

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
ECONOMIQUE
ET SOCIAL**

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SUMMARY RECORD OF THE FOURTH MEETING OF POSTAL EXPERTS

Held at Lake Success, New York, on Thursday, 12 December 1946 at 11:00 a.m.

Chairman: Mr. D. J. Lidbury (United Kingdom)

Vice-Chairman: Mr. Jimenez (Chile)

Rapporteur: M. Le Mouel (France)

Universal Postal
Union Observers: Mr. Fulke Radice (Vice-director of the
International Bureau)
Mr. E. Zaldua (Secretary of the
International Bureau)

Secretariat: Mr. Perez-Guerrero (Director of the Division of
Co-ordination and Liaison of
the Economic and Social
Departments)
Mr. B. Lukac (Director of the Transport and
Communications Division)

Discussion of the Tentative Draft Agreements Prepared by the United Kingdom and French Delegations and by the Secretariat (Documents E/CONF/POST/PC/1 and E/CONF/POST/PC/2/Rev.1).

The CHAIRMAN explained that the Vice-Chairman had held a meeting with the French and United Kingdom Delegations to consider the extent to which the joint draft could be amended to meet the views expressed during the general discussion, and to take into consideration points contained in the Secretariat draft. As a result of that meeting, a revised text was now before the Committee. It did not, however, contain any reference to six articles of the Secretariat draft - Articles 2, 7, 8, 9, 10 and 19 - which were of a controversial nature, and which the Chairman suggested might be considered by a sub-committee with a view to reaching agreement upon them.

Mr. BRAMSON (POLAND) suggested that international experience had shown that time was not saved by referring controversial issues to sub-committees,

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since they were liable to be rediscussed in the full Committee after presentation of the sub-committee's report. It was also desirable that all members of the Committee should have an opportunity to take part in the discussion of any controversial item.

The representative for Poland therefore proposed that the texts be discussed, article by article, in the full Committee and that a sub-committee should only be set up if the need for it arose in the course of the discussion.

Mr. MOURSI (EGYPT) seconded the proposal.

After some further discussion, the CHAIRMAN modified his proposal to the effect that the Committee should have a preliminary discussion of the texts, article by article, and should adjourn until a later stage any decision as to whether or not to appoint a sub-committee.

DECISION: The Committee agreed.

Preamble.

Mr. van GOOR (NETHERLANDS) pointed out that whereas reference was made in the Preamble to the Article of the Charter on the basis of which the United Nations concluded the agreement, no such reference was included as far as the UPU was concerned.

The CHAIRMAN replied that the Postal Union had not yet agreed to enter into an agreement with the United Nations. When it had done so, the paragraph could be amended accordingly.

DECISION: The text of the Preamble was adopted.

Article I.

The CHAIRMAN pointed out that the revised text of Article I of the joint draft had been modified to conform with the Secretariat draft, by the substitution of the phrase "the specialized agency responsible..." for the phrase "a specialized agency responsible...", in order to stress the fact that the UPU was the only specialized agency in its particular field.

Mr. KROG (DENMARK) doubted the advisability of the wording "the

/United Nations

United Nations recognizes the Universal Postal Union....", since it would be a case of recognition by a smaller body of a larger one.

Mr. van GOOR (NETHERLANDS) and Mr. HAUG (NORWAY) agreed.

The CHAIRMAN explained that the wording used was similar to that contained in the agreements with other specialized agencies.

The RAPPORTEUR added that it was not a question of recognition of the existence of the UPU, but of recognition of the fact that the UPU fulfilled the requirements laid down by the Charter for specialized agencies.

The representatives for Denmark, the Netherlands and Norway said that they would not press the point.

DECISION: Article I was adopted.

Article II of the Secretariat Draft.

The CHAIRMAN pointed out that no corresponding article to Article II of the Secretariat draft was contained in the joint draft.

Mr. PEREZ-GUERRERO (SECRETARIAT) explained that a similar article on admission of new members has been included in the draft agreement with some other specialized agencies; in the case of UNESCO, and ICAO, the negotiating Committee found that it was its duty to include such provision in the agreement since their respective constitutions provided for some action by the United Nations concerning the admission of new members. The situation with respect to the Universal Postal Union is, however, different, since there is no provision in the Postal Convention similar to that contained in the International Civil Aviation Convention and in the constitution of UNESCO and therefore if such an article should be included into the agreement with the Postal Union, an amendment to the Universal Postal Convention would be necessary. In the light of these considerations and without prejudice to the opinion of the Economic and Social Council, the Secretariat had prepared the text of the Article under discussion in order that the Council might have the benefit of the comments of this Committee.

