

EXECUTIVE COUNCIL 2023

ONLINE PARTICIPATION IN 2023 BANGKOK EXECUTIVE COUNCIL MEETING

(Document prepared by the APPU/UPU Reform Working Group¹)

1. Subject	References/paragraphs
<p>Informing the EC on:</p> <ul style="list-style-type: none"> - background to the hybrid meeting format - the importance of understanding the factors that enable organisations to meet objectives and the degree to which meetings support these objectives - the key elements and how they have been considered in developing online participation options - the two draft options - clarifying comment on the relevance of the two options to <ul style="list-style-type: none"> - quorum - voting - other aspects arising from the activity - the consideration of the material by the Reform WG, with input from Nauru² and the Bureau 	<p>§§ 1.1 – 1.3, 2.1 – 2.3, 2.6 – 2.7 §§ 2.4 – 2.5</p> <p>§§ 3.2 – 3.4</p> <p>§§ 4.1 – 4.4, Add 1 - 2</p> <p>§§ 5.1 – 5.2 §§ 6.1 – 6.2 §§ 7.1 – 7.4 § 8</p>
<p>2. Decisions expected</p> <p>The EC is asked to:</p> <ul style="list-style-type: none"> - note the background material that has been prepared for the two online participation options for the 2023 Bangkok EC - note that Option A is for livestreaming for observation only by APPU members and invited observers - note that Option B includes livestreaming (as in Option A) and an amendment to the EC RoP to permit online attendees to speak under specified conditions - note that neither Option A nor Option B results in online participants being included in the quorum or being able to vote - note that both Options instruct the Bureau and the Reform WG to study the online experience at the 2023 EC meeting to identify issues, opportunities and other relevant factors - note the additional matters arising from the Reform WG activity which may be considered further by the Bureau and the WG in line with the directive for further study 	<p>§§ 1.1 – 1.3, 2.1 – 2.7, 3.1 – 3.4</p> <p>§ 4.1 (i), Add 1</p> <p>§ 4.2 (ii), Add 2</p> <p>§§ 5.1, 6.1</p> <p>§§ 2.7, 4.2, Add 1</p> <p>§§ 7.1 – 7.4</p>

¹ The involvement of the Reform WG came about from the mandate of the 2022-2026 APPU / UPU Reform Working Group to deal with Resolution 2 of the 2022 APPU Bangkok Congress (Continuation of the review of APPU governing documentation in the 2022-2026 cycle). In particular, it was seen that hybrid participation in an EC meeting might require new provisions to be drafted in the Union's governing documentation (e.g., the EC Rules of Procedure (RoP)). Accordingly, the Reform WG assumed responsibility for drafting appropriate material to facilitate online participation at the Bangkok EC meeting (this responsibility being approved at the Reform WG Constituent meeting on 22 February).

² Nauru was consulted on the online participation models as they were the original host of the APPU 2023 Executive Council Meeting. While Nauru since withdrew as host and the meeting has moved to be hosted by the Bureau in Bangkok, Thailand, it is important to recognise Nauru's inputs into this process.

- note that the Reform WG recommends the EC adopt Option A and Option B as a package	§§ 8.2 (i)
- approve the adoption of Option A and Option B	§§ 4.1 – 4.2, Add 1 – 2

1. Purpose of document

1.1 This document has been prepared to:

- (i) provide information on two options (i.e., proposals) for hybrid presence (physical and online) at the 2023 Bangkok Executive Council (EC) meeting; and
- (ii) enable the 2023 Bangkok EC meeting to take decisions on the two proposals.

1.2 To assist APPU members in their consideration of this document, material has been prepared outlining the increased presence of the hybrid meeting, including aspects that members may wish to take account of in relation to the two proposals.

1.3 To help the flow of this document, the matter covered in paragraph 1.2 is dealt with first.

2. The emergence of the “regulated” hybrid meeting – and its ideal future

2.1 The question to be considered is whether the APPU should transition from “hybrid meetings as a contingency arrangement” (e.g., the 2022 Bangkok Congress where online participation was offered due to attendance issues resulting from the Covid-19 pandemic) to an acceptance of “hybrid meetings as a permanent arrangement” (e.g., as in the UPU CA and POC).

