postal Union has a single source on withdrawal, where the Convention states in Article 28 'Denunciation of the Convention':

1. Any Member State of the Union may denounce the Convention by notification addressed to the Secretary General through diplomatic channels.

2. The Secretary General shall notify the denunciations to the other Member States.

3. This denunciation which entails withdrawal by the Member State shall become operative one (1) year after the date of receipt of the notification by the Secretary General. It shall not exempt the Member State concerned from fulfilling its outstanding financial obligations to the Union.

What gaps in current governing documentation exist?

An identified gap is the lack of a clause which notifies member countries that financial and operational obligations must be met during the period between the notification of withdrawal to the effective date of withdrawal, which is one year from notification.

Are there any existing or emerging issues?

This gap could be an issue, because if it is not directly stated that these financial and operational obligations must be met, then it could be unclear to member countries.

How can existing structures be strengthened and optimised?

Existing structures can be strengthened by adding a clause which specifies the financial and operational obligations of withdrawing members.

Does this align with the vision or what changes might be required to achieve the vision?

The proposed changes align with the vision of the APPU. The recommendation ensures that withdrawal is not utilised as a tool to dismiss financial and operational contributions, which allows the APPU to fund its duties and operational procedures as the withdrawing member continues to benefit from them.

Recommendation

1. Expand the existing withdrawal process to clarify that members must meet all current and outstanding financial and operational contributions.

Example text could be:

*1. Any member country has the right to withdraw from the Union by means of a notice of its renunciation of the Acts of the Union given by the government of the country concerned to the ~~Director of the Bureau~~ **Secretary General who will advise representatives** and by him to the ~~governments~~ of other member countries accordingly.*

*2. Withdrawal from the Union becomes effective at the expiry of one year from the date of receipt of the notification from the withdrawing country by the ~~Director of the Bureau~~ **Secretary General**.*

3. From the date of receipt of the notification to the effective date of withdrawal, the withdrawing member country must continue to fulfill their current and outstanding financial and operational obligations.

ADDENDUM 9

TOPIC: USER-FUNDED SUBSIDIARY BODIES

Overview

In business, a subsidiary body is an entity which is under the control of another entity. A user-funded subsidiary body may have different group of users from the parent body and be funded directly by those users.

The Asian-Pacific Postal Union (APPU) does not presently have any user-funded subsidiary bodies or the ability to create these within its current treaty framework. This has been previously explored in the context of resolving issues with the Asia Pacific Post Cooperative by recreating it as a user-funded subsidiary body of the APPU, as noted in the EC 2023 Doc 13.7. In this document, the EC instructed the Reform Working Group to continue to develop the text of an amendment to the APPU's General Regulations to establish the ability for the EC to create user-funded subsidiary bodies, for consideration of the next APPU Congress.

What have others done on this issue?

The Universal Postal Union (UPU) outlines that the purpose of user-funded subsidiary bodies is to organise operational, commercial, technical and economic activities within the scope of the Postal Operations Council (POC). Examples of user-funded subsidiary bodies within the UPU include the EMS Cooperative and the Telematics Cooperative.

The Universal Postal Union (UPU) allows for the establishment of user-funded subsidiary bodies. Article 153 of the UPU General Regulations states:

- 1 *Subject to the approval of the Council of Administration, the POC may establish a number of user-funded subsidiary bodies, funded by voluntary means, in order to organize operational, commercial, technical and economic activities which fall within its competence under article 18 of the Constitution, but which may not be financed by the regular budget.*
- 2 *Upon the creation of such a body under the POC, the POC shall decide on the basic framework of the rules of procedure of the body, taking due consideration of the fundamental rules and principles of the Union as an intergovernmental organization, and shall submit it to the CA for approval. The basic framework shall include the following elements:*
 - 2.1 *the mandate;*
 - 2.2 *the constituency, including the categories of members participating;*
 - 2.3 *decision-making rules, including its internal structure and its relationship with other Union bodies;*
 - 2.4 *voting and representation principles;*
 - 2.5 *financing (subscription, usage fees, etc.);*
 - 2.6 *composition of secretariat and management structure.*

- 3 *Each user-funded subsidiary body shall organize its activities in an autonomous manner within the basic framework decided by the POC and approved by the CA, and shall prepare an annual report on its activities for consideration by the POC.*
- 4 *The Council of Administration shall establish the rules concerning support costs that user-funded subsidiary bodies should contribute to the regular budget, and shall publish them in the UPU Financial Regulations.*
- 5 *The Director General of the International Bureau shall administer the secretariat of the user-funded subsidiary bodies in accordance with the relevant Staff Regulations and Rules, as applicable to the staff recruited for the user-funded subsidiary bodies. The secretariat of the subsidiary bodies shall be an integral part of the International Bureau.*
- 6 *Information concerning user-funded subsidiary bodies established in accordance with this article shall be reported to Congress following their establishment.*

