

Agenda item 4

**Status report on the establishment of
the Task Force on “Redesigning
Tourism for the Future”**

CE/118/4 rev.1
Madrid, 15 May 2023
Original: English

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Executive summary

In accordance with Executive Council decision [7\(CXVII\)](#), the Secretariat submitted to the Members of the Council on 1 March 2023 the Rules of Procedure of the Redesigning Tourism for the Future Task Force and the report of the Office of the Legal Counsel.

In compliance with the aforementioned decision, the document included the mandate, composition and modus operandi of the Task Force, in consultation with the Chair of the Executive Council.

As of the date of this present document, the Secretariat has received comments to the Rules of Procedure of the Task Force from the following Members of the Council: Armenia, Greece, Italy, Morocco and Portugal.

CE/DEC/6(CXVIII)

**Status report on the establishment of the Task Force
on “Redesigning Tourism for the Future”
(document CE/118/4 rev.1)**

The Executive Council,

Having examined the report on the Rules of Procedure of the Redesigning Tourism for the Future Task Force, submitted by the Secretariat in consultation with the Chair of the Executive Council, and the report of the Office of the Legal Counsel,

1. *Takes note* of the information provided;
2. *Approves* the Rules of Procedure of the Task Force set forth in Annex I of this document (CE/118/4);
3. *Urges* the Regional Commissions for Africa, the Americas, East Asia and the Pacific, Europe, the Middle East and South Asia to make recommendations for membership in the Task Force, in accordance with its Rules of Procedure, at their meetings scheduled in June and July 2023;
4. *Decides* that the Task Force, composed of nine members to be recommended by the Regional Commissions, shall elect a Chair and a Vice-Chair from its Full Members to serve for an initial one-year term which may be renewed;
5. *Authorizes* its Chair to circulate, after consultation with the Secretary-General, a draft decision to all its Members concerning the composition of the Task Force as recommended by the Regional Commissions under a silence procedure of at least 72 hours in accordance with the practice adopted by the Executive Council through its decision 2(CXII);
6. *Decides* that, if the silence is not broken, the decision shall be considered adopted, and the Council shall take note of such decision at its next session;
7. *Proposes* to the 25th session of the General Assembly to extend the mandate of the Task Force until the 26th session of the General Assembly;
8. *Requests* the Task Force to develop a plan for deliverables, milestones and timetable, cost and funding requirements of the Task Force, and a budget, to be submitted to the Council for approval;
9. *Encourages* the Member States to support the fulfilment of the mandate of the Task Force, aiming at strengthening the UNWTO including its operational and institutional framework, by providing the Secretariat with voluntary contributions in accordance with the Statutes and the Financial Regulations and Rules; and
10. *Encourages* the Member States to contribute to the work of the Task Force by sharing substantive proposals with the Secretariat.

I. Introduction

1. During the 24th session of the General Assembly (Madrid, Spain, 1-3 December 2021), the Member States, taking note of the proposal submitted jointly by Saudi Arabia and Spain ([A/24/11 rev.1](#)), through resolution 741(XXIV), agreed on the creation of the task force, and urged the Executive Council to consider such proposal and to set the mandate, composition and modus operandi of the task force based on the guiding principles set forth in the agenda item.
2. At its 116th session held on 7 June 2022 in Jeddah, Saudi Arabia, the Executive Council, in its [decision 6\(CXVI\)](#), noting that no official communication had been submitted by Saudi Arabia and Spain to the Secretary-General on the mandate, composition and modus operandi of the Task Force, decided to “defer the consideration and evaluation of the proposal to create a Task Force (...) to its next session” and requested that “any proposals (...) be consulted with the Secretariat to ensure that [they are] aligned with the legal framework of the Organization”.
3. Ahead of the 117th session of the Executive Council, on 24 October 2022, through a letter from the Minister of Tourism of Saudi Arabia, H.E. Mr. Ahmed Al Khateeb, the Minister of Industry, Trade and Tourism of Spain, H.E. Ms. María Reyes Maroto Illera, and the UNWTO Secretary-General, the Members of the Executive Council were informed of the supporting documentation ([CE/117/4](#)) for the item on the Task Force placed on the agenda of the 117th session, with the Council being primarily called to approve the “Rules of Procedure of the Task Force” (Annex II, CE/117/4).
4. After the publication of the document, the Secretariat received communications in writing from Portugal, Greece and Senegal raising several concerns and/or proposals and amendments on the supporting documents of the item concerning the Task Force (agenda item 4), particularly the “Rules of Procedure of the Task Force”.

