

PAN AMERICAN POSTAL UNION

*Principal convention and final protocol signed at Buenos Aires September 15, 1921*¹

Ratified and approved by the Postmaster General of the United States February 24, 1922

Approved by the President of the United States February 28, 1922

Ratification of the United States deposited at Buenos Aires June 14, 1922

Entered into force January 1, 1923

*Terminated by convention of November 9, 1926*²

42 Stat. 2154; Post Office Department print

[TRANSLATION]

PRINCIPAL CONVENTION CONCLUDED BETWEEN ARGENTINA, BOLIVIA, BRAZIL, COLOMBIA, COSTA RICA, CUBA, CHILE, DOMINICAN REPUBLIC, ECUADOR, EL SALVADOR, UNITED STATES OF AMERICA, GUATEMALA, MEXICO, NICARAGUA, PANAMA, PARAGUAY, PERU, URUGUAY, AND VENEZUELA.

The undersigned, plenipotentiaries of the countries above named, assembled in congress in Buenos Aires in exercise of the authority conferred by Article 23 of the Universal Postal Convention of Madrid,³ actuated by the desire to extend and perfect the Pan American postal services and to establish a solidarity of action which, in the Universal Postal Congresses, may represent effectively the common interests of the American Republics in all that refers to communication by mail, have agreed subject to ratification, upon the following Convention:

ARTICLE 1

Pan American Postal Union

The contracting countries, which, in accordance with the preceding declaration, constitute the Pan American Postal Union, with the object of improving the execution of the Postal services, agree upon the following articles:

¹ For text of regulations for execution of the convention, see 42 Stat. 2166.

² *Post*, p. 617.

³ Convention signed at Madrid Nov. 30, 1920, *ante*, p. 282.

ARTICLE 2

Free and gratuitous transit

1. The countries adhering to this Convention shall form a single postal territory.

2. Each of the contracting countries is bound to transport freely and gratuitously through its territory, by means of the services maintained by its postal administration, or which it utilizes for the direct despatch of its own mail, the mail which it receives from any of the other countries destined to any other contracting country, or to any country of the Universal Postal Union.

Nevertheless, the expense of land or sea conveyance of mail will be chargeable to the country of origin when the intervention of countries other than those adhering to this Convention is required for its subsequent transportation, and such transportation is not free but subject to charges.

ARTICLE 3

Liberty of tariffs

1. Liberty of tariffs is established as a fundamental principle. In the postal relations between the contracting countries those tariffs shall rule which each of the postal administrations may establish, within one-half of the equivalent in dollars of the maximum fixed by the Universal Postal Convention of Madrid.

ARTICLE 4

System of control, and special services

1. The provisions of this Convention shall apply to letters, post cards, printed matter of all kinds, commercial papers and samples.

2. Countries which are influenced by proximity, or by common boundaries, or by the importance and volume of their postal exchanges, may establish between themselves, more restricted unions in connection with any of the services instituted by the present Convention and the special regulations effected by this Congress.

ARTICLE 5

Obligatory postage

Prepayment of full postage is obligatory in the contracting countries on every class of correspondence, including sealed packages, with the sole exception of letters in their usual and ordinary form, upon which it is obligatory to prepay at least one rate. On letters insufficiently prepaid only the amount of the unpaid postage may be collected.

ARTICLE 6

Franking privilege

1. The contracting parties agree to grant the franking privilege, in their domestic as well as in the Pan American service, to the correspondence of the International Office of the Pan American Postal Union, and to that of the members of the diplomatic corps of the signatory countries. Consuls shall enjoy the franking privilege for the official correspondence which they direct to their respective countries, for that which they exchange among themselves, and for that which they may direct to the government of the country to which they are accredited, whenever this privilege is reciprocally granted.

2. The dispatch of the correspondence of the diplomatic corps which is exchanged between the Secretaries of State of the respective countries and their Embassies and Legations abroad, shall be through the medium of diplomatic pouches, which shall enjoy the franking privilege and all the safeguards of official dispatches.

3. Similarly the contracting parties agree to extend the franking privilege to one exchange copy, in each direction, of newspapers and other American periodicals, when these publications are of manifest responsibility and treat of affairs of general interest.

ARTICLE 7

Prohibitions

Without prejudice to the provisions of the domestic legislation of each country regarding restrictions on the circulation of correspondence, distribution will not be given to pornographic publications or to those which attack security and public order.

ARTICLE 8

Special services

The contracting countries undertake to adhere as promptly as possible to the special services established by the Universal Postal Convention of Madrid which are not already in operation.

Also they undertake to extend to all the American continent the said postal services which are in operation within their own countries.

ARTICLE 9

Varied provisions

1. The signatory countries will adopt the "Postage paid" service, in furtherance of which they undertake to permit the circulation of newspapers or periodical publications, singly or in packages, except those issued for propaganda or exclusively for commercial advertising.