2.2 Hybrid meetings appear to have started in the early 1990s. The definition and scope of such meetings is wide-ranging e.g., from a small number of people participating in an informal session, through to a significant number of people participating in a formal, international policy-setting forum that includes voting and binding decisions.

2.3 A review of material that discusses hybrid meetings reveals a strong focus on the main issues that make the events a successful or unsuccessful meeting option. This document does not deal with this aspect of the hybrid meeting. The particular aspect of hybrid meetings that is covered in these notes relates to the “regulated” event i.e., where a traditionally physical event whose proceedings are governed by rules is converted to a hybrid event involving physical and online participation.

2.4 Driven by necessity during the height of the Covid-19 pandemic, the rules around the convening of hybrid events had to be adapted carefully and quickly. The outcome (i.e., meetings such as the UPU (2021) and APPU (2022) Congresses) has, overall, been a positive one. However, one should not assume that the result is a blueprint (by way of precedent and a set of rules) for Congresses and other meetings to be convened in hybrid format on a permanent basis. What is necessary is for organisations to understand the benefits and disadvantages of physical and online participation against the background of why meetings are convened in the first place. At the same time, organisations do need to understand the issues that make hybrid events successful or unsuccessful and temper any development path with the reality of what can be achieved, particularly from the dual viewpoints of meeting organiser (what is the objective of the hybrid format) and participant (what is the user experience). To date there is no evidence that such viewpoints have been captured in a structured manner.

2.5 If the APPU moves forward with hybrid events (i.e., offers online participation as either an extended trial or permanently), then it will be important to understand the value originally attached to physical presence of members on an annual basis, as well as forming a view on whether the hybrid format diminishes this value – or, in some way, enhances it. This document

does not guide readers on which direction is favoured. Organisations such as the APPU need to be very clear in their own minds regarding what successful meeting events need to achieve and confine themselves to an ideally small number of simple measures as endorsement for either the physical or hybrid format.

2.6 In as much as paragraph 2.4 comments

“However, one should not assume that the result is a blueprint (by way of precedent and a set of rules) for Congresses and other meetings to be convened in hybrid format on a permanent basis”,

the same applies to the experiences of different organisations. In particular, a successful format in the UPU or other similar organisations does not necessarily mean the same format will meet the needs of the APPU. The best arrangement for the APPU is one that has been examined in an APPU context, and not necessarily an arrangement that has worked well for the UPU.

2.7 In the interests of a hybrid format being a positive and progressive option, it is sensible to learn as much as we can from hybrid meeting experiences. To this end, the proposals for consideration at the 2023 Bangkok EC meeting instruct, in part, the Bureau and the Reform WG to review all aspects of the Bangkok EC livestreaming experience to identify issues, opportunities and any other relevant factors.

3. Bridging from the “emergence of the ‘regulated’ hybrid meeting” to the proposed arrangements for the 2023 Bangkok EC meeting

3.1 In the course of preparing for the 2023 EC meeting it was acknowledged that, consistent with APPU and UPU practice since 2020, there may be a need to provide online access to the meeting for members desiring either a mix of in-person and online participation, or online participation only.

3.2 Picking up on the material in paragraph 2, the key parties have endeavoured to work within that informal guidance (i.e., in paragraphs 2.4 and 2.5). The table below sets out how the guidance has been treated.

Line	Informal Guidance	Response for 2023 Bangkok EC
1	Understand why EC meetings are convened in the first place	An annual event between Congresses where a specific original benefit was the opportunity to meet in-person.
2	Why is a hybrid format being considered?	Because of the continuing / residual impact of Covid-19 e.g., cost of travel and travel insurance, hesitancy to travel. There may also be an expectation from members to be able to attend in a hybrid manner, given the format of recent meetings.
3	Understand any limitations that need to be taken into account for the online access offered	Although there is some certainty that technology capacity and transmission stability will be reliable for the duration of the meeting, the approach is to commit to participation expectations that will not impact the smooth running of the physical component of the EC.