II. Decisions of the Executive Council

5. The Executive Council examined the proposals at its 117th session (23-25 November 2022, Marrakesh, Morocco) and adopted in its [decision 7\(CXVII\)](#) that the Task Force be established as a subsidiary body of the Council to which its Rules of Procedure shall be applicable in accordance with Rule 32, and that its mandate, composition and modus operandi be set in accordance with the guiding principles set forth in the in the proposal by Saudi Arabia and Spain as adopted by [resolution 741\(XXIV\)](#) and aligned with the legal framework of the Organization.
6. The Council also requested the Secretary-General, in consultation with the Chair, to circulate a final document, including the mandate, composition and modus operandi of the Task Force together with a report of the Office of the Legal Counsel, by end of February 2023.
7. According to decision 7(CXVII), the Council also requested the Regional Commissions to recommend by March 2023 for approval by the Executive Council a list of Full Members to serve on the Task Force, to be revised as recommended by the 117th Executive Council, to achieve a fair and equitable geographical distribution and based on the following distribution: two from the Regional Commission for Africa, two from the Regional Commission for the Americas, one from the Regional Commission for East Asia and the Pacific, two from the Regional Commission for Europe, one from the Regional Commission for the Middle East and one from the Regional Commission for South Asia.
8. The Council invited the Members of the Organization to contribute to the work of the Task Force by sharing proposals before the next session of the Council to be held in Punta Cana, Dominican Republic, on 16-18 May 2023.

III. Rules of procedure and report of the Office of the Legal Counsel

9. In Annex I, and in accordance with decision 7(CXVII), the Secretariat submits the Rules of Procedure of the Redesigning Tourism for the Future Task Force taking into account the original proposal presented by the Kingdom of Saudi Arabia and Spain during the 24th session of the General Assembly ([A/24/11 rev.1](#)), incorporating the comments provided by the Members of the Council and ensuring that it is aligned with the legal framework of the Organization.
10. In Annex II, the Secretariat submits the report of the Office of the Legal Counsel, providing the necessary clarifications in support of the Rules of Procedure for the Task Force proposed by the Secretariat in consultation with the Chair of the Executive Council for 2023 (Saudi Arabia).

IV. Comments received by Members of the Council

11. As of the date of the present document, the Secretariat has received comments to the Rules of Procedure of the Task Force from the following members of the Council: Armenia, Greece, Italy, Morocco, and Portugal (Annexes III, IV, V, VI and VII). The documents were circulated among the members of the Council on 5 April 2023.
12. Based on the comments received from the Member States and in consultation with the Chair of the Executive Council, Rule III.9 has been revised to include the alternative wording proposed by the Legal Office. The Public Information Disclosure policy (SGB/12/19) issued on 25 November 2019 is included as Annex VIII.
13. Based on the comments received from the Member States and in consultation with the Chair of the Executive Council, the draft decision has also been revised as follows:
 - (a) Paragraphs 4 to 6 are intended to clarify the procedure of consultation with the Regional Commissions for the recommendation of members to be elected to the Task Force and their appointment by the Executive Council; and
 - (b) Paragraph 7 has been added to the draft decision in consultation with the Chair of the Executive Council to reflect the comments of the Member States.
 - (c) Online Preparatory Information Sessions convened by the UNWTO Secretariat and the representatives of the Chair of the Executive Council were held on 10 and 11 May 2023 attended by relevant representatives of the line ministries from the Members of the Executive Council. The main objective of the meetings were to provide the Executive Council Members ahead of time information on the preparation and proceedings of the 118th session and they were organized for informative purposes to disseminate information and appropriately consult with Member States. Extensive two days critical discussions brought up a range of issues by Member States that have been included as additional points in the draft decisions of the present paper, namely: 1) One Chair and one Vice-Chair to be elected from the composition of the Task Force; 2) Defining the paramount importance need of mobilizing voluntary which is essential factor for the functioning of the Task Force and delivery of its activities.

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Annex I: Rules of Procedure of the Redesigning Tourism for the Future Task Force

I. Mandate

Taking into account the input provided by the Members of the Executive Council at its 117th session, the Secretariat has developed a proposal of the mandate of the Task Force.