/Mr. MOURSI

Mr. MOURSI (EGYPT) suggested that in order to promote the universal character of the UPU Article II of the Secretariat draft should be omitted.

Mr. BRAMSON (POLAND) disagreed. Pointing out that Article 41 of the Charter specifically referred to sanctions involving the interruption of postal, telegraphic and other means of communication, he suggested that if membership of the UPU were not regulated by the General Assembly, a situation might arise in which the decisions of the United Nations would be questioned by the UPU. The text of Article II should therefore be maintained and the text of the Convention amended accordingly.

In that connection, he observed that there was a disparity between the texts of the agreement prepared by the Secretariat and of the proposed modifications of the Convention, the former referring only to applications for new membership.

He therefore proposed that the text of Article II be incorporated in the draft, with the deletion of the word "new" in the title and the words "not yet members of the Union" in line 2.

Mr. MOURSI (EGYPT) considered that two distinct questions were involved: the adhesion of new members, which was the subject of Article II, and the question of reconciling the responsibilities of members of the UPU as such with their responsibilities as members of the United Nations, which was the subject of Article VII of the Secretariat draft.

He therefore suggested that Article II should be deleted and that the point raised by the representative for Poland should be discussed in connection with Article VII.

Mr. WEIGHTMAN (UNITED KINGDOM) said that while the United Kingdom Delegation was not disposed to reject the Secretariat draft of Article II, it could not accept the amendments suggested by the representative for Poland which would give the United Nations more power than it had sought.

Mr. H. Samper GOMEZ (COLOMBIA) supported the amendments proposed by the

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representative for Poland. Article 41 of the Charter was important and could not be ignored.

The CHAIRMAN felt that Article II was not related to the question of sanctions.

In addition he called attention to the last paragraph of the letter accompanying the text submitted by the French and United Kingdom Delegations, by which the United Kingdom Government suggested the insertion in the Final Protocol to the Convention of an Article to the effect that "the Administrations of Member States of the United Nations accept the provisions of Article 26 of the Postal Union Convention in so far as they are not inconsistent with the decisions of the Security Council."

Mr. DESCLAMPS (BELGIUM) suggested that the question of recommendations by the General Assembly was also involved. If the UPU did not feel that it could agree to such recommendations, it could not be brought into relationship.

Mr. Samper GOMEZ (COLOMBIA) agreed with the representative for Belgium, and pointed out that the General Assembly was entitled to make recommendations to other specialized agencies regarding membership.

Mr. BRAMSON (POLAND) recalled that the General Assembly had recently decided that a country could not be admitted to any specialized agency. It must therefore have the right not only to be informed of applications but also to reject them, if decisions of principle already taken were to be adhered to, and if the General Assembly were to be able to exercise its right to influence the policy of an important body such as the UPU.

Mr. TURNBULL (CANADA) agreed that the political situation had some connection with the question of membership of the UPU and that a case could therefore be made for accepting the opinion of the General Assembly.

If, however, the General Assembly decided by a simple majority in favour or against the application for membership of a certain country, the eighty-five members of the UPU might be placed in a situation where they were obliged to

/accept

accept the decision of a minority of some twenty-eight members of the United Nations.

The representative for Canada was convinced that postal experts would, in fact, be guided by the attitudes adopted by their own countries and by the trend of world opinion. He therefore doubted whether anything would be gained by referring applications to the United Nations.

In conclusion, he stated that, in general, his remarks applied also to Article VII of the Secretariat draft.

Mr. KAMENEV (USSR) considered that the question of principle had been decided at the previous meeting. In agreeing to consider the texts of the draft agreements, the Committee had implied its agreement that the UPU should be brought into relationship with the United Nations. If relationship were to be established the United Nations would be to a certain extent responsible for the activity of the UPU.

The representatives for Yugoslavia, Czechoslovakia and Poland had pointed out at the previous meeting the grave errors committed during the war by the International Bureau, in violation of the decisions of its Congress and of the principles of international law. If the Union hoped to avoid a repetition of such actions and to comply with the principles of international law, it must also accept some limitation of its independence. If it could not accept such limitation, it must state that it could not co-operate with the United Nations.

