

DETAILED REGULATIONS OF THE CONVENTION

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DETAILED REGULATIONS OF THE CONVENTION

PREAMBLE

The Plenipotentiaries of Governments of the Member-States of the Pan African Postal Union

- Having regard to Article 34 of the Convention of the Pan African Postal Union;
- Have by common consent, adopted the Detailed Regulations to ensure the application of the Convention and the functioning of the Union.

CHAPTER I: PLENIPOTENTIARY CONFERENCE

Article 1: Representation at the Conference

The Government of each Member-State shall be represented in the Plenipotentiary Conference by a delegation led by the Minister responsible for postal services or by any other high-ranking official designated by that Member-State.

Article 2: Functions of the Conference

The functions of the Conference shall be:

1. To revise the Convention and its Detailed Regulations if necessary;
2. To determine the general policy which the Union shall follow in order to achieve the objectives laid down in Article 5 of the Convention;
3. To examine and approve the programmer of activities and accounts of the union and determine the ceiling or budgets for the quadrennial period;
4. To determine the scale of assessment of the Member States;
5. To establish the structure of the General Secretariat, elect the Secretary-General and Assistant Secretary General of the Union and determine their salaries, allowances and other conditions of service.
6. To establish such subordinate bodies as it may deem necessary for the purpose of achieving the objectives of the Union and prescribe to such bodies, rules for the conduct of their activities;
7. To approve the financial and administrative regulations and any other rules governing the activities of the Union;
8. To approve provisional agreements concluded between the Union and other African and International Organizations and countries;
9. To adopt, at the conclusion of each session, a report addressed to all Member-States as well as the Organization of African Unity (OAU).

10. To consider the reports of Activities of the Administrative Council and the Secretary-General of the Union since the last session of the Conference.
11. To elect the members of the Administrative Council.

CHAPTER II: ADMINISTRATIVE COUNCIL

Article 3: Composition of the Administrative Council

1. The Administrative Council shall consist of sixteen Member-States. Fifteen of its members are elected by the Conference. The sixteenth member shall be the host-country of the Union.
2. The fifteen elective members of the Administrative Council shall be distributed among the regions as follows:
 - a. Five for the Western Region;
 - b. Three for the Eastern Region;
 - c. Three for the Central Region;
 - d. Two for the Northern Region;
 - e. Two for the Southern Region.
3. The Member-State, which acts as Chairman of the Conference, shall be entitled to one of its region's seat if it expresses the desire before the election.

Article 4: Representation at the Council

The person designated by a Member-State to serve on the Council shall as far as possible, be a senior officer of its Postal Administration.

Article 5: Functions of the Administrative Council

The Administrative Council shall

1. Direct, control and coordinate financial, administrative and technical activities of the Union;
2. Adopt the annual program of activities and budget of the Union;
3. Assess each year the annual contribution of each Member State to the budget of the Union;
4. Fix the basic salaries, allowances and other conditions of service for all the officers of the Union with the exception of the Secretary-General and the Assistant Secretary-General;
5. Adopt the annual management report and audited accounts of the Union presented by the Secretary-General;

6. Supervise the negotiation of provisional agreements with other organization whose activities relate to those of the Union, and submit them for the approval of the Conference;
7. Submit to the Conference proposals concerning the rules governing the financial, administrative and technical activities of the Union;
8. Prepare the provisional agenda of the session of the Conference;
9. Establish such subordinate bodies, as it may deem necessary for the purpose of achieving the objectives of the Union and prescribe to such bodies, rules for the conduct of their activities.

Article 6: Vacant seat on the Council

1. A seat of the Council shall be considered vacant when a Member-State is not represented at two consecutive sessions of the Council or when it resigns from the Council or denounces its membership of the Union.
2. When a seat on the Council becomes vacant, the affected region shall designate another Member-State to serve on the Council for its remaining term of office.

Article 7: Re-election of the Members of the Council

The Member-States of the Council shall be eligible for re-election. As far as possible, no Member-State shall be elected by three successive Conferences.