1. The mandate of the Redesigning Tourism for the Future Task Force is to strengthen the UNWTO, including its operational and institutional framework, to service the existing and future needs of the tourism sector for both developed and developing countries consistent with the Statutes of the Organization.

To reposition the tourism sector more prominently on a global scale to benefit people and the planet, greater international collaboration and empowered international organizations are required, within the framework of a reinvigorated multilateral system and a rapidly evolving business environment, for tourism growth to be sustainable, inclusive, and resilient.

Consistent with the Statutes of the Organization, the Redesigning Tourism for the Future Task Force's strategic objectives are to:

- (a) support the Secretariat to strengthen the UNWTO to better guide and service the existing and future needs of the tourism sector, in light of the new global context.
 - (b) contribute to shape UNWTO's strategic priorities to engage for building a resilient, inclusive, and sustainable tourism sector for both developed and developing economies.
 - (c) review UNWTO's institutional and risk framework, and working methods as well as its strategy and other measures, to provide recommendations and strategy and reform proposals (as well as reports) to be approved by the Executive Council and then the General Assembly, so that the UNWTO's framework, working methods, strategy and other measures can be made fit for purpose to better serve Members, considering endogenous and exogenous challenges.
 - (d) encourage and ensure the meaningful participation of non-State stakeholders in the redesign of the global tourism sector.
2. The mandate of the Redesigning Tourism for the Future Task will continue until the 25th session of the General Assembly. The extension of this term will be approved by the General Assembly.

II. Composition and term of office

1. The Task Force is composed of:
 - (a) Nine Full Members with the right to vote recommended by the Regional Commissions and appointed by the Executive Council as follows:
 - Africa: 2
 - Americas: 2
 - East Asia and Pacific: 1
 - Europe: 2
 - Middle East: 1
 - South Asia: 1
 - (b) One Associate Member, designated among them; and
 - (c) One Affiliate Member, according to Article 6 of the Rules of Procedure of the Committee of Affiliate Members.
2. In addition, invited participants, as proposed by the Secretary-General, in coordination with the Chair of the Executive Council, for approval by the Executive Council, on an ad

hoc basis, according to the agenda of one or more specific meeting(s) will participate in the work of the Task Force. Those invited participants may be:

- (a) International organizations;
 - (b) Public sector, private sector and civil society entities, including educational institutions, destination management organizations (DMOs); and
 - (c) Individual experts (e.g., researchers, personalities).
3. The Taskforce shall elect a Chair and a Vice-Chair from its Full Members to serve for an initial one year term, which may be renewed. ..
 4. The term of office of all the members of the Task Force will expire upon the conclusion of its mandate.
 5. If the term of the Task Force is renewed by the General Assembly at its 25th session, the term of its members shall be extended for such additional time until the Executive Council takes a decision on its composition in accordance with paragraph 1 above.

III. Modus Operandi

Meetings

1. The provisional agenda of the meetings shall be drawn up by the Secretary-General in agreement with the Chair and distributed to the Task Force prior to the Task Force meeting.
2. The working language of the Task Force is English.
3. The Task Force aims at consensus-building. If consensus cannot be reached, the Rules of Procedure of the Executive Council regarding voting procedures shall apply.
4. Telephone, video conferences and electronic meetings and consultations will be the main form of interaction.
5. The Task Force will meet in ordinary session twice a year, preferably in the framework of the meetings of the Executive Council, to which it reports all recommendations for approval, before any report is submitted to the General Assembly.
6. The UNWTO Secretariat will not cover the cost of participation of Task Force Members, observers and invited participants of and to the Task Force at meetings either in presence or remote.

Secretariat

7. The Secretary-General shall act as Secretary of the Task Force and may delegate this function to another member of the Secretariat.
8. The Secretariat will provide any information or documents of UNWTO requested by the Task Force in accordance with UNWTO's applicable rules and policies and to the extent that such information and documents is or are not protected from disclosure by legal privilege, privacy and confidentiality².

Conduct of business

9. These Rules of Procedure are adopted pursuant to Rule 32 of the Rules of Procedure of the Executive Council, to which they are subordinate. Should circumstances arise, which are not provided for in these Rules of Procedure, the Rules of Procedure of the Executive Council shall apply mutatis mutandis.

² Public Information Disclosure policy (SGB/12/19) issued on 25 November 2019.