Also considered were the restrictions placed upon members by the Treaties. As an intergovernmental multilateral organisation of member countries, treaty requirements can (and in this case, likely do) limit the methods and procedures by which members can participate in decision making. This does not mean any outcome achieved is the ‘ideal’ situation. Member countries may be inclined to revise the Treaties in the future. However, for the Union to be successful, it was accepted by the Reform Working Group that it must maintain a strong legal foundation to its decision making, while working to make participation as inclusive as possible.

3.3 Taking the responses in Lines 2 and 3 of the table above, the following participation proposals have been developed for the EC meeting:

- (i) Line 2 – “To achieve a greater measure of inclusion, two forms of participation are being considered”

This is achieved through:

- (a) Livestreaming – a person will be able to see and hear the meeting but will not be able to speak or to vote (if eligible).
- (b) Enhanced livestreaming – a person will be able to see and hear the meeting, and will be able to speak on the invitation of the Chair. A person will not be able to vote (if eligible).

- (ii) Line 3 – “commit to participation expectations that will not impact the smooth running of the physical component of the EC”

This is achieved through:

- (a) Persons being invited by the Chair to speak:
- provided there are no technical difficulties; or
 - if there are technical difficulties, the majority of members physically present can decide to let the person speak when a suitable opportunity becomes available.
- (b) Voting not being available for online participants³.

4. The proposals

4.1 Following careful study into the treaty requirements, with the aim of ensuring the inclusivity of member countries, two proposals have been drafted. These are as follows.

- (i) **Proposal A** (at EC 2023 Doc 19, Add 1) is a resolution which facilitates the livestreaming of the EC meeting through a suitable platform, and only enables observation of the meeting by APPU members and invited observers.
- (ii) **Proposal B** (at EC 2023 Doc 19, Add 2) consists of the livestreaming element of Proposal A and a new provision to be inserted into the Rules of Procedure of the Executive Council which facilitates online attendees to speak during discussions where technology allows and unless the Council otherwise decides. In detail, Proposal B takes the following form:

§ 1 Covers the livestreaming element of Proposal A (i.e., observation of meetings only) on conditions agreed to by the Council. Proposal A outlines those conditions and limits who may participate (i.e. members and observers). While the content of § 1 is not strictly necessary (because it is covered in the resolution at Proposal A), it ensures that §§ 2 and 3 (described below) can be given effect.

§ 2 Allows the Chair to permit a person participating online to speak to a discussion on an agenda item at any suitable time for such interventions. The Chair will always exercise this discretion unless technical difficulties arise (e.g., the livestream stops working or a speaker cannot be heard, in which case an online person could be skipped over or otherwise not invited to speak), or a majority of the Council (the physical participants) otherwise decide (a safeguard).

³ There are further reasons for the exclusion of voting for online attendees discussed at 7.4.

§ 3 States that online attendees do not count for the quorum and cannot vote (in any format).⁴ This is just for clarification, as an online participant would not be ‘present’ at the meeting formally under the rules of procedure, and their only rights are those outlined in this proposed Article – i.e., to speak where the technology allows and where they would be allowed to speak if they were physically present.

4.2 Both proposals are limited until the next Congress (or an Extraordinary Congress), where these matters can be considered on a longer-term basis. They also instruct the Bureau and the Reform WG to review the livestreaming experience to identify issues, opportunities and any other relevant factors to inform Congress.

4.3 For the avoidance of doubt, these proposals would also apply to observers of the EC. Observers must still be approved through the usual procedures.

4.4 It is important to note that Option A and Option B should not be regarded as one excluding the other. In other words, they can both be adopted without prejudice to the other.

5. Quorum⁵

5.1 For the avoidance of doubt, neither Option A nor Option B count an online participant in the quorum.

5.2 The analysis of the Treaties strongly suggested that it is not currently possible for a member, not present at the meeting in Bangkok, to be represented through a traditional proxy arrangement with a member who is physically present in Bangkok. This is because neither the General Regulations nor the EC Rules of Procedure provide for proxies to be issued at an EC meeting. Accrediting a physically present attendee from another member country to represent the delegation might be possible as a last resort to enable the quorum to be met, although as discussed at §7.3 the Working Group has not examined this possibility further.

6. Voting⁶

6.1 Again, for the avoidance of doubt, neither Option A nor Option B entitle an online-only participant to vote. This applies to open and secret voting.

