



CARIBBEAN POSTAL UNION

CONSTITUTION

AND

PROTOCOLS

Approved by the 17th CPU Conference in Guadeloupe

**CARIBBEAN POSTAL UNION
- CONSTITUTION -**

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Preamble:

We, the plenipotentiaries of the Governments of Member States of the Caribbean Postal Union (CPU);

In conformity with the principles and objectives set out in the Constitution of the Caribbean Postal Union;

- a. considering the importance of communication within domestic and international postal services for the development of human and commercial relations;
- b. considering the importance of the common problems which face the postal administrations in the Caribbean region to ensure sustainability of postal services;
- c. considering the need to ensure harmony in the development of Caribbean posts through the setting up of a permanent framework for coordinating postal activities and supporting development policies;
- d. wishing to promote the improvement and development of their postal services through extensive co-operation and consultation;
- e. and having regard to article 8 of the Constitution of the Universal Postal Union (UPU);

adopt this Constitution, subject to ratification.

Have agreed as follows:

Chapter I

Definitions/establishment and purpose of the Caribbean Postal Union/legal capacity

Article 1

In this constitution:

- (a) *Archives of the Union* means the records, correspondence, documents, manuscripts, photographs, slides, films, diskettes and sound recordings belonging to the Union.
- (b) *Competent authorities* means national or local authorities of the Member Countries as may be appropriate in the context of and in accordance with the laws of the Member Countries.
- (c) *Conference* means the body of postal operators that is established as mentioned under Article 8 of this Constitution.
- (d) *Caribbean Council of Ministers of Postal Affairs (the "Council")* means the Ministers in charge of the Postal Affairs of Member Countries, as referred to in Article 7 of this Constitution.
- (e) *Management Board* means the established group of seven representatives of the Member Countries as meant in Article 11 of this Constitution.
- (f) *Constitution* means the Constitution establishing the Caribbean Postal Union as amended.
- (g) *Secretary General* means the holder of the Office established by Article 13 of this Constitution.
- (h) *Government* means the Government of a Member Country.
- (i) *Headquarters* means the premises or location occupied by the Union referred to in Article 16 of this Constitution.

- (j) *Official of the Union* means the Secretary General and staff of the Union.
- (k) *Property* means all forms of property, including funds and assets belonging to or held administered by the Union and in general all income accruing to the Union.
- (l) *Secretariat* means the CPU Secretariat referred to in Article 14 of this Constitution.
- (m) *Union* means the Caribbean Postal Union.
- (n) *Caribbean Countries and territories* means the countries and territories that form part of the wider Caribbean.
- (o) *Postmaster General* means the chief executive officer in charge of the organization providing the postal services.
- (p) *Postal Administration* any governmental or non-governmental entity officially designated by the member country to operate postal services and to fulfil the related obligations arising out of the Acts of the Union on its territory.
- (q) *Founding Countries* any country which is a member of the Universal Postal Union, and whose territory countries are situated within the Caribbean region.
- (r) *Host Country Agreement* an agreement between the Government of St. Lucia and the Caribbean Postal Union.

Article 2

1. The contracting parties hereby re-affirm the establishment of the Union.
2. The purpose of the Union shall be to:
 - a. Improve the response to customers' requirements for postal facilities of all kinds;
 - b. Facilitate the improvement and security of postal services;
 - c. Co-ordinate postal training arrangements and postal operational services,
 - d. Promote international postal co-operation in the spirit and observance of the Acts of the Universal Postal Union; and
 - e. Engage in other activities approved by the Conference aimed at the development of postal administrations and the sustainability of the CPU.
3. The Union is to be considered a Restricted Union of the Universal Postal Union as provided for in article 8 of the Constitution of the Universal Postal Union.

Article 3

1. The Union shall enjoy in the territory of its members such legal capacity as necessary for the exercise of its functions and the fulfilment of its purposes.
2. In any legal proceedings the Secretary General of the Union shall represent the Union.
3. Member-countries of the Union, or their postal administrations if the legislation of those countries so permits, may conclude special agreements concerning the international postal service, on condition that they do not introduce provisions less favourable to the public than those laid down in the Acts of the Universal Postal Union to which the member countries concerned are parties..

