

Memorandum for Cabinet by the Minister
of Commonwealth and Foreign Affairs and the
Minister of Trade, Industry and Agriculture

Acts of the Universal Postal Union signed at
Vienna on the tenth day of July, 1964

PURSUANT to the attainment of Independence Malta made a formal application for admission as a Member of the Universal Postal Union under Article 3 of the Convention of the Union which had been signed at Ottawa on the 3rd October, 1957. The application was made on the 28th September, 1964, and Malta was admitted as a member with effect from the 1st May, 1965.

2. Prior to its admission as a full member, Malta had already been associated with the Universal Postal Union, and the compulsory acts and certain optional Agreements of the Union were already applying to Malta, for according to Article 4 of the Ottawa Convention the British Overseas Territories were allowed to accede to the Union as one single member, and the Ottawa Acts had been signed by the British Delegation which attended the Ottawa Congress also on behalf of the said Territories.

3. The Acts and Agreements which were signed at Ottawa on behalf of the British Overseas Territories and therefore applied to Malta were the following:

1. The Universal Postal Convention which included also the Constitutional Provisions of the Union and Final Protocol thereto; the Detailed Regulations and Annexes; and the Provisions concerning Air Mail and Final Protocol thereto;

ii. a) Agreement concerning Insured Letters and Boxes with Final Protocol and Detailed Regulations, and

b) Agreement concerning Postal Parcels with Final Protocol thereto, and Detailed Regulations and Final Protocol to same, and Annexes.

The Acts under (i) were binding on all members; the Agreements under (ii) were only binding on those countries which were parties thereto.

4. The aforesaid Acts and Agreements however had been signed on behalf of the British Overseas Territories with certain reservations and therefore their application to Malta was subject to the same reservations, namely those shown under Article VIII of the Final Protocol to the Convention and Article III, VIb, VIII, IX, X list 1 No. 20 and List 2 No. 10a; XI, XV, and XVII of the Final Protocol to the Postal Parcels Agreement and to the sole Article of the Final Protocol to the Detailed Regulations to this agreement. These reservations applied to almost all Commonwealth Countries which signed the said Ottawa Acts and Agreements.

5. Whereas at the time Malta's application for admission as a member was made it was stipulated that it desired to remain a party to the optional agreements referred to under (ii) of paragraph 3 and to continue to benefit from the reservations from which it was already benefiting, its admission as a member, besides adherence to the compulsory Acts of the Union, implied also adherence to the two said optional agreements as well as a right to the said reservations.

6. The aforesaid Ottawa Acts however lapsed on the 31st December, 1965 and with effect from the 1st January, 1966,

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there came into force the Acts and Agreements which were signed by the Congress of the Union at Vienna on the 10th July, 1964. A list of the Vienna Acts and Agreements is hereunder:-

- (i) The Constitution of the Union which is the basic act, for it lays down the organic rules of the Union with a final Protocol and Annexes.
- (ii) The General Regulations which provide for the application of the Constitution and the working of the Union.
- (iii) The Universal Postal Convention and its Detailed Regulations which embody the General rules applicable throughout the international postal service and the provisions concerning the letter post service and a Final Protocol containing the reservations to the Convention,
- (iv) Agreement and Detailed Regulations and Annexes concerning Insured letters and boxes and,
- (v) Agreement and Detailed Regulations concerning Postal Parcels and Final Protocols thereto containing reservations.

According to Article 22 of the Constitution, the Constitution and the Acts listed under (ii) and (iii) above are binding on all members; the Agreements under (iv) and (v) are only binding on those countries which sign them.

7. With the exception of the Constitution which in terms of Article 33 thereof shall remain in force for an indefinite period, the other Acts and Agreements shall remain in operation only until such time as the Acts of the next Congress of the Union shall come into force.

8. The Constitution is a new Act which emerged from the Vienna Congress, for at previous Congresses the Constitutional Provisions of the Union were incorporated in the Convention. The old arrangement was not very practicable for whereas the Convention contains postal regulations, it has to be reviewed and re-enacted by every Congress and therefore under the old system the Constitutional Provisions had also to be renewed by every Congress and subsequently ratified by the Government of each member country. By embodying the constitutional provisions into one separate Act therefore the Vienna Congress gave the Union a permanent and stable Constitution.

9. At the time the Acts and Agreements of the Vienna Congress were signed, that is the 10th July, 1964 Malta had not yet become a member of the Union for as already stated at paragraph 1 above, its admission was only made with effect from 21st May, 1965, and therefore it could not sign the Constitution or any of the other Acts and Agreements referred to at paragraph 3 above.

10. As required under the Sole article of the Final Protocol to the Constitution Malta will therefore have to adhere to the Constitution. It will also have to adhere to the other compulsory Acts of the Union specified under (ii) and (iii) of paragraph 6 above as well as to the optional Agreements mentioned under (iv) and (v) of the same paragraph 6. Adherence to these two agreements is not compulsory, but apart from the fact that Malta has long been a party thereto, unless they are also adhered to, Malta's relations with other countries concerning the relative services will have to be regulated by b'ilateral agreement with each and every country with

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which we have such services and therefore adherence to the Agreements would be more practically convenient and therefore is very much advisable. Our insurance service was suspended during the war but the time has now come for its renewal.

11. The adherence to these Acts and Agreements should of course be made subject to the same reservations which applied to Malta under the Ottawa Acts. The corresponding reservations under the Vienna Acts are:-

(i) Articles I and XI of the Final Protocol to the Convention.

(ii) Articles II, V, table I No. 29 and table 2 No. 15a; VI; VII, para.6; XI letter b); XII para.2; XIII; XIV; XV; and XVII of the Final Protocol to the Parcel Post Agreement and the Sole Article of the Final Protocol to the Detailed Regulations to this Agreement.

12. The reservations under (i) of the preceding paragraph render inapplicable the provisions of Articles 4 and 26 of the Convention which recognise the right of the sender of a postal article to withdraw it from the post or to correct its address without the consent of the addressee. The United Kingdom and other Commonwealth Countries do not recognise this right for under their legal system in the absence of evidence to the contrary proof of posting constitutes proof of delivery and in the case of offers by post, the acceptance if sent by post becomes effective immediately it is posted. Our legal principles as regards the acceptance of offers are very similar to those in the United Kingdom.

13. Section 22 of our Post Office Act provides for the making of regulations for the re-delivery of postal articles to the sender, but such regulations have never been made and until they are made the reservations will have to be retained.

14. The reservations/...

14. The reservations under (ii) of para. 11 above, contain rights which very briefly allow for higher or additional postage rates, for the establishment of maximum weight of parcels, of the maximum value of insured parcels and for the refusal of compensation in the case of loss or damage concerning same, and for refusal of claims by sender for the return of parcels or the correction of the address without the consent of the addressee. The latter reservation is in conformity with that under the final Protocol to the Convention, to which reference has been made in para. 12 and 13 above. It need hardly be stated, it would not be advisable to renounce to such rights, and therefore the reservations should be retained.

15. Honourable Ministers are invited to agree to Malta's adherence to the Vienna Acts and Agreements listed in paragraph 6 above, subject to the reservations referred to in paragraph 11.

31st January, 1968.