

FREQUENTLY ASKED QUESTIONS (FAQs) CONCERNING THE POSTPONEMENT OF THE 27th UNIVERSAL POSTAL CONGRESS AND THE COVID-19 PANDEMIC – Version 2 of 14 May 2020

The following FAQs aim to provide a number of clarifications on the organization and convening of the 27th UPU Congress, particularly in the context of its announced postponement owing to the ongoing COVID-19 pandemic.

In consultation with the Government of the Republic of Côte d'Ivoire (as host country of the Congress), these FAQs will be regularly updated by the UPU International Bureau in order to ensure that the latest COVID-19 developments and other questions posed by Union member countries are taken into account. Any further Congress-related inquiries from member countries that are not directly addressed by the FAQs should only be raised through formal governmental channels.

1. Questions concerning the Congress timetable (including deadlines for submission of formal proposals and presentation of candidacies)

1.1 When will the new dates of the 27th UPU Congress be known and how will they be set?

- The Côte d'Ivoire Government has confirmed, through its letter to Union member countries dated 15 April 2020, that it is still able and willing to host the 27th Congress
- Through circular note No. 284/V-PR of 13 May 2020 addressed to UPU member countries, H.E. the Vice-President of the Republic of Côte d'Ivoire reaffirmed the Ivorian Government's commitment to organizing the 27th Congress in Abidjan.
- In line with that letter, and bearing in mind the still-evolving nature of the COVID-19 pandemic, it is not yet possible to set the definitive date and the associated revised schedule for the Abidjan Congress. In strict accordance with article 101.4 of the UPU General Regulations, these will be confirmed in due course by the host government, after consultation with the International Bureau;
- In consultation with the host government, and also in accordance with its attributions under the Acts of the Union, the International Bureau will continue to monitor the situation and keep all Union member countries informed in due time of all Congress-related developments, particularly as regards the implications of the COVID-19 pandemic on the organization of the 27th UPU Congress.

1.2 Given that the 27th UPU Congress has been postponed, have the deadlines for submission of proposals changed?

- Circular letter 2150(DPRM.URS.REG)1050 dated 7 May 2020 addresses this specific question;
- That circular letter explains that the first and second deadlines (10 February and 10 April 2020) originally notified to Union member countries in January 2020 through circular letter 2150(DPRM.URS.REG)1001 have already passed, and the third deadline of 10 June 2020 for the submission of member country proposals still applies;
- Accordingly, Union member countries that were intending to submit proposals of substance before the deadline of 10 June 2020 are requested to still do so in accordance with article 138.1.4 of the General Regulations;

- Nevertheless, given the circumstances, and in view of the existing formal requirements, it is possible that further extensions may be considered in terms of the final deadlines for amending existing proposals and/or submitting new proposals, once the new dates for Congress are set, so as to help member countries continue with their substantive preparations for the Congress.

1.3 *What about the deadlines for submission of candidacies for membership of the Council of Administration (CA) and/or the Postal Operations Council (POC)?*

- Circular letter 2150(DPRM.URS.REG)1050 of 7 May 2020 also addresses this specific question;
- International Bureau circular No. 2 of 6 January 2020 invited interested Union member countries to present their candidacies for the CA and POC in advance. A list of the candidacies officially received to date by the International Bureau appears in Congress–Doc 19 and Congress–Doc 22, which will be regularly updated and then finalized during Congress;
- In order to allow for timely preparation and presentation of the relevant Congress documents, Union member countries are invited to present their candidacies for the CA and POC as early as possible but no later than one week before the election date based on the Congress timetable (which will be updated and published once the new Congress dates are confirmed). Following that deadline, the Congress secretariat will publish the final list of candidates for seats on the CA and POC.

1.4 *How will Union member countries be updated on the latest developments regarding the 27th Congress?*

- The latest developments will be communicated to Union member countries through the dedicated Congress webpage on the UPU website (www.upu.int/en/the-upu/congress/about-congress.html) and, as appropriate, International Bureau circular letters;
- Union member countries are encouraged to regularly check the dedicated Congress webpage and these FAQs for any additional updates.

2. Questions of a legal nature concerning the postponement of the 27th UPU Congress

2.1 *Where can we find the legal basis for the postponement of Congresses?*

- As indicated above, the legal basis for the postponement of Congresses is to be found in article 101.4 of the UPU General Regulations, which provides that “After consultation with the International Bureau, the host Government shall fix the definitive date and the precise locality of Congress.” This clearly means that the date originally set may undergo further changes owing to exceptional situations such as the COVID-19 pandemic.

2.2 *Is there any precedent for the postponement of Congresses in the history of the UPU?*

- Two other Congress postponements (resulting from similar force majeure circumstances) can be cited since the inception of the UPU in 1874:
 - The 1920 Congress in Madrid (originally due to take place in the same city in 1912, but postponed because of the First World War and preceding developments); and
 - The 1947 Congress in Paris (originally due to take place in the same city in 1944, but postponed because of the Second World War);
 - Aside from the above examples, there is no other precedent with regard to the postponement of Congresses in recent history, but only of changes in the host country of Congress (from Côte d'Ivoire to Romania in 2004) or the convening of Congress without a host government (owing to civil unrest in Kenya in 2008) – in these two latter cases, a decision of the CA was required (in line with article 101, §§ 3 and 5 of the General Regulations).