Chapter II

Membership of the Union/observers

Article 4

1. Membership of the Union shall be open to all the founding countries.
2. Each of these countries or territories may announce its accession to this Constitution at any time by notifying the Secretary General. They shall sign and, where necessary, ratify the Constitution at the earliest opportunity thereafter.
3. Any other country may become a party to the Union by application in accordance with paragraph 4 of this Article, subject however to such terms and conditions as the Conference may determine.
4. Applications for admission to membership of the Union shall be sent to the Secretary General of the Union, accompanied by a formal declaration of intention to accept the obligations of this Constitution.
5. The Secretary General of the Union shall consult all members as soon as possible on applications for admission that they have received. A country shall be admitted to membership of the Union if its application for admission has been approved by two-thirds of the members of the Union. The admission shall then be notified to the members of the Union by the Secretariat of the Union and shall take effect on a date agreed between the new member and the Secretary General.
6. The Conference may decide by two-thirds majority of votes cast to suspend a Membership of the Union that:
 - a) Practices a policy contrary to the objectives and principles of the Union;
 - b) Does not, for three consecutive years, honour its financial obligations to the Union;
 - c) Does not respect the decisions of the Conference binding on the Member country;
7. The Conference shall, by two-thirds majority of votes cast, revoke the suspension of a Member Country.
8. The suspension of a Member Country does not exempt it from fulfilling its financial obligations during the period of suspension.
9. The suspension of a Member Country for non-payment of contributions shall cease as soon as it honours all its financial obligations to the Union.
10. Forfeiture of Membership to the CPU is laid out in Article 23.7 of the Constitution.

Article 5

1. The Union shall invite the Universal Postal Union to attend its meetings as an observer.
2. Other Restricted Postal Unions, postal administrations not members of the Union and any regional or international body, country or territory, or any other organization whose activities are of interest to the Union, may be invited to attend the Union's meetings as observers by decision of the Chairman of the meeting concerned.
3. Observers shall not be entitled to vote at meetings of the Union.

Chapter III
Organization of the Union

Article 6

The Union's permanent bodies shall be the Caribbean Council of Ministers of Postal Affairs, the Conference, the Management Board and the Secretariat.

Chapter IV
The Caribbean Council of Ministers of Postal Affairs

Article 7

1. The Council is responsible for the development of long-term strategies and policies concerning postal matters and the future of the postal industry within the Caribbean region, and delegate's implementation of these strategies and policies to the Conference.
2. Council members are the ministers in charge of postal affairs of the member countries of the Union, or their representatives, and must be duly authorized and sufficiently empowered to negotiate on behalf of and to commit their respective countries in accordance with their constitutional procedures.
3. The members of the Council shall ensure that sufficient resource is available in order for the policies of their respective countries to be embodied in the Union and shall undertake to facilitate the implementation of the Union processes and decisions in their countries.
4. The Secretary General shall also serve as the secretary to this Council.
5. This Council shall in principle meet every year.

Chapter V
The Conference

Article 8

1. The Conference shall ensure the continuity of the Union and carry out the functions indicated in Article 9.
2. The Conference shall consist of the Postmaster Generals and other equivalent positions of the member countries or territories, or their representatives, who must be duly authorized to negotiate on behalf of and to commit their respective countries in accordance with their constitutional procedures.
3. The Conference shall fix the dates of its meetings by reference to the meetings of the Universal Postal Union and other restricted Union meetings. The Conference shall normally meet once a year during the period of May to June. In addition, the Conference may meet in extra-ordinary sessions at the request of two-thirds of the members of the Union.

Article 9

1. The functions of the Conference shall be to:
 - a. implement the strategies and policies as adopted by the Caribbean Council of Ministers of Postal Affairs;
 - b. formulate, advise on and prepare policies to be set out by the Caribbean Council of Ministers of Postal Affairs;
 - c. elect the Secretary General and fix the level of his or her remuneration;
 - d. elect the members of the Management Board;
 - e. set priorities, receive reports and identify tasks to be undertaken and performed by the Management Board as set forth under this paragraph.
 - f. adopt amendments to this Constitution;
 - g. adopt and amend special agreements concerning the establishment and operation of postal services and the provision of services to the public;
 - h. formulate general policy with regard to postal services, legislation and technical co-operation;
 - i. fix the number of permanent employees in the Secretariat;
 - j. fix the ceiling of the Union's expenditure and the principles governing that expenditure;
 - k. determine all matters of general interest submitted to it by members of the Union in accordance with Article 21 of this Constitution;
 - l. enter into agreements on behalf of the Union;
 - m. appoint an auditor on the recommendation of the Management Board;
 - n. approve the budget of the Union;

