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Ms Elinor Jane Britt Hammar skjöld
Under-Secretary-General for Legal Affairs
and United Nations Legal Counsel
Office of Legal Affairs
UNITED NATIONS
New York, NY 10017
UNITED STATES OF AMERICA

Berne, 27 February 2025

Reference: 1090(DAJ)

Subject: Resolution adopted by the General Assembly at its seventy-eighth session entitled "Strengthening and promoting the international treaty framework", which contain specific requests addressed to the international organizations regarding the role of technology in shaping treaty-making practice

Dear Madam,

On behalf of the Director General of the International Bureau of the Universal Postal Union (UPU), and in response to the communication dated 25 April 2024 issued by the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel concerning resolution 78/236, entitled "Strengthening and promoting the international treaty framework", I have the pleasure of providing you with the following information on the role of technology in shaping treaty-making practice in the context of the activities of the UPU.

The aim of the UPU, as an intergovernmental organization of a technical character and specialized agency of the United Nations, is to secure the organization and improvement of the postal services and to promote in this sphere the development of international collaboration. To that end, the UPU and its member countries are subject to the provisions set out in the Acts of the UPU, which include *inter alia* four international treaties, namely: a) the Constitution (containing the organic rules of the UPU); b) the General Regulations (embodying the provisions which ensure the application of the Constitution and the working of the UPU); c) the Universal Postal Convention (embodying the rules applicable throughout the international postal service); and d) the optional Postal Payment Services Agreement (providing a framework to foster financial inclusion and implement a secure and accessible postal payment service).

The aforementioned treaties may be amended by member countries at Congress, the supreme body of the UPU. In this regard, it may be noted that the current UPU legal framework precludes the holding of purely virtual meetings of Congress. Nonetheless, Congress may agree to adjust its Rules of Procedure (RoPC) in order to allow for its proceedings to take place in "hybrid" form, which would combine the requirement for the physical convening of a Congress with the exceptional possibility of remote participation by representatives of UPU member countries.

In that context, member countries have already availed themselves of remote participation tools in the last two Congresses, namely the 2021 Abidjan Congress and the 2023 Extraordinary Congress held in Riyadh. This was enabled through the adoption of temporary amendments to the RoPC by the physically-convened Congress immediately after the opening of the sessions. Such amendments, which enabled the continuation of Congress' proceedings in "hybrid" form, remained in effect solely for the respective durations of the

Congresses by which they were adopted. It may be further noted that the same approach is expected to be applied in the upcoming 28th Congress of the UPU, which is scheduled to be held in Dubai in September 2025.

In effect, such remote participation tools have allowed member countries to both participate in the discussions associated with amendment proposals to the Acts of the UPU and to exercise their voting rights. Notwithstanding the above, we may further note that such amendments to the RoPC do not allow for remote participation in case of secret ballots. As such, member countries which were not physically present at Congress had the possibility of submitting notices of representation whereby they designated a member country physically present at the meeting concerned to vote on their behalf.

Pursuant to the amendments to the RoPC adopted in 2021, member countries may also submit through secure electronic means their credentials containing the relevant treaty-making powers to be exercised at Congress, provided that the applicable conditions are duly met.

In addition, the treaty-making practice at Congress is supported by the two other governing bodies of the UPU (namely the Postal Operations Council and Council of Administration), which may formulate proposals to amend the Acts of the UPU, for submission to Congress. In this regard, it may be noted that the respective rules of procedure of these bodies fully allow for remote participation at their meetings, with the aforementioned limitations applicable to secret ballots.

Lastly, the UPU transmits, whenever appropriate, electronic questionnaires to member countries and other postal sector stakeholders in order to collect their views prior to the preparation of proposals, including amendments to the aforementioned treaties.

The UPU avails itself of this opportunity to renew to the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel the assurance of its highest consideration.

Yours faithfully,

[signed]

Ricardo Guilherme Filho
Director of Legal Affairs