

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK 1964

Part Two. Legal activities of the United Nations and related inter-governmental organizations

Chapter IV. Treaties concerning international law concluded under the auspices of the United Nations and related inter-governmental organizations



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Chapter IV

TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS

1. Universal Postal Union

CONSTITUTION OF THE UNIVERSAL POSTAL UNION

[The Universal Postal Union revised all its Acts at the Vienna Congress of 1964. This revision was particularly important since the juridical structure of the Union's Acts was radically changed. The former Universal Postal Convention and its Detailed Regulations, which included the constitutional provisions of the Union, the common rules applicable to the international postal service and the provisions concerning the letter post service, have been divided into four Acts:

1. *The Constitution of the Universal Postal Union*: This Act contains the Union's essential organic rules; it is of a permanent and stable nature, and is not designed—as are the other Acts of the Union, and as were hitherto the Acts of the Congresses—to be renewed at each Congress. It therefore ensures to some extent the permanency of the Union beyond each Congress.

2. *The General Regulations of the Universal Postal Union*: These provide for the implementation of the Constitution and the functioning of the various organs of the Union. They contain detailed provisions corresponding to the principles enunciated in the Constitution. Unlike the Constitution, the General Regulations are renewed by each Congress.

3. *The Universal Postal Convention*: Under this heading have been grouped the general provisions for the international postal service and those for the letter post which were included in the former Convention.

4. *The Detailed Regulations of the Universal Postal Convention*: This Act contains detailed provisions corresponding to those of the Universal Postal Convention.

The text of the UPU's new Constitution follows.]

CONSTITUTION OF THE UNIVERSAL POSTAL UNION

PREAMBLE

With a view to developing communications between peoples by the efficient operation of postal services, and to contributing to the attainment of the noble aims of international collaboration in the cultural, social and economic fields,

The Plenipotentiaries of the Governments of the Contracting Countries have, subject to ratification, adopted this Constitution.

Section I.—ORGANIC PROVISIONS

CHAPTER I.—GENERAL

Article 1

Scope and objectives of the Union

1. The Countries adopting this Constitution form, under the title of the Universal Postal Union, a single postal territory for the reciprocal exchange of letter post items. Freedom of transit is guaranteed throughout the entire territory of the Union.
2. The aim of the Union is to secure the organisation and improvement of the postal services and to promote in this sphere the development of international collaboration.
3. The Union takes part, as far as possible, in postal technical assistance sought by its Member Countries.

Article 2

Members of the Union

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 11.

Article 3

Jurisdiction of the Union

The Union has within its jurisdiction:

- (a) the territories of Member Countries;
- (b) post offices set up by Member Countries in territories not included in the Union;
- (c) territories which, without being members of the Union, are included in it because from the postal point of view they are dependent on Member Countries.

Article 4

Exceptional relations

Postal Administrations which provide a service with territories not included in the Union are bound to act as intermediaries for other Administrations. The provisions of the Convention and its Detailed Regulations are applicable to such exceptional relations.

Article 5

Seat of the Union

The seat of the Union and of its permanent organs shall be at Berne.

Article 6

Official language of the Union

The official language of the Union is French.

Article 7

Monetary standard

The franc adopted as the monetary unit in the Acts of the Union is the gold franc of 100 centimes weighing 10/31 of a gramme and of a fineness of 0.900.

Article 8

Restricted Unions—Special Agreements

1. Member Countries, or their Postal Administrations if the legislation of those Countries so permits, may establish Restricted Unions and make Special Agreements concerning the international 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, Conferences and meetings of the Union, to the Executive Council and to the Consultative Committee for Postal Studies.
3. The Union may send observers to Congresses, Conferences and meetings of Restricted Unions.

Article 9

Relations with the United Nations

The relations between the Union and the United Nations are governed by the Agreements whose texts are annexed to this Constitution.

Article 10

Relations with international organisations

In order to secure close co-operation in the international postal sphere, the Union may collaborate with international organisations having related interests and activities.