Reporting

10. As a subsidiary organ of the Executive Council, the Task Force shall submit interim and final reports on its activities and recommendations to the Executive Council for approval. The Executive Council shall then report to the General Assembly as appropriate.

Voluntary contributions

11. While the Task Force does not have a budget of its own, the Organization may receive voluntary contributions to be allocated to the execution of the mandate of the Task Force in accordance with the Statutes and the Financial Regulations and Rules of the Organization.

Annex II: Report of the Office of the Legal Counsel on the mandate, composition and modus operandi of the Task Force

Ref: LGAD17/2023
Madrid, 28 February 2023

ORIGINAL: English

Report of the Legal Office on the Rules of Procedure of the Task Force

Executive Summary

The present report is prepared at the request of the Executive Council through its decision 7(CXVII). It focuses on determining whether the draft Rules of Procedures setting out the mandate, composition and modus operandi of the Task Force prepared by the Secretariat in consultation with the Chair of the Executive Council for 2023 (Saudi Arabia), are aligned with the legal framework of the Organization, as requested by the Executive Council.

The Legal Office has reviewed the proposal submitted by the Secretariat in consultation with the Chair of the Council. A detailed analysis is presented in the report.

The Legal Office notes that the proposal is mostly aligned with the legal framework of the Organization, except for Rule III.9 which has not been drafted nor validated by this Office (see page 8). The Legal Office further notes that the appointment of two Co-Chairs under Rule II.3, as recommended by the General Assembly resolution 741(XXIV), may require the development of guidance for the conduct of business in meetings of the Task Force, which may have to be approved by the Task Force itself (see page 6).

I. Background

On 25 October 2021, the Secretariat received through a note verbale from the embassy of Saudi Arabia in Spain a letter from the Minister of Tourism, H.E. Mr. Ahmed Al Khateeb, requesting the Secretary-General to include an item in the provisional agenda of the 24th session of the General Assembly (1-3 December 2021) entitled “Redesigning Tourism for the Future” – providing primarily that the Assembly establishes a task force within the Organization, pursuant to Article 12 (j) of the Statutes, named “Redesigning Tourism for the Future Task Force” – and to circulate the letter and the supporting document enclosed thereto to all Member States. On 9 November 2021, the Secretary-General transmitted the documentation submitted by Saudi Arabia and the correspondence exchanged therewith for clarification to all Members of the Organization ([A/24/11](#)).

In the following weeks and up to the General Assembly, the Secretariat received requests for information from several Member States concerning the compatibility of the proposal from Saudi Arabia with the legal framework of the Organization and with its structure and governance, including questions on whether it should not be first reviewed by the Executive Council.

On 30 November 2021, the Kingdom of Saudi Arabia requested through an email addressed to the Secretariat the inclusion of an item on the initiative “Redesign Tourism for the Future” in the provisional agenda of the 114th session of the Executive Council which was taking place on that same day.

That day, the Executive Council heard the proposal made by Saudi Arabia and noted that it had been received just ahead of its session and, thus, it could not be considered as an item for it did not meet any of the deadlines established in its Rules of Procedure nor did it allow for the Secretary-General to report on its implications pursuant to Rule 4(8)³. However, in view of the concerns expressed by the Chairman regarding the compatibility of the initiative with the legal framework and with the overall structure and governance of the Organization, the Executive Council, in its [decision 2\(CXIV\)](#), resolved “to defer the examination of such proposal to a future session, to enable the Secretary-General to provide the necessary report on its technical, administrative and financial implications,

³ “The Council shall consider the report submitted to it by the Secretary-General on the technical, administrative and financial implications of each agenda item”.

and so that the Executive Council may make a recommendation to the General Assembly” and *requested* the Chairman “to report on this decision to the General Assembly”⁴.

On 1 December 2021, Spain submitted through an email to the Secretariat a proposal for the agenda item 11 “Proposal of the Kingdom of Saudi Arabia: Redesigning Tourism for the Future” consisting of the original document revised and a new draft resolution, and requested that it be transmitted immediately to all Member States ahead of its consideration on the following day ([A/24/11 rev.1](#)).

In its [resolution 741\(XXIV\)](#), the General Assembly, *taking note* of the revised proposal submitted jointly by Saudi Arabia and Spain (A/24/11 rev.1), *agreed* on the creation of the task force”, *urged* “the Executive Council to consider such proposal and to set the mandate, composition and modus operandi of the task force based on the guiding principles set forth in the agenda item”, and *recommended* “to appoint Saudi Arabia and Spain as co-chairs” of the Task Force.