The key features of the UPU provision on user-funded subsidiary bodies are that:

- They are established by a certain body of the UPU (POC)
- They are funded by voluntary means
- Their basic frameworks are created by the POC
- Their activities are autonomous
- They report on activities to the POC
- They have separate support cost rules
- The UPU Director General administers their secretariats

Neither the Pan African Postal Union nor the Postal Union of the Americas, Spain and Portugal have provisions for user-funded subsidiary bodies.

The Asia-Pacific Telecommunity has a provision for subsidiary bodies and expert groups but not user-funded subsidiary bodies. These subsidiary bodies appear to function in a similar way to the APPU Finance Committee and serve a different purpose compared to user-funded subsidiary groups at the UPU.

What gaps in current governing documentation exist?

There is no provision for establishing user-funded subsidiary bodies.

Are there any existing or emerging issues?

The creation of a provision to allow such bodies could resolve the long-standing legal and operational issues experienced by the Asia Pacific Post Cooperative. This provision would also allow the APPU to set up similar bodies in the future to manage emerging issues, without requiring amendment to the Acts of the Union and without implications on the APPU budget.

How can existing structures be strengthened and optimised?

The creation of a provision for the Executive Council to establish user-funded subsidiary bodies, modelled from the relevant UPU provision with such adjustments as required for the APPU context, would allow the APPU to create such bodies in the future.

Does this align with the vision or what changes might be required to achieve the vision?

This aligns with the vision.

Recommendation

It is recommended that the APPU create a new provision in the General Regulations which allows the Executive Council to establish and administer user-funded subsidiary bodies. This provision should be modelled from the UPU provision and give flexibility to the Union to respond to the future needs of the membership.

Proposed areas where the APPU provision may digress from the UPU arrangements include:

1. user-funded subsidiary bodies are established within the competence of the Union, not the POC,
2. the basic framework will include the location of the body, and
3. the Executive Council may agree departures from the relevant staffing regulations if required.

These proposed differences are because:

1. the APPU has a different structure to the UPU (no POC),
2. there is a presumption that the entirety of the UPU will be located in one place, while historically the APPU and related entities have at times had different locations, and
3. the APPU has a much smaller staff and fewer governance procedures than the UPU and may need to arrange exemptions to what is in place in specific circumstances.

Potential wording of this new provision is included below, modelled from the relevant UPU article and informed by APPU/UPU Reform Working Group discussions.

Article 107bis**Organisation of user-funded subsidiary bodies**

1. *The Executive Council may establish user-funded subsidiary bodies, funded by voluntary means, in order to organise operational, commercial, technical and economic activities which fall within the competence of the Union, but which may not be financed from the budget of the administrative section.*
2. *Upon the creation of such a body by the Council, the Council shall decide on the basic framework of the rules of procedure of the body, taking due consideration of the fundamental rules and principles of the Union as a restricted union of the UPU. The basic framework shall include the following elements:*
 - 2.1 *the mandate;*
 - 2.2 *the body's location within the Asia-Pacific region;*
 - 2.3 *the constituency, including the categories of members participating;*
 - 2.4 *the body's internal structures and the body's relationship with the remainder of the Bureau and with other Union organs;*
 - 2.5 *composition of staff of the body, management structure and the internal processes for the management of such staff;*
 - 2.6 *voting and representation principles;*

2.7 financing.

- 3. A user-funded subsidiary body shall organise its activities in an autonomous manner within the basic framework decided by the Council, and shall prepare an annual report on its activities for consideration by the Council.*
- 4. The Council shall establish the rules concerning support costs that user-funded subsidiary bodies must contribute to the budget of the administrative section, which shall include any expenditure on behalf of the user-funded subsidiary bodies. Notwithstanding Article 117, the expenditure of each user-funded subsidiary body will be in accordance with a separate budget approved in the manner set out in the basic framework for the user-funded subsidiary body.*
- 5. The staff of the user-funded subsidiary bodies shall be an integral part of the Bureau, assigned to the administrative section. The Secretary General will administer the staff of the user-funded subsidiary bodies in the manner specified by the basic framework for the user-funded subsidiary body. The Executive Council may agree to departures from the Staff Regulations and General Regulations of the Bureau of the Asian-Pacific Postal Union for such staff if the circumstances so require.*
- 6. Information concerning user-funded subsidiary bodies established in accordance with this article shall be reported to Congress following their establishment.*