2. The Conference may assign tasks to the Management Board.

Article 10

1. The decisions of the Conference shall apply to, and be binding on, all members, except in the circumstances set out in Article 10, 2.
2. Members which are unable to apply a decision of the Conference must immediately inform the Secretary General of the fact and state the reasons therefore.
3. Each member shall have one vote in the Conference.
4. Any member may be represented by another member at meetings of the Conference, provided that a member shall not represent more than one member in addition to itself.
5. The Conference shall designate the country in which its next meeting shall be held.
6. The Conference may regulate its own procedure.

Chapter VI
The Management Board

Article 11

1. The Management Board, comprising the representatives of seven Member Countries, shall be established to ensure the continuity of the Union's work and administration of the Union's affairs during the period between the meetings of the Conference.
2. The Management Board shall be elected by the Conference and shall hold office for up to two years or up until the second Conference after being elected.
3. The Management Board shall meet at least twice a year and all meetings are to be minuted by the Secretariat, with minutes distributed by the Secretary General to all Board members within two weeks of each meeting.
4. The Management Board may convene extra-ordinary meetings, or a session of the Management Board may be cancelled if two-thirds of its members so decide.
5. The Management Board shall elect its Chairperson annually from among its members at or during the Conference. If no Conference is held in a particular year, the sitting Chairperson and Board shall continue to serve until the next Conference or until or unless the Management Board decides to elect another Chairperson.

Article 12

1. The functions of the Management Board shall be as follows:
 - a. to oversee preparations for Conference and ensure that they are completed in a timely manner;
 - b. to oversee and manage the work and performance of the Secretary General and all Secretariat Staff;
 - c. perform tasks assigned to it by the Conference;
 - d. to submit for approval to the Conference the annual action plan of the Union;
 - e. to prepare the meetings of the Council and the Conference, in liaison with the host country and the Secretary General;
 - f. to take the necessary executive measures to effectively implement the decisions approved by the Conference. And to ensure efficiency of those decision;
 - g. to work with appropriate organizations and bodies in promoting technical co-operation and especially in implementing regional projects relating to postal services;
 - h. to review and make recommendations to the Conference on the draft budget of the Union, and to monitor the budget performance throughout the year;
 - i. to approve proposals by the Secretary General of the number of positions level and salaries to be paid to the employees of the Secretariat;
 - j. to approve temporary posts in the Secretariat proposed by the Secretary General and/or recommend permanent posts in the Secretariat to the next meeting of the Conference;
 - k. to ensure the proper management and auditing of the Union's accounts;

- l. to establish at its discretion such committees and working groups and adopt such working methods as it considers necessary for the performance of its functions;
- m. to create Task Forces to carry out specific tasks or projects;
- n. to report to the Conference on the work of the Management Board;
- o. to develop, maintain and implement a CPU Strategic Plan, including a mission, vision, goals and objectives for the Union, with a view to ensuring the long term viability and sustainability of the Union and its members.

Chapter VII

The Secretary General/Secretariat

Article 13

1. The Conference shall elect a Secretary General who shall serve in that capacity for a period of two years or up until the second conference after being elected.
2. The Secretary General shall:
 - a. assist, advise and serve as secretary to the Caribbean Council of Ministers of Postal Affairs, the Conference and the Management Board in the performance of their respective duties, including preparation of the minutes of the meetings;
 - b. propose and recommend actions, plans and initiatives to the Management Board;
 - c. represent the Union at meetings, conferences and negotiations as directed by the Management Board;
 - d. present the draft annual budget of the Union to the Management Board;
 - e. be responsible for the day to day running of the Secretariat;
 - f. be responsible for the organizing of the meetings of the Management Board, together with the Chairperson of the Management Board;
 - g. be in charge of organizing the meetings of the Conference, together with the Chairperson of the Management Board and the host country;
 - h. be in charge of organizing the meetings of the Caribbean Council of Ministers of Postal Affairs together with the Chairperson of the Management Board and the host country;
 - i. prepare and report to the Management Board on the progress of the Task Forces created under Article 12 (1)(n);
 - j. be responsible for the effective management of the Secretariat;
 - k. submit reports, , on all travel, conferences and meetings attended within two weeks after returning from said meetings to include details of financial expenditure, expenses, initiatives, recommendations and all other relevant matters.
 - l. Establish and implement data retention policies and procedures.
3. (a) If the Management Board considers that the Secretary General is unable to perform their functions the Management Board may take the necessary actions to ensure the continuity of the work of the Secretary General.