At its 116th session held on 7 June 2022 in Jeddah, Saudi Arabia, the Executive Council, in its [decision 6\(CXVI\)](#), *noting* that no official communication had been submitted by Saudi Arabia and Spain to the Secretary-General on the mandate, composition and modus operandi of the Task Force, *decided* to “defer the consideration and evaluation of the proposal to create a Task Force (...) to its next session” and *requested* that “any proposals (...) be consulted with the Secretariat to ensure that [they are] aligned with the legal framework of the Organization”.

On 24 October 2022, the Members of the Executive Council were informed by a letter that an item on the Task Force would be placed on the agenda of the 117th session and enclosing its supporting documentation ([CE/117/4](#)), with the Council being primarily called to approve the “Rules of Procedure of the Task Force” (Annex II, CE/117/4). As later conveyed orally by the Legal Counsel at the discussion of this agenda item, the Legal Office had neither drafted nor cleared any of the documents in support of the agenda item.

Ahead of the 117th session of the Executive Council held on 24 November 2022 in Marrakesh, Morocco, the Secretariat received communications in writing from Portugal, Greece and Senegal raising several concerns and/or proposals and amendments on the supporting documents of the item concerning the Task Force (agenda item 4), particularly the “Rules of Procedure of the Task Force”.

At its opening, the Executive Council, in its [decision 1\(CXVII\)](#), endorsed the proposal of Portugal to discuss the legal issues pertaining to the Task Force before the consideration of agenda item 4 – now agenda item 5(b). The Legal Counsel provided general guidance in order to align the proposal with the legal framework of the Organization as well as with the initial proposal submitted to the 24th session of the General Assembly by Saudi Arabia and Spain.

Following a lengthy discussion and after hearing the clarifications provided by the Secretariat, the Executive Council adopted in its [decision 7\(CXVII\)](#) the following criteria in relation to the Task Force:

- (a) The Task Force is established as a subsidiary body of the Executive Council.
- (b) The mandate, composition and modus operandi of the Task Force is set in accordance with the guiding principles set forth in the in the proposal by Saudi Arabia and Spain as adopted by resolution 741(XXIV) and aligned with the legal framework of the Organization.
- (c) The final document setting out the mandate, composition and modus operandi of the Task Force will be circulated by the Secretary-General, in consultation with the Chairman, together with a report of the Office of the Legal Counsel, by the end of February 2023.
- (d) The Regional Commissions will make a recommendation by March 2023 for approval by the Executive Council on the 9 Full Members to serve on the Task Force in accordance with the following distribution (as per A/24/11 rev.1):
 - a) Africa: 2
 - b) Americas: 2
 - c) East Asia and the Pacific: 1

⁴ CE/DEC/2(CXIV), paragraphs 17 and 18.

- d) Europe: 2
- e) Middle East: 1
- f) South Asia: 1

- (e) All Members of the Organization may submit substantive proposals concerning the Task Force before the next session of the Executive Council.

The present document is the report of the Office of the Legal Counsel providing the necessary clarifications in support of the Rules of Procedure for the Task Force proposed by the Secretariat in consultation with the Chair of the Executive Council for 2023 (Saudi Arabia).

II. Introduction

As this Office already conveyed to the Members *in situ* during the discussion of the item on the Task Force at the 116th and the 117th sessions of the Executive Council at the request of the Secretary-General and the Chair, the governance and structure of the Organization is established in the constituent international treaty of the Organization, the Statutes and the Financing Rules annexed thereto, which represents the primary and overarching law of the UNWTO, to which all organs, rules and policies of the Organization are subordinated.

The creation of any organ not expressly provided for in the Statutes shall be subject to the governance and structure established by them, and its rules of procedure must be likewise fully respectful of its core principles, *inter alia*, on the sovereign equality of Full Members, the participation of all categories of Members in the activities of the Organization, the attribution of powers to the three statutory organs (General Assembly, Executive Council and Secretariat), the principle of fair and equitable geographical distribution in the composition of non-plenary organs, and the decision-making and voting procedures.