2. In case any administration not adhering to this Convention—notwithstanding the special measures in force in the contracting countries in the matter of packet or other analogous privileges, granted with the obligation of gratuitous postal transportation—basing its action upon section 3 of Article III [3] of the Universal Postal Convention of Madrid, shall attempt to collect fees for maritime transit from any of the countries which form the Pan American Postal Union, there will be demanded from the navigation companies which enjoy the said privileges reimbursement of the sums which their administration collects on account of maritime transit; and in the event of this being denied the contracting parties may, at the request of the interested administration, withdraw the advantages or privileges accorded.

ARTICLE 10

Official language

Spanish is adopted as the official language for matters relative to the mail service. Those countries whose language is not Spanish may use their own.

ARTICLE 11

Protection to postal agents

The authorities of the contracting countries are obligated to render, when they are requested to do so, such assistance as may be needed by postal agents in charge of the transportation of pouches and mail in transit through such countries.

ARTICLE 12

Arbitration

Every conflict of disagreement that may arise in the postal relations of the American countries shall be settled by arbitration, which shall be effected in the manner established by article 25 of the Universal Postal Convention of Madrid.

Every designation of arbitrators must be from the signatory countries, with the intervention of the International Office of the Pan American Postal Union.

ARTICLE 13

International Office of the Pan American Postal Union

1. The central office now functioning in Montevideo is retained, under the name of International Office of the Pan American Postal Union. It shall be under the supervision of the General Administration of Posts, Telegraphs

and Telephones of the Republic of Uruguay, and its expenses shall be borne by the postal administrations of all the contracting countries.

2. The International Office of the Pan American Postal Union is charged with the duty of

(*a*) collecting, arranging, publishing and distributing data of every kind which specially interest the Pan American International postal service;

(*b*) giving, at the request of the parties concerned, its opinion upon disputed questions that arise by reason of measures pertaining to the relations of the American postal administrations;

(*c*) making known the requests for modification of the acts of the Congress which may be formulated;

(*d*) giving notification of the changes that may be adopted;

(*e*) making known the results obtained from the provisions and regulatory measures of importance which the administrations adopt in their domestic service, and which shall be communicated to it by them as a matter of information;

(*f*) preparing a Pan American Postal Guide;

(*g*) making a Pan American Postal Map;

(*h*) formulating a statistical summary of the Pan American postal movement, in accordance with the data which each administration shall communicate to it annually;

(*i*) compiling a table showing the most rapid routes for the transmission of mail from one to another of the contracting countries;

(*j*) publishing the table of equivalents and the tariff of postage of the domestic service of each one of the interested countries;

(*k*) and, in general, undertaking the studies and investigations that may be requested of it in the interest of the contracting countries.

3. The International Office of the Pan American Postal Union will take charge of the matters which article 13 of the Universal Postal Convention and Article VII of the Regulations for its Execution ⁴ assign to the International Bureau of Berne in the event that any of the contracting administrations shall adhere to the service of reply coupons.

4. The special expenses incurred in preparing the Pan American Postal Guide, and in making the map of the postal communications of America, and those of the meeting of Congresses or Conferences, will be borne by the administrations of the signatory countries in equal parts.

5. The General Administration of Posts, Telegraphs and Telephones of Uruguay will supervise the expenses of the International Office of the Pan American Postal Union, and will make such advances of funds as it may need.

⁴ See footnote 1, p. 309.

ARTICLE 14

Application of the Universal Postal Convention and of domestic legislation

1. All matters which relate to the exchange of mail between the contracting countries and which are not provided for by this Convention shall be subject to the provisions of the Universal Postal Convention and the regulations for its execution.
2. Similarly, the domestic legislation of the contracting countries shall apply to any matter not governed by one Convention or the other.

ARTICLE 15

Propositions during the interval between meetings

The present Convention may be modified in the interval which occurs between Congresses or meetings, according to the procedure established by article 28 of the Universal Postal Convention of Madrid. In order to be effective, modifications of this article, and of articles 2, 3, 7, 8, 11, 12, 13, 16 and 18 must obtain an unanimous vote; modifications of articles 5, 6 and 9 must obtain a two-thirds vote and modifications of the remaining articles may be made by a simple majority.

ARTICLE 16

Modifications and amendments

Modifications or resolutions adopted by the contracting parties, even those of domestic regulations which affect the international service, shall become effective four months after the date of the communication transmitted by the International Office of the Pan American Postal Union.

ARTICLE 17

Meetings of Congresses

1. Congresses shall meet at least every five years, counting from the date on which the Convention adopted at the last Congress was put into effect.
2. Each Congress shall fix the place of meetings for the next Congress.

ARTICLE 18

Monetary unit

For the purpose of this Convention the dollar is established as the monetary unit.

ARTICLE 19

Effective date and duration of the Convention and deposit of ratifications

The present Convention shall come into force on January 1, 1923, but countries which have ratified it may put it into execution before that date. It shall remain in force without time limit, each of the contracting countries reserving the right to retire from this Union by means of notice given by its Government to the Government of the Republic of Uruguay one year in advance.

The deposit of ratifications will be made in the city of Buenos Aires as soon as possible. Certification of the deposit of each ratification will be made, and the Government of the Argentine Republic will forward a copy, through diplomatic channels, to the Governments of the other signatory countries.