CHAPTER II.—ACCESSION OR ADMISSION TO THE UNION — WITHDRAWAL FROM THE UNION

Article 11

Accession or admission to the Union—Procedure

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 entails a formal declaration of accession to the Constitution and to the obligatory Acts of the Union. It shall be addressed through diplomatic channels to the Government of the Swiss Confederation and by that Government to Member Countries.
4. A Country which is not a member of the United Nations is considered 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 which have not replied within a period of four months are considered as having abstained.
5. Accession or admission to membership shall be notified by the Government of the Swiss Confederation to the Governments of Member Countries. It shall take effect from the date of such notification.

Article 12

Withdrawal from the Union—Procedure

1. Each Member Country may withdraw from the Union by notice of denunciation of the Constitution given through diplomatic channels to the Government of the Swiss Confederation and by that Government to the Governments of Member Countries.
2. Withdrawal from the Union shall become effective one year after the day on which the notice of denunciation provided for in § 1 is received by the Government of the Swiss Confederation.

CHAPTER III.—ORGANISATION OF THE UNION

Article 13

Organs of the Union

1. The organs of the Union are Congress, Administrative Conferences, the Executive Council, the Consultative Committee for Postal Studies, Special Committees and the International Bureau.
2. The permanent organs of the Union are the Executive Council, the Consultative Committee for Postal Studies and the International Bureau.

Article 14

Congress

1. Congress is the supreme organ of the Union.
2. Congress consists of the representatives of Member Countries.

Article 15

Extraordinary Congresses

An Extraordinary Congress may be convened at the request or with the consent of at least two-thirds of the Member Countries of the Union.

Article 16

Administrative Conferences

Conferences entrusted with the examination of questions of an administrative nature may be convened at the request or with the consent of at least two-thirds of the Postal Administrations of Member Countries.

Article 17

Executive Council

1. Between Congresses the Executive Council (EC) ensures the continuity of the work of the Union in accordance with the provisions of the Acts of the Union.
2. Members of the Executive Council carry out their functions in the name and in the interests of the Union.

Article 18

Consultative Committee for Postal Studies

The Consultative Committee for Postal Studies (CCPS) is entrusted with carrying out studies and giving opinions on technical, operational and economic questions concerning the postal service.

Article 19

Special Committees

Special Committees may be entrusted by a Congress or by an Administrative Conference with the study of one or more specific questions.

Article 20

International Bureau

A central office operating at the seat of the Union under the title of the International Bureau of the Universal Postal Union, directed by a Director-General under the general supervision of the Government of the Swiss Confederation, serves as an organ of liaison, information and consultation for Postal Administrations.

CHAPTER IV.—FINANCES OF THE UNION

Article 21

Expenditure of the Union—Contributions of Member Countries

1. Each Congress shall fix the maximum amount which the ordinary expenditure of the Union may reach annually.
2. The maximum amount for ordinary expenditure referred to in § 1 may be exceeded if circumstances so require, provided that the relevant provisions of the General Regulations are observed.
3. The extraordinary expenses of the Union are those occasioned by the convening of a Congress, an Administrative Conference or a Special Committee as well as special tasks entrusted to the International Bureau.
4. The ordinary expenses of the Union, including where applicable the expenditure envisaged in § 2, together with the extraordinary expenses of the Union, shall be borne in common by Member Countries, which shall be divided by Congress for this purpose into a specific number of contribution classes.
5. In the case of accession or admission to the Union under Article 11, the Government of the Swiss Confederation shall fix, by agreement with the Government of the Country concerned, the contribution class into which the latter Country is to be placed for the purpose of apportioning the expenses of the Union.

Section II.—ACTS OF THE UNION

CHAPTER I.—GENERAL

Article 22

Acts of the Union

1. The Constitution is the basic Act of the Union. It contains the organic rules of the Union.
2. The General Regulations embody those provisions which ensure the application of the Constitution and the working of the Union. They shall be binding on all Member Countries.
3. The Universal Postal Convention and its Detailed Regulations embody the rules applicable throughout the international postal service and the provisions concerning the letter post services. These Acts shall be binding on all Member Countries.
4. The Agreements of the Union, and their Detailed Regulations, regulate the services other than those of the letter post between those Member Countries which are parties to them. They shall be binding on those Countries only.
5. The Detailed Regulations, which contain the rules of application necessary for the implementation of the Convention and of the Agreements, shall be drawn up by the Postal Administrations of the Member Countries concerned.
6. The Final Protocols annexed to the Acts of the Union referred to in §§ 3, 4 and 5 contain the reservations to those Acts.