It would be impossible to ask the United Nations to accept the UPU as a specialized agency, thereby making itself responsible for the action of the Union, if at the same time the Union were free to ignore the basic decisions of the United Nations, and to depart from the principles accepted as governing relationships with specialized agencies.

If the General Assembly decided to apply sanctions to a certain country, the UPU must comply. It must also comply with decisions regarding the

/admission

admission or exclusion of members. The question of the exclusion of Spain from membership of the specialized agencies had been the subject of a decision by the First Committee of the General Assembly.

Supporting the inclusion of Article II of the Secretariat draft, as amended by the Polish Delegation, Mr. Kamenev said, in conclusion, that its omission would involve a departure from the decisions of the General Assembly.

Mr. MOURSI (EGYPT) suggested that Article II of the Secretariat draft was not in conformity with the terms of Article 63, paragraph 2 of the Charter which spoke only of consultation and recommendations and did not imply that the decisions of the Economic and Social Council were mandatory upon specialized agencies.

Mr. MILANKOVIC (YUGOSLAVIA) supported the Polish proposal. If the UPU were to become a specialized agency it must conform to the provisions of the Charter and to the decisions of the United Nations. Article II could not be omitted since a similar article had been included in the agreements with other specialized agencies.

In addition, in connection with the notification of the agreement to members of the Union, account would have to be taken of the recommendations of the Economic and Social Council, of the General Assembly, and, latterly, of the Sixth Committee.

With reference to the remarks of the representative for Egypt, Mr. Milankovic pointed out that Article 63, paragraph 2 of the Charter referred to co-ordination of the activities of the various agencies one with the other.

Mr. PODESTA (ARGENTINA) favoured the omission of Article II of the Secretariat draft which he considered to be unnecessary and unacceptable for the UPU. The United Nations intended to recognize the Union as a specialized agency carrying out the technical function of maintaining postal communications. If the Union exceeded its technical and non-political

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functions, the United Nations could always reconsider its decision.

Mr. SUNG (CHINA) felt that if Article II of the Secretariat draft were not included in the agreement to be concluded, the UPU might face a difficult situation in the future. Under the terms of its present Convention any State can adhere simply by stating its wish to do so. But if the membership of a particular State was objected to by the United Nations, it would be difficult to apply the provisions of the Convention.

The Chinese Delegation therefore favoured the inclusion of Article II and suggested that the corresponding article of the Postal Convention be amended accordingly.

Sir Harold SHOEBERT (INDIA) asked for clarification with respect to Articles I and II. While Article I recognized the basic instrument of the UPU, the Convention, as the basic instrument in question, provided that any country could adhere to it. It would seem impossible, therefore, to accept Article II which qualified Article I.

He thought that no member nation of the UPU would be excluded from membership as a result of the agreement of relationship between the United Nations and the UPU.

Noting that Article II of this draft agreement was identical with Article II of the draft agreement of the United Nations and ICAO, Sir Harold wondered what the implications of such an article would be for ICAO with regard to Spain, an important country in the field of aviation.

Reverting to Article I, he considered that the question of sanctions could be discussed in connection with Article VII of the French-United Kingdom draft, and reserved his position on Article II of the Secretariat text.

The meeting was concerned with the practical solution of postal matters, and should not be excessively influenced by political considerations.

The CHAIRMAN thought that it would be for the Congress to pass final decision on the question. Every territory was entitled to adhere to the Convention and could become a member of the UPU by special vote of the

Congress. Sovereign states could become members through diplomatic action with the Swiss Government.

As regards approval of membership of the UPU by the United Nations, he felt that the provisions of the Secretariat text could be enlarged; he noted, however, that the Secretariat text was identical with the draft agreement of the United Nations with ICAO.

It was rather premature to consider action by the UPU on the Spanish question.

The RAPPORTEUR proposed, in order that members of the Committee might have time to consider the questions of principle raised by the discussion and to attempt to find a conciliatory solution, the Committee should postpone examination of controversial political articles and proceed to consider the less controversial provisions of the drafts.

Mr. DESCHAMPS (BELGIUM) supported the Rapporteur's proposal.

Mr. PACE (UNITED STATES) issued, on behalf of Postmaster Goldman of the New York Post Office, an invitation to all delegates present to a tour of the New York Post Office, on Tuesday, 17 December 1946, at 3:00 p.m.

The meeting rose at 2:00 p.m.