On the date on which the present Convention comes into force the provisions of the South American Postal Convention, agreed to in Montevideo, February 2, 1911, shall be abrogated.

In the event that this Convention shall not be ratified by one or more of the participating countries, it shall not lose its validity with respect to the States that have ratified it.

In testimony whereof the plenipotentiaries of the countries above named subscribe the present Convention, in Buenos Aires, the fifteenth day of September, 1921.

For Argentina:
AMADEO E. GRANDI
EDUARDO F. GIUFFRÀ

For Brazil:
LABIENNO SALGADO DOS SANTOS
HENRIQUE ADERNE

For Bolivia:
LUIS SANSUSTE

For Colombia:
CARLOS CUERVO MARQUEZ

For Costa Rica:
CARLOS F. VALENZUELA

For Chile:
TULIO MAQUIEIRA
JORGE SAAVEDRA AGÜERO
PEDRO A. RIVERA

For Ecuador:
MANUEL BUSTAMANTE

For the United States of America:
O. K. DAVIS
EDWIN SANDS

For Mexico:
JOSÉ V. CHÁVES
JULIO JIMENEZ RUEDA

For Panama:
ESTANISLAO S. ZEBALLOS

For Peru:
CÉSAR SANCHEZ AIZCORBE
FRANCISCO ENRIQUE MÁLAGA GRENET

For Cuba:
ALBERTO DE LA TORRE Y SOUBLETTE

For the Dominican Republic:

For El Salvador:
GUSTAVO A. RUIZ

For Guatemala:
ALBERTO DODERO
JULIO ALVAREZ

For Nicaragua:
BARTOLOMÉ M. PONS

For Paraguay:
JUAN B. GAON (HIJO)

For Uruguay:
DANIEL MUÑOZ
JUAN RAMPÓN

For Venezuela:
CARLOS CUERVO MÁRQUEZ

FINAL PROTOCOL OF THE PRINCIPAL CONVENTION

At the moment of proceeding to sign the Convention concluded by the Pan American Postal Congress, the undersigned plenipotentiaries have agreed upon the following:

I

The contracting countries reserve the right to maintain their existing tariffs with the contracting countries until the next Pan American Postal Congress.

II

Upon the establishment of the Pan American Railroad each of the contracting countries will contribute to the maintenance of the service of transportation of mail by train proportionally to the weight of the mail which it dispatches in the event that gratuitous transport is not obtained.

III

The contracting countries undertake to exert their best efforts to obtain from the navigation companies which transport their mail to foreign countries a reduction of existing rates, and that in no case shall such companies charge for a return service a sum greater than that which they receive in the country of origin.

It is understood that the provision of the preceding paragraph does not refer to cases in which, on account of postal or other privilege, the companies are obligated to transport the mail gratuitously.

IV

Panama records the fact that she is not able to accept the provisions of section 2 of article 2 of the Convention relating to gratuitous transit.

V

Although the Bolivian Administration does not consider itself obligated to establish immediately the service of declared value in view of the terms in which Article 8 of the present Convention is conceived, its execution is postponed on account of fundamental reasons, to a more opportune time.

VI

Argentina, Brazil, Chile, Guatemala, Panama, Paraguay and Uruguay reserve the right to fix their rates in gold francs in conformity with the monetary unit of the Universal Postal Convention of Madrid.

VII

The Protocol remains open in favor of those countries whose representatives have not subscribed the Principal Convention today, or have signed only a certain number of the Conventions sanctioned by the Congress, with the object of permitting them to adhere to the other Conventions which they have not subscribed.

VIII

The Congress invites Spain to adhere to this Convention and the regulations for its execution, and with that in view, charges the International Office at Montevideo with formulating the corresponding invitation.

For Argentina:

AMADEO E. GRANDI
EDUARDO F. GIUFFRÀ

For Brazil:

LABIENNO SALGADO DOS SANTOS
HENRIQUE ADERNE

For Costa Rica:

CARLOS F. VALENZUELA

For Chile:

TULIO MAQUIEIRA
JORGE SAAVEDRA AGÜERO
PEDRO A. RIVERA

For Ecuador:

MANUEL BUSTAMANTE

For the United States of America:

O. K. DAVIS
EDWIN SANDS

For Mexico:

JOSÉ V. CHÁVES
JULIO JIMENEZ RUEDA

For Panama:

ESTANISLAO S. ZEBALLOS

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For Bolivia:

LUIS SANSUSTE

For Colombia:

CARLOS CUERVO MÁRQUEZ

For Cuba:

ALBERTO DE LA TORRE Y SOUBLETTE

For the Dominican Republic:

For El Salvador:

GUSTAVO A. RUIZ

For Guatemala:

ALBERTO DODERO
JULIO ALVAREZ

For Nicaragua:

BARTOLOMÉ M. PONS

For Paraguay:

JUAN B. GAON (HIJO)

For Uruguay:

DANIEL MUÑOZ
JUAN RAMPÓN

For Venezuela:

CARLOS CUERVO MÁRQUEZ

[For text of regulations for execution of the convention, see 42 Stat. 2166.]