(b) If the position of Secretary General becomes vacant then the Management Board shall take the necessary steps to appoint an interim Secretary General until the next conference.

Article 14

1. The Union's Secretariat shall comprise the Secretary General and any other member of staff as the Conference shall decide.
2. In the performance of their duties, the employees of the Secretariat shall seek and receive instructions only from the Secretary General.
3. The functions of the Secretariat shall be as follows:
 - a. to handle the day-to-day affairs of the Union;
 - b. to carry out assignments and missions entrusted to it by the Secretary General;
 - c. to prepare the draft budget of the Union for submission to the Management Board;
 - d. to undertake all other duties assigned to it by the Management Board.

Article 15

1. The Secretary General shall inform the Member Countries of the positions and titles of officials employed by the Union to whom this Article shall apply. From time to time the names of the officials shall be communicated to the Member Countries.
2. Officials employed by the Union shall enjoy immunity from legal process in respect of words spoken or written and all acts or omissions by them in the course of the performance of official Union duties and this will be reflected in the agreement between the Union and the Host Country (the "Host Country Agreement"). This immunity shall continue although the person concerned has ceased to be an official in the Union.

Chapter VIII

Headquarters/property/funds/assets/and operations of the Union

Article 16

1. The Union shall periodically review the location of its headquarters. The headquarters premises and buildings shall be inviolable and shall be exempt from search, requisition, confiscation or expropriation.
2. The property and assets of the Union shall not be the subject of any administrative or legal measure of constraint without the authorization of the Secretary General together with the Management Board.
3. The archives of the Union shall be inviolable.
4. The process for disposing old or obsolete assets and property will be determined by a Board of Destruction further to a report commissioned, where appropriate, from a qualified expert. The Board of Destruction will be comprised of the Secretary General and two (2) other Board Members appointed by the Management Board.
5. The retention of records and data will be in accordance with the Data Retention policies and procedures adopted by the Secretary General.

6. Regular audit reviews and examinations of assets, procedures etc. should also be conducted and reported to the Management Board on a regular basis in addition to the financial audit.

Article 17

1. The Union, its assets, revenues and other properties shall be exempt from all forms of direct taxes and this will be reflected in the Host Country Agreement.
2. The Union shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its official use and this shall be reflected in the Host Country Agreement. Articles so imported shall not be disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the government of that country as set out in the Host Country Agreement. a3. As will be reflected in the Host Country Agreement the Union shall not be subject to any financial controls, regulations or moratoria and shall be entitled to:
 - a. purchase from authorized dealers, hold and make use of negotiable currencies;
 - b. operate foreign currency and external accounts;
 - c. purchase, through authorized dealers, hold and make use of funds and securities;
 - d. transfer its funds, securities and foreign currencies to or from the Member Countries and to convert any currency held by it into any other currency.

Article 18

1. The competent authorities of the Host country shall facilitate the Secretary General's request for public services designed to ensure that the headquarters of the Union shall be supplied with the necessary public services, including electricity, water, post, telephone, telegraph, transportation and fire protection.
2. In case of any interruption or threatened interruption of any such services, the competent authorities, considering the importance of the needs of Headquarters premises, shall take steps to ensure that the work of the union is not prejudiced.
3. The competent authorities shall exercise reasonable care to ensure that the tranquility of the Headquarters is not disturbed by the unauthorized entry of any person or group of persons upon the premises.

Chapter IX
Official languages/communications

Article 19

1. English, French and Spanish shall be the official languages of the Union.
2. A member whose language is not English nor French nor Spanish may provide for translation and interpretation at its own expense.
3. The working language within the Union and Secretariat shall be English.

Article 20

1. All official correspondence or other official communication of the Union shall be immune from censorship. Such immunity from censorship shall extend to official printed matter, photographs, slides, films, and sound recordings, this list being subject to amplification.