7. Matters arising from Reform Working Group activity for noting or further review

7.1 The “regulated” hybrid meeting is a new concept for the APPU (the only pre-2023 experience being the 2022 Bangkok APPU Congress). In the work that has been done to bring proposals forward for the Bangkok EC meeting, there were issues that the Reform Working Group could not deal with conclusively. This document records these matters briefly so that members can understand the breadth of thinking that has been applied to the assignment.

7.2 The main limitations that the Working Group attempted to resolve in the Treaties related to quorum and voting. To an extent these are inter-related, but are covered separately.

7.3 Quorum

(i) The General Regulations (Article 106, paragraph 1) specifies that the quorum for an EC meeting to proceed is the majority of members of the Union (i.e., 17 members must be present).

(ii) Whereas the 2022 Bangkok APPU Congress could make a variation to its Rules of Procedure to allow online-only participants to be counted towards the quorum (apart

⁴ The position regarding quorum and voting reflects the strict application of current rules. Paragraph 8.2 (iv) leaves the way open for an alternative participation model if it can be found.

⁵ Refer to Footnote ³ for additional qualification.

⁶ Refer to Footnote ³ for additional qualification.

- from when secret ballots were held), the EC cannot act similarly. The reasons are many.
- (a) The Bangkok Congress required the meeting to be opened with only physical attendees prior to adopting changes to its rules of procedure to permit online participation on a temporary basis for the duration of the Congress. The actions of Congress do not suggest an intent to create a standing presumption that online-only participants count towards quorum requirements. Regardless, the requirements for holding the Congress specified in the Treaties differ from those of the EC i.e. there are different treaty rules for one compared to the other, and each set of treaty provisions must be respected for each body.
 - (b) The EC cannot make a variation on a provision that is specified in the General Regulations (i.e., as already mentioned, the EC quorum is set out in Article 106). Although the General Regulations and EC Rules of Procedure do not exclude virtual participation as an option for attendance (and, therefore, the possibility of counting towards the quorum), they do not provide for it either. The latter point (“... they do not provide for it either.”) is the significant observation. At best, it results in it being a grey area; but, in reality, it was accepted that it was not a strong basis for advancement of virtual participation counting towards the quorum at this stage.
 - (c) There was a further point which the Working Group could not categorise in terms of whether it assisted, or otherwise, its thinking on the quorum issue (and the voting issue). It concerns the 2020 and 2021 EC meetings both of which were “held online”. Firstly, in a technical sense, it might be argued that these were not hybrid meetings – the question being was there a genuine physical presence? That aside, they were exceptional events convened with common agreement as the best way to proceed at the time, in respect of a well-recognised situation (across the global postal system) of *force majeure*. The only conclusion available to the Working Group was that there is no precedent here for guidance on how to define the quorum (or voting) for the Bangkok EC meeting absent these exceptional circumstances.
- (iii) Cross-member representation (i.e., one member representing another member physically at the EC meeting), where the arrangement is authorised by the respective governments involved. For clarification, this is different from a proxy as the member would not also represent itself. For example, Country A is sending two people to the EC meeting. Country B is unable to send any and asks Country A for assistance. Person 1 of Country A could attend as Country A, while Person 2 of Country A could attend as Country B. Included in the discussion of this matter was a question about the process for verifying (at pre-meeting registration) that persons presenting are as submitted in initial advice to the host country / Bureau. The Working Group is of the view that cross-member representation is not a matter it wishes to follow up on at this time, unless it becomes necessary to do so. However, the Union may wish to confirm the processes undertaken when delegates register prior to the commencement of a meeting.
 - (iv) Proxies (as referenced in paragraph 5.2) – unlike Congresses, there is no provision for proxies to be arranged for an EC meeting. Accordingly, the quorum for an EC meeting cannot be assisted using this mechanism (for members who are neither physically present nor virtually present). Included in this assessment is the possibility of an online-only participant using a proxy to be counted in the quorum. Again, such an option fails because there is no proxy mechanism and, even if there was a proxy mechanism, the quorum relies on physical presence at the EC meeting.