CHAPTER III: GENERAL SECRETARIAT

Article 8: Special Provisions

1. The Secretary-General shall be the legal representative of the Union.
2. The Secretary-General and the Assistant Secretary-General shall assume office at a date fixed at the time of their elections.
3. The Secretary General and the Assistant Secretary General shall be assisted by Heads of Departments.
4. The profiles of candidates for the posts of the Secretary-General and the Assistant Secretary General as well as those of the members of staff shall be specified in the Staff Regulations.
5. The organization and working relations of the General Secretariat shall be defined in accordance with the Convention and the present Detailed Regulations.

Article 9: Functions of the Secretary General

The Secretary General shall:

1. Ensure the achievement of the objectives of the Union as defined in Article 5 of the Convention;
2. Prepare the convening of all meetings of the Union and provide the Secretariat Services;

3. Be responsible for all the documents and archives of the Union;
4. Prepare the draft program of activities and budget of the Union for the quadrennial period and submit them for the approval of the Conference;
5. Prepare the annual draft program of activities and budget of the Union and submit them for the approval of the Council;
6. Present for the approval of the Council, audited accounts of the Union for the preceding year;
7. Attend all meetings of the Conference and the Council;
8. Attend or be represented at the Administrative and Technical Committees' Meetings and Seminars of the Union;
9. Attend or be represented whenever possible at meetings and Conferences to which the Union is invited;
10. Appoint the other staff of the Secretariat after consultation with the Council;
11. Inform Member-States of any accessions to, or denunciation of the Convention;
12. If he deems it necessary and subject to the approval of the Council, engage experts for specific studies;
13. Publish periodically a magazine consisting of articles in the field of postal services;
14. Ensure the implementation of the decisions of the Conference and of the Council;
15. Take, together with Member-States the necessary measures for the implementation of the various programs approved by the Union;
16. Present to the Plenipotentiary Conference a report on the activities of the General Secretariat since the previous Plenipotentiary Conference;
17. Present to the administrative Council an annual report on the activities of the General Secretariat between the two sessions;
18. Negotiate under the supervision of the Council provisional agreements with other organizations;
19. Perform any other duties that may be entrusted to him by the Conference and the council.

Article 10: Emergency Consultation

Between two sessions of the Council, the Secretary-General may, when he deems it necessary, consult Member-states of the Council about one or several urgent problems for decision. In case, the decisions shall be taken by simple majority on the basis of replies which Member-States shall communicate to the Secretary-General by telegram, provided that such decisions shall not have financial implications

exceeding the limits of the budget for the current financial year. Any decision taken through this method shall be tabled formally at the next meeting of the Council.

Article 11: Procedure for the election of the Secretary General and the Assistant Secretary General

1. Voting concerning the election of the Secretary General and the Assistant Secretary General shall be by secret ballot, by roll call in the alphabetical order of the Member-States present and voting.
2. The first election shall be for the post of the Secretary-General and the second one could be for the post of Assistant Secretary General.
3. The Chairman of the Conference nominates three scrutinizers and takes the necessary measures to ensure the secrecy of the vote.
4. Each delegation shall receive at each ballot a paper bearing the names of all contesting in alphabetical order.
5. Each delegation shall indicate on its ballot paper the candidates of its choice, by placing an "X" beside the name of the candidate.
6. Abstentions, blank or invalid ballot papers are not considered in the calculation of the required majority.
7. The candidate who obtains the two-thirds majority of votes of the Member States present and voting shall be declared elected.
8. If in the first ballot, no candidate is elected in conformity with paragraph 7 above, second ballot and if necessary a third ballot shall be organized. After each ballot the candidate who obtains the least votes shall be eliminated as long as there are more than two contesting candidates.
9. If after the third ballot, no candidate obtains the required two-thirds majority, a fourth and last ballot shall be held.