Chapter X

Submission of proposals/quorum/decisions of the Conference and the Management Board

Article 21

1. Members of the Union may submit proposals to the Conference to amend this Constitution or the Detailed Regulations. Proposals must be submitted to the Secretariat at least six weeks prior to the Conference. The Secretariat shall produce and distribute the proposals to members at least four weeks before the Conference.
2. Members of the Union may submit proposals of a general nature to the Conference or the Management Board. Proposals must be submitted at least six weeks prior to the meeting at which they are to be discussed. The Secretariat shall produce and distribute the proposals to members at least four weeks before such meeting.
3. A member may submit at short notice to the Conference or to the Management Board a proposal regarded as urgent provided that it has the support of three other members of the Union.
4. Any such proposal and all other correspondence concerning matters of the Union must be submitted to the Secretariat.

Article 22

1. Meetings of the Conference and the Management Board may deliberate validly only if at least one half of the members are represented at the session in question.
2. Amendments to this Constitution must be approved by a two-thirds majority of the members of the Union.
3. Other decisions shall be taken by a majority of the members of the Union present and voting at the meeting.
4. The decisions of the Conference and the Management Board shall be published by the Secretariat in accordance with instructions given by the Secretary General.

Chapter XI

Expenditure of the union/monetary unit

Article 23

1. Based upon the strategy set out by the Council, the Conference shall fix the maximum amount of the Union's expenditure and the principles governing the expenditure for each year up to and including that of the next ordinary meeting of the Conference.
2. Contributions to the Union shall be assessed in US\$ (United States dollars) but may be paid in any convertible currency.
3. For the purposes of meeting the expenses of the Union, members shall pay an annual contribution of a sum agreed by the Conference.
4. If the limits approved by the Conference prove to be insufficient to ensure the satisfactory operation of the Union, these limits may be exceeded after consultation with the full membership and the prior approval of the Management Board.
5. Members shall pay their contributions to the Union's expenditure in advance or in two installments. The contributions shall be paid to the Secretariat not later than the thirty-first (31st) day of January and the thirty-first (31st) day of July of the financial year to which they relate. After that date, the amounts shall be chargeable with interest in favor of the Union at the rate of 5% per annum.
6. Member Countries whose total contributions are more than two years in arrears shall forfeit the right to vote, benefit from CPU's training or vie for CPU's office until such time as they have liquidated their debts or until such time as they have entered into a debt repayment plan with the Secretariat. The Secretariat shall publish two (2) weeks prior to Conference a list of members who forfeited their right to vote and benefit from the CPU.
7. Forfeiture of Membership to CPU - Countries should be removed from the Union if arrears are outstanding for more than four (4) years without any arrangements or attempts to settle the amounts. Upon settlement of the said fees Countries would have to apply for re-entry to the Union.
8. A reserve fund maintained by budget surplus and voluntary contributions shall be established to provide against temporary shortfalls in financing or to meet special contingencies, as decided by the Management Board.
9. The Union's financial year shall be a calendar year.

Chapter XII

Detailed Regulations

Article 24

1. Provisions for implementing this Constitution and provisions governing the operation of the Conference and the Management Board shall be contained in the Detailed Regulations, prepared by the Secretary General in consultation with members and approved by the Conference.
2. The Detailed Regulations form an integral part of this Constitution.
3. To the extent that the Detailed Regulations are inconsistent with any provision of this Constitution, the interpretation as set forth in the Constitution shall prevail.

Chapter XIII

Withdrawal from the union

Article 25

1. Any member may withdraw from the Union by denouncing this Constitution by letter addressed to the Secretary General. The Secretary General shall immediately inform the other members of the Union of receipt of the letter of denunciation.
2. Withdrawal shall become effective one year after the day of which the notice of denunciation provided for in paragraph 1 has been received by the Secretary General; subject to the member having at that time fulfilled all financial obligations arising out of its membership.

Chapter XIV

General conditions

Article 26

During a meeting of the Union, the host country shall be exempted by the member countries of any sort of liability as to any form of damages occurred or inflicted on member countries or their representatives or employees of the Union attending that meeting.

Chapter XV

Disputes

Article 27

Any dispute between the members of the Union relating to the interpretation or application of this Constitution and the Detailed Regulations shall be raised and discussed at the Conference.

Chapter XVI

Entry into force

Article 28

This agreement and amendments shall come into force on DATE APPROVED by the Conference.

In witness whereof the Plenipotentiaries of the Governments of Member States of the Caribbean Postal Union (CPU) have signed this Constitution in a single original which shall be deposited with the Secretary General of the Union. The Secretary General shall have a copy of this Constitution delivered to each party.