Article 23

Application of the Acts of the Union to Territories for whose international relations a Member Country is responsible

1. Any Country may declare at any time that its acceptance of the Acts of the Union includes all the Territories for whose international relations it is responsible, or certain of them only.
2. The declaration provided for in § 1 must be addressed to the Government:
 - (a) of the Country where Congress is held, if made at the time of signature of the Act or Acts in question;
 - (b) of the Swiss Confederation in all other cases.

3. Any Member Country may at any time address to the Government of the Swiss Confederation a notification of its intention to denounce the application of these Acts of the Union in respect of which it has made the declaration provided for in § 1. Such notification shall take effect one year after the date of its receipt by the Government of the Swiss Confederation.

4. The declarations and notifications provided for in §§ 1 and 3 shall be communicated to Member Countries by the Government of the Country which has received them.

5. §§ 1 to 4 shall not apply to Territories having the status of a member of the Union and for whose international relations a Member Country is responsible.

Article 24

National legislation

The provisions of the Acts of the Union do not derogate from the legislation of any Member Country in respect of anything which is not expressly provided for by those Acts.

CHAPTER II.—ACCEPTANCE AND DENUNCIATION OF THE ACTS OF THE UNION

Article 25

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

1. Signature of the Acts of the Union by Plenipotentiaries shall take place at the end of Congress.

2. The Constitution shall be ratified as soon as possible by the signatory Countries.

3. Approval of the Acts of the Union other than the Constitution is governed by the constitutional requirements of each signatory Country.

4. When a Country does not ratify the Constitution or does not approve the other Acts which it has signed, the Constitution and the other Acts shall be no less valid for the other Countries that have ratified or approved them.

Article 26

Notification of ratifications and other forms of approval of the Acts of the Union

The instruments of ratification of the Constitution and, where appropriate, of approval of the other Acts of the Union shall be addressed as soon as possible to the Government of the Swiss Confederation and by that Government to the Governments of Member Countries.

Article 27

Accession to the Agreements

1. Member Countries may, at any time, accede to one or more of the Agreements provided for in Article 22 § 4.

2. Accession of Member Countries to the Agreements shall be notified in accordance with Article 11 § 3.

Article 28

Denunciation of an Agreement

Each Member Country may cease being a party to one or more of the Agreements, under the conditions laid down in Article 12.

CHAPTER III.—AMENDMENT OF THE ACTS OF THE UNION

Article 29

Presentation of proposals

1. The Postal Administration of a Member Country has the right to present, either to Congress or between Congresses, proposals concerning the Acts of the Union to which its Country is a party.

2. However, proposals concerning the Constitution and the General Regulations may be submitted only to Congress.

Article 30

Amendment of the Constitution

1. To be adopted, proposals submitted to Congress and relating to this Constitution must be approved by at least two-thirds of the Member Countries of the Union.

2. Amendments adopted by a Congress shall form the subject of an additional protocol and, unless that Congress decides otherwise, shall enter into force at the same time as the Acts renewed in the course of the same Congress. They shall be ratified as soon as possible by Member Countries and the instruments of such ratification shall be dealt with in accordance with the procedure laid down in Article 26.

Article 31

Amendment of the Convention, the General Regulations and the Agreements

1. The Convention, the General Regulations and the Agreements define the conditions to be fulfilled for the approval of proposals which concern them.

2. The Acts referred to in § 1 shall enter into force simultaneously and shall have the same duration. As from the day fixed by Congress for the entry into force of these Acts, the corresponding Acts of the preceding Congress shall be abrogated.