On the assumption that there are more than two contesting candidates, only the two candidates with more votes at the third ballot shall stand for election in this fourth ballot. In case of a tie, an exclusive ballot shall be organized to decide between the candidates with equal votes in order to have only two contesting candidates for the fourth and last ballot.

10. During this fourth and last ballot, the candidate with the simple majority of votes shall be declared elected.
11. In case of a tie after the fourth ballot, the Chairman shall draw lots to determine the candidate to be declared elected.
12. No delegation shall interrupt a ballot, which has already started except to express a point of order on the manner in which the voting is being held.

Article 12: Status of Staff of the General secretariat

1. In the performance of their duties, the Secretary-General the Assistant Secretary-General, Heads of Departments and all personnel of the Union shall neither solicit nor accept any orders from any government or authority foreign to the Union. They shall abstain from any action incompatible with the aims and objectives of their duties.
2. The Secretary-General, the Assistant Secretary-General and staff of the General Secretariat shall in no way be involved in any postal service undertakings or companies.
3. Staff Regulation defines the conditions of service of the staff of the General staff of the General Secretariat.

Article 13: Vacancies in the General Secretariat

1. In the event of:
 - a) The post of the Secretary-General falling vacant, the Assistant Secretary-General shall act as Secretary-General until the next session of the Conference;
 - b) The post of Assistant Secretary-General falling vacant, the Secretary-General shall designate, subject to the approval of the Council, one of the Heads of Departments to act as Assistant Secretary General until the next session of the Conference;
 - c) The post of the Secretary-General and Assistant Secretary-General falling vacant simultaneously the most senior Head of Department shall provisionally exercise the functions of Assistant Secretary-General. An extraordinary session of the Conference shall be convened within six months to elect the Secretary-General.
2. Six months before each ordinary session of the Conference, the General Secretariat shall send out calls for applications for the posts of the Secretary-General and the Assistant Secretary-General of the Union to all Member-States to invite them to submit applications of their nationals within a time limit of 3 months from the date of the publication of the vacancies.
3. All applications received by the General Secretariat for the post of Secretary-General and Assistant Secretary-General shall be communicated to all the Member-States for information, two months before the Conference is held.
4. The following criteria shall as far as possible, be considered during the elections of Secretary-General and Assistant Secretary-General of the Union:
 - a) Competence
 - b) Linguistic considerations
 - c) Equitable geographical distribution among the regions of Africa.

CHAPTER V: ADMINISTRATIVE AND TECHNICAL COMMITTEES

Article 14: Composition

The Administrative and Technology Committees shall consist of Postal Experts and other Experts whose skills may be required. They shall be established by the Conference or the Council for a specific task. The Experts shall be appointed from all or some of the Member-States of the Union.

Article 15: Responsibilities

The Administrative and Technical Committees shall study organs of the Unions entrusted with the task of advising and making recommendations on all issues, which are beneficial to the Union.

Article 16: Implementation of the studies

1. The Conference or the Council shall define the terms of reference of the studies entrusted to these Committees and determine the conditions of their implementation.
2. The results of the studies carried out by the Administrative and Technical Committees shall be submitted to the Conference or the Council for adoption before their implementation.

CHAPTER V: FINANCES OF THE UNION

Article 17: Payment of Contributions

1. Member-States shall pay in advance their annual contributions calculated on the basis of the budget approved by the Council.
2. Any Member-State whose contributions to the Union are in arrears for two consecutive years shall forfeit its right to vote.

Article 18: Currency of the Union

The accounts of the Union shall be kept in a convertible currency specified by the Council.

Article 19: Financial Year of the Union

The Financial year shall commence on 1st June and end on 31st May of the following year.

Article 20: Budgets of the Union

1. The Conference shall fix the annual budget ceilings of the Union for the quadrennial period.
2. The Secretary-General may within the limits of ceilings fixed for the quadrennial period readjust the draft annual budgets of the Union to be submitted for the approval of the Council.