7.4 Voting

- (i) The Working Group endeavoured to establish a way in which online-only participants could vote in an EC meeting. Much of the research and theorising was tied in with the examination of the quorum aspect.
- (ii) Apart from one potential avenue (described in sub-paragraph (iii) below), the ability for an online-only participant to vote was limited by the same factors set out for the quorum i.e., voting is only available to members physically present at the EC meeting.
- (iii) The potential avenue for an online participant to be able to vote is in EC Rules of Procedure, Article 14(2) viz.,

“If a member of the Council is unable to attend a meeting, it has the option of delegating its right to vote to a representative of another member-country, on condition that it gives previous advice thereof, in writing, to the Chairman of the Council. It is understood that a member of the Council may represent only one country other than its own.”

On a first reading, one could form the impression that, despite other material about physical representation being a pre-requisite for matters such as quorum and voting, here was a simple provision that basically said “if you cannot be there, you can give your vote to someone who is”. Research has brought forward the interim conclusion that this is not what the provision was originally drafted to achieve. This is explained as follows.

- (a) Prior to the 2006 EC meeting, paragraph 14(2) specified:

“If a member of the Council represented at the Session is prevented from attending a meeting, it has the option of delegating its right to vote to a representative of another member-country ...”

- (b) The 2006 EC meeting amended Article 14(2) to its present text:

“If a member of the Council is unable to attend a meeting, it has the option of delegating its right to vote to a representative of another member-country ...”

- (c) The reason given for the change is (text copied as written):

Reason: The use of the word if the member of the council is “prevented from attending” does not correctly convey the spirit of this provision and therefore that words “unable to attend” have been substituted.⁷

- (d) On the basis of the above, it was recommended that in addition to the requirements for quorum and voting being physical presence, the provision in EC Rules of Procedure Article 14(2) should not be used in any way to enable a member who is not physically present *at all* to assign its vote to a member who is physically present. Clarification on this issue is being proposed through an amendment to the Rules of Procedure of the Executive Council at EC 2023 Doc 4 Add 3.

8. Formal consideration of 2023 EC participation options by Reform WG

8.1 The Reform WG discussed a draft version of this document at its online meeting on 23 May. Nauru was represented as an invited guest; the Bureau was present as an Observer of the Reform WG.

8.2 The Reform WG heard the following views and comments expressed.

- (i) Four participants spoke in favour of both Options A and B as a package being presented

⁷ Source: 2006 EC documents – EC Doc 3, Annex 1, pages 6-7.

to the 2023 EC meeting for approval (no participant offered a different view.)

- (ii) The meeting agreed that the “Date of entry into force” for both Options should be “immediately, for the period until the next Congress, **or Extraordinary Congress**”.
- (iii) Although the limitations on full participation in an EC meeting via online means were acknowledged and understood (particularly that the current Treaties are the barrier), the APPU needs to address the matter in order to be in step with accepted trends for international meetings.
- (iv) Whereas the strict application of the APPU General Regulations and the EC Rules of Procedure permits physical participation only, the Union should not, in principle, rule out an alternative participation model being acceptable for the 2023 EC if it can be found.
- (v) In anticipation of the EC approving both Option A and Option B as a package, there needs to be absolute clarity on matters such as quorum and voting. Meeting registration closes on 9 June which will indicate whether attaining the physical quorum requirement will pose a challenge.

8.3 The Reform WG therefore recommended to Nauru, as the then host country, that they introduce Options A and B as a package, plus this explanatory document, to facilitate online participation at the Executive Council. Following Nauru’s withdrawal as host and the relocation of the Executive Council meeting to Bangkok to be hosted by the Bureau, the Reform WG endorsed introducing the resolution itself.

9. Reflection

9.1 As identified above, it is accepted that after analysing the Treaties the outcome reached may not create the ‘ideal scenario’, particularly on viewing practice elsewhere. Significant discussion occurred between key players about what to do with this result, reflecting on the dual goals of inclusivity and legal stability. Two basic pathways emerged:

- (i) **take a ‘relaxed’ approach** and accept that some matters may not need to be formally decided upon now - i.e. if quorum is achieved and no votes are held, then does the EC need to decide how these matters are to be dealt with going forward.
- (ii) **maintain a ‘strict’ approach** that may limit flexibility now, but commit to further considering the issues and bringing forward treaty-based solutions to achieve member countries preferred solutions as quickly as possible.