CHAPTER IV.—SETTLEMENT OF DISPUTES

Article 32

Arbitration

In the event of a dispute between two or more Postal Administrations of Member Countries concerning the interpretation of the Acts of the Union or the responsibility imposed on a Postal Administration by the application of those Acts, the question at issue shall be settled by arbitration.

Section III.—FINAL PROVISIONS

Article 33

Coming into operation and duration of the Constitution

This Constitution shall come into operation on 1st January, 1966 and shall remain in force for an indefinite period.

In witness whereof, the Plenipotentiaries of the Governments of the Contracting Countries have signed this Constitution in a single original which shall be deposited in the Archives of the Government of the Country in which the seat of the Union is situated. A copy thereof shall be delivered to each Party by the Government of the Country in which Congress is held.

Done at Vienna, the 10th of July, 1964.

FINAL PROTOCOL TO THE CONSTITUTION OF THE UNIVERSAL POSTAL UNION

At the moment of proceeding to signature of the Constitution of the Universal Postal Union concluded this day, the undersigned Plenipotentiaries have agreed the following:

Sole Article

Accession to the Constitution

Member Countries of the Union which have not signed the Constitution may accede to it at any time. Instruments of accession shall be addressed through diplomatic channels to the Government of the Country in which the seat of the Union is situated, and by that Government to the Governments of the Member Countries of the Union.

In witness whereof, the undermentioned Plenipotentiaries have drawn up this Protocol, which shall have the same force and the same validity as if its provisions were inserted in the text of the Constitution itself, and they have signed it in a single original which shall be deposited in the Archives of the Government of the Country in which the seat of the Union is situated. A copy thereof shall be delivered to each Party by the Government of the Country in which Congress is held.

Done at Vienna, the 10th of July, 1964.

2. Inter-Governmental Maritime Consultative Organization

CONSIDERATION OF PROPOSED AMENDMENTS TO ARTICLES 17, 18 AND 28 OF THE IMCO CONVENTION: RESOLUTION A. 69 (ES.II) ADOPTED ON 15 SEPTEMBER 1964 AT THE SECOND EXTRAORDINARY SESSION OF THE ASSEMBLY

(Original text: English)

THE ASSEMBLY,

RECOGNIZING the need

- (i) to increase the number of members on the Council,
 - (ii) to have all members of the Council elected by the Assembly,
 - (iii) to have equitable geographic representation of Member States on the Council,
- and

CONSEQUENTLY HAVING ADOPTED, at the second extraordinary session of the Assembly held in London on 10-15 September 1964, the amendments, the texts of which are contained in the Annex to this Resolution, to Articles 17 and 18 of the Convention on the Inter-Governmental Maritime Consultative Organization,

DECIDES to postpone consideration of the proposed amendment to Article 28 of the Convention on the Inter-Governmental Maritime Consultative Organization to the next session of the Assembly in 1965,

DETERMINES, in accordance with the provisions of Article 52 of the Convention, that each amendment adopted hereunder is of such a nature that any Member which hereafter declares that it does not accept such amendment and which does not accept the amendment within a period of twelve months after the amendment comes into force shall, upon the expiration of this period, cease to be a Party to the Convention,

REQUESTS the Secretary-General of the Organization to effect the deposit with the Secretary-General of the United Nations of the adopted amendments in conformity with Article 53 of the Convention and to receive declarations and instruments of acceptance as provided for in Article 54, and

INVITES the Member Governments to accept each adopted amendment at the earliest possible date after receiving a copy thereof from the Secretary-General of the United Nations, by communicating an instrument of acceptance to the Secretary-General for deposit with the Secretary-General of the United Nations.

Annex

1. The existing text of Article 17 of the Convention is replaced by the following:
The Council shall be composed of eighteen members elected by the Assembly.

2. The existing text of Article 18 of the Convention is replaced by the following:
In electing the members of the Council, the Assembly shall observe the following principles:

(a) Six shall be governments of States with the largest interest in providing international shipping services;

(b) Six shall be governments of other States with the largest interest in international seaborne trade;

(c) Six shall be governments of States not elected under (a) or (b) above, which have special interests in maritime transport or navigation and whose election to the Council will ensure the representation of all major geographic areas of the world.