2.3	<p><i>Article 101.1 of the General Regulations states that “member countries shall meet in Congress not later than four years after the end of the year during which the preceding Congress took place.” What does this mean in legal terms? Does the 27th Congress need to be held on or before 31 December 2020? If it is not possible to do so, what is the legal basis for holding the Congress in 2021 or beyond? Who has the right to decide this?</i></p>
	<ul style="list-style-type: none"> – According to article 101.1 of the General Regulations, under normal circumstances a Congress is supposed to take place no later than four years after the end of the year during which the preceding Congress took place (meaning, in strict terms, a Congress beginning no later than 1 January 2021, or four years after the end of 2016); – Nevertheless, the language of articles 106.1 (“between two successive Congresses”), 112.1 (“between successive Congresses”), 126.1 (“minimum duration of their term of office being four years”) and 145.1 (“in the event that the Congress planned for 2020 is postponed”) of the General Regulations already caters to an exceptional scenario whereby a Congress might not be held as originally scheduled for reasons beyond the control of the organization and its member countries (as is the case for the current COVID-19 crisis); – Assuming that the original Congress-designated host country remains the same, article 101.4 of the UPU General Regulations will continue to apply for any further confirmation of the definitive date for Congress, even if this might lead to a date being set beyond the end of 2020 (owing to such exceptional, force majeure reasons) – in other words, the host government is responsible for setting this date after consultation with the International Bureau.
2.4	<p><i>In case of postponement, what happens to the terms of office of UPU elected officials (Director General and Deputy Director General), and those of Union member countries which are members of the UPU councils?</i></p>
	<ul style="list-style-type: none"> – As regards the scheduled election processes (for the Director General and Deputy Director General as well as for the UPU member countries that sit on the two councils), articles 106.1, 112.1 and 126.1 of the UPU General Regulations make it clear that such elections shall take place between “two successive [ordinary] Congresses”. Therefore, any postponement of the next Congress for exceptional force majeure reasons will also entail the exceptional continuation of the terms of the current elected officials and of the UPU member countries currently sitting on both councils, until such time as the current force majeure situation no longer exists.
2.5	<p><i>In case of postponement, what happens to ongoing UPU activities conducted under the current UPU strategy, business plan and budgetary ceiling? How is such work conducted during this interim period?</i></p>
	<ul style="list-style-type: none"> – In line with the provisions referred to above, UPU activities will continue to be conducted and executed by the permanent bodies (the two councils and the International Bureau) in line with their respective attributions; moreover, the Acts of the Union currently in force (even cycle-specific ones) will remain valid. The work of the organization will continue to take place through its elected officials and other UPU staff members, without interruption; – In this scenario, elected officials, council members, the annual budgetary ceiling and the UPU strategy and business plan will remain unchanged and continue to work/apply until such time as the current force majeure situation is no longer in place and an ordinary Congress can be held again.

2.6 What is the role of Council of Administration in the case of postponement?

- As far as the organization and convening of Congresses is concerned, the CA may only intervene in either of the following scenarios:
 - Designation of another host country if the originally-designated country (in this case, Côte d'Ivoire) is no longer able or willing to host the 27th Congress (article 101.3 of the UPU General Regulations); or
 - Convening of a Congress without a host government, in which case the International Bureau, with the agreement of the CA and after consultation with the Government of the Swiss Confederation, will take the necessary steps to convene and organize the Congress in Switzerland (article 101.5 of the UPU General Regulations).
- Therefore, unless and until the currently-designated host government officially notifies the International Bureau that it is no longer able or willing to host the 27th Congress (even if the latter were to be postponed to a later date), the CA has no role to play as far as the postponement of such a Congress is concerned.

2.7 Can the POC bodies continue working to move activities forward and develop regulations during this period?

- The POC bodies will continue working until the next POC is formed. In addition, any decisions falling within the responsibility of the POC will need to be submitted to the POC Chair using the emergency process provided for by the POC Rules of Procedure.

3. Questions concerning logistical aspects of Congress

3.1 As the Congress has been postponed, how do we proceed with issues surrounding the reimbursement of expenses incurred on hotel bookings?

The hotel management process has been established and organized by Côte d'Ivoire's Permanent Secretariat for the Organization of the Abidjan Congress. Requests and inquiries concerning cancellation of bookings should be addressed to that body, whose contact details are:

Mr Lassina Konaté
 Coordinator, Permanent Secretariat for the Organization of the 27th UPU Congress
 Ministry of the Digital Economy and the Post
 17 B.P. 1404 – Immeuble Postel 2001
 ABIDJAN 17
 CÔTE D'IVOIRE
 Tel. +225 74 86 00 00
 E-mail: la.konate@telecom.gouv.ci

Ms Aline Moulare N'Dakon
 Assistant Permanent Secretary
 Tel: +225 07 02 23 65
 E-mail: ndakon.aline@artci.ci

Ms Korotoumou Diabaté née Fofana
 Assistant Permanent Secretary
 Tel: +225 77 85 36 25
 E-mail: fofana.diabate@laposte.ci

Mr Louis-Blaise Aka-Brou
 Chairman Designate of the 27th Congress
 Tel: +225 07 41 62 95
 E-mail: akabroulb@yahoo.fr

3.2 How do we proceed with the organization of receptions at the Congress?

The contact person for the organization of receptions at the Abidjan Congress is Ms Aline Moulare N'Dakon:

Ms Aline Moulare N'Dakon
Assistant Permanent Secretary
Tel: +225 07 02 23 65
E-mail: ndakon.aline@artci.ci