9.2 On balance, pathway (ii) – the strict approach – is likely the most correct strategy available to members. As a decision-making body, it was recognised that decisions of the EC must be taken in accordance with a strict interpretation of Treaty processes. Reforming a treaty-based body requires a strong and reliable legal foundation, with decisions that are fully supported by the processes member countries have agreed to and ratified into law. To not adopt a strict approach would be to risk undermining reform efforts and the positive outcomes to be achieved for member countries.

9.3 Efforts to make EC meetings as inclusive as possible should be implemented. The more participation by members, the better the Union is. But to not provide clarity to members participating online as to the likely limitations of their participation, in the hope that a difficult situation could be ‘worked around’ invites problems and creates unfairness.

9.4 Despite adopting this strict approach, there is an opportunity to adopt a different approach through Treaty amendments, as quickly as members may elect to progress such amendments, that achieve a different outcome. Depending on the outcome of other decisions, this might be as soon as 2024 (making the present situation a ‘one year’ issue).

EXECUTIVE COUNCIL

Proposal of a general nature

01

Proposal Option A

APPU/UPU REFORM WORKING GROUP

Resolution

Facilitation of remote viewing of Executive Council Meetings

The Executive Council,

considering the practices of the Universal Postal Union (UPU) to livestream committee and plenary meetings of the Councils and of the Congress as agreed by UPU Congress Resolution C 18/2016,

noting that there are differences in the membership and participation contexts of the UPU versus those of the APPU,

agreeing that the Union should take all reasonable steps to support participation in the Union's work by member countries and observers,

recalling the decision of Congress to permit hybrid participation to the 13th APPU Congress on an extraordinary basis,

aware of the benefits of physical participation of member countries in Executive Council meetings and the measures already adopted in the General Regulations to facilitate this,

noting Article 109 (1) of the General Regulations requires the Bureau to make preparations for meetings of the Union,

supporting the use of technology to facilitate, where necessary, participation,

Instructs

the Bureau to:

1. livestream meetings of the Executive Council using a suitable platform as determined by the Bureau after consultation with the relevant host country,
2. manage access to the livestream to enable member countries and invited observers to observe proceedings,
3. ensure that any closed meetings or closed agenda items of the Executive Council are not livestreamed unless otherwise agreed to by the Chair of the Council, and
4. meet any local (Bangkok) costs associated with facilitating the livestream.

Further instructs

the Bureau and the Reform Working Group to review all aspects of the livestreaming experience at the 2023 Executive Council meeting to identify issues, opportunities and any other relevant factors.

Reasons – See EC 2023 Doc 19.

Date of Entry into force: immediately for the period until the next Congress (or Extraordinary Congress).

EXECUTIVE COUNCIL

Rules of Procedure of Executive Council – Proposal

19.2

Proposal Option B

APPU/UPU REFORM WORKING GROUP

Create the following new Article 1 bis:

Article 1bis

Livestreaming

1. The Council may permit the livestreaming of its proceedings by electronic means, i.e., via web/video/audio conferencing facilities made available by the Bureau and / or the host country, subject to any conditions agreed to by the Council.
2. Notwithstanding any other Article in these Rules, the Chair of the Council may invite any person availing themselves of the livestreaming function who would otherwise have the right to “take part”, “participate”, “represent”, or “attend”, to speak during discussion on any agenda item. In the absence of technical difficulties, the Chair will permit such participation unless, for an agenda item, a majority of members of the Council otherwise decides.
3. Union member countries availing themselves of the livestreaming possibility, with no physical attendees, shall not be counted for the purposes of the quorum required under Article 12 of the present Rules, nor be entitled to vote.

Reasons

The proposal to create new article 1bis makes it possible to have online participation at Executive Council Meetings for both members and observers, while maintaining the in-person nature of the Executive Council.

The ability for online participants to engage in the proceedings of Council by taking the floor is provided on a ‘best efforts’ basis, noting that technology can be unreliable. Recognising this, an online participant (if eligible) will not be able to participate in a vote. During a vote the livestream will continue but virtual participants will not be permitted to speak.

Refer EC 2023 Doc 19 for further details.

Date of entry into force: immediately, for the period until the next Congress (or Extraordinary Congress).