Article 21: Financial Regulations

The Financial Regulations define all additional provisions applicable to the Finance of the Union.

CHAPTER VI: GENERAL RULES

Article 22: Power of Delegations

1. The delegation sent by a Member-State to meetings of the Union shall be accredited in accordance with the following provisions:

* For the Conference Sessions, by letter of accreditation signed by the Head of State or Prime Minister or the Minister of Foreign Affairs;

* For all other meetings of the Union, the delegations must be duly authorized.

2. The instruments of accreditation shall be deposited at the opening of the meeting with the authority designated to that effect.

3. The instruments of accreditation shall confer on delegations the full powers and where necessary, the right to sign the final instruments.

4. For each session of the Plenipotentiary Conference or Administrative Council, the Government of each Member-State shall communicate in advance, to the Secretary-General of the Union, the names of the Members of its delegation.

Article 23: Seating Order

The delegations shall be seated in the alphabetical order of the names of their countries.

Article 24: Quorum

For the sessions of the Plenipotentiary Conference and the Council, the quorum shall be made up of two-thirds of the Member-States of these organs of the Union. Where the two thirds give a decimal figure, it shall be rounded up to the following nearest whole number.

Article 25: Observers

1. The Union shall invite to the meetings of its organs as observers, the AU, UPU, Restricted Postal Unions as well as African and International Organization whose activities relate to postal services.

A non- Member State of the Administrative Council shall, at its request, participate without the right to vote in the deliberations of the Council.

Article 26: Venue of meetings of the Union

The sessions of the Plenipotentiary Conference and the Administrative Council shall be held at the seat of the Union unless a Member-State invites the Conference or Council to meet on its territory. In which event, the inviting country shall provide the Union with the necessary assistance for the proper organization of the meeting.

Article 27: Settlement of Disputes

1. Any dispute arising from the interpretation or application of the Convention or its regulations shall be submitted to the General Secretariat with a view to an amicable settlement.

2. Should this attempt for an amicable settlement fail, the Secretary-General shall submit the dispute to the mediation of a Member-State which is not a party to the dispute and which shall be accepted by the two parties to the dispute.
3. In the event that the mediation fails, the dispute shall be submitted to an arbitration tribunal on the initiative of one the parties to the dispute or of the Secretary-General of the Union. The Arbitration Tribunal shall consist of three Member-States which shall be nominated as follows:
 - a. Two arbitrators, one nominated by each of the parties;
 - b. A third arbitrator nominated by common agreement by arbitrators chosen by the parties, shall be called upon to preside over the Arbitration Tribunal. This third arbitrator shall be a member of the Union not implicated in the dispute.
4. In the event that two arbitrators fail to agree on the choice of a third arbitrator, each arbitrator shall propose a third arbitrator with an interest in dispute. The Secretary-General of the Union shall then proceed to draw lots to designate the third arbitrator.
5. The decision of the Arbitration Tribunal shall be binding on the parties on the parties to the dispute.
6. Any dispute implicating the General Secretariat shall be submitted to the Council.
7. The foregoing provisions shall be without prejudice to the choice of any other mode of settlement that the parties concerned may jointly decided upon in keeping with the spirit of the Convention.

CHAPTER VII: FINAL PROVISIONS

Article 28: Entry into force of the Detailed Regulations

The Detailed Regulations shall enter into force six months after it has been adopted by a two-third majority of the Conference Members present and voting.

Article 29: Relation between the Convention and the Detailed Regulations

The present Detailed Regulations shall be subordinate to the Convention. For all its provisions, which are not in conformity with the Convention, the Convention shall prevail.

Article 30: Amendments

1. Any Member-State may submit a written amendment proposal of the Detailed Regulations to the General Secretariat, which shall communicate, to all Member-State.
2. The Member-States shall have at least six months to study the proposal before it is submitted to the conference for consideration.
3. The amendments shall be considered adopted when approved by a two-third majority of the Member-States present and voting at a session of the Conference.