It should be noted that the rules of procedure of the General Assembly and the Executive Council establish that they will apply, *mutatis mutandis*, to any respective subsidiary body so created “[s]ubject to any specific provisions” that the Assembly or the Council shall adopt. In the adoption of any specific provisions for the correct functioning of these subsidiary bodies, no provision can be adopted that contradicts the Statutes of the Organization. Indeed, the constituent treaty applies to all organs and bodies of UNWTO and all of them are bound to comply with its provisions and act as its guardians; it being understood without prejudice to the possibility for the General Assembly to amend the constituent treaty through the statutory procedures established in Article 33.

At its 117th session, the Executive Council decided through decision 7(CXVII) that “the Task Force be established as a subsidiary body of the Executive Council to which its Rules of Procedure shall be applicable in accordance with Rule 32;” and that “the mandate, composition and *modus operandi* of the Task Force be set in accordance with the guiding principles set forth in the proposal by Saudi Arabia and Spain as adopted by General Assembly resolution 741(XXIV) and aligned with the legal framework of the Organization”.

It should be noted that the proposal submitted by the Kingdom of Saudi Arabia and by Spain to the 24th session of the General Assembly ([A/24/11 rev.1](#)) establishes that the rules of procedure of the Task Force were to be adopted “having regard to the rules and procedures commonly applied by UN specialized agencies, as needed” (see paragraph 10, draft resolution).

In view of the above, the proposed Rules of Procedure of the Task Force prepared by the Secretariat for approval by the Executive Council are aligned with the Rules of Procedure of other existing subsidiary bodies of the Executive Council, such as the Technical Committees on Tourism and Competitiveness and Tourism Sustainability, except in those elements which have been introduced by the Secretariat after consultation with the Chair of the Executive Council, *e.g.* the Co-Chairpersonship, the funding of the Task Force and the access to documents and information. Such rules establish the mandate, composition and matters related to the *modus operandi* of these bodies, only insofar as necessary for their correct functioning, while referring to the application of the Rules of Procedure of the Executive Council (RPEC) for any other matters not explicitly reflected in the rules. The proposed Rules of Procedure of the Task Force follow the same pattern in order to avoid unnecessary duplications and to ensure consistency in the practice of UNWTO intergovernmental bodies. Consequently, they do not refer expressly to matters such as decision-making processes

and voting procedures or to the conduct of business of meetings (except for the functioning of the Co-Chairpersonship), which are already fully contemplated in the Rules of Procedure of the Executive Council and applicable to the Task Force in accordance with its proposed Rule III.7 and pursuant to decision 7(CXVII) of the Executive Council.

III. Mandate

The mandate and the scope of work of organs or bodies of the Organization is fixed by the organ establishing them – which usually acts as *parent organ*. Such is the case of the committees of the Executive Council, with the exception of the Committee on Matters Related to Affiliate Membership (CMAM). Indeed, the CMAM – originally the *Committee for the Review of Applications for Affiliate Membership* – was established by the General Assembly⁵ to operate within the structure of the Executive Council with a view to examine all applications for affiliate membership and to make recommendations to the General Assembly.

In the case at hand, the General Assembly urged the Executive Council to set the mandate of the Task Force on the basis of the *guiding principles* set forth in [A/24/11 rev.1](#). According to Section III “Mandate of the Redesigning Tourism for the Future Task Force”, the Task Force is mandated to:

- (a) “Reinvigorate the UNWTO by, inter alia, considering changes to the UNWTO’s current working methods, within the framework of the Statutes, as well as the establishment of improved programs and initiatives, to ensure that the UNWTO can service the existing and future needs of the tourism sector, particularly in relation to the developing world;
- (b) Take under consideration measures that respond to global calls for a UNWTO that provides its Member States with materially improved programs and initiatives, that it is capable of executing with tangible and measurable outcomes which are designed to serve the future that caters to the needs of all Member States including developing States and that aligns with the three key pillars of Redesigning Tourism for the Future: sustainability, resilience and inclusivity; and
- (c) Encourage and ensure the meaningful participation of non-State stakeholders in the redesign of the global tourism sector.”

Using the paragraph above from A/24/11 rev.1 (see paragraph 7, Section III) as *guiding principle* while taking into account the input provided by the Members of the Executive Council at its 117th session, the Secretariat has developed the following proposal for the mandate of the Task Force:

- (a) The mandate of the Redesigning Tourism for the Future Task Force is to strengthen UNWTO, including its operational and institutional framework, to service the existing and future needs of the tourism sector for both developed and developing countries - as required by new and emerging challenges and crisis - consistent with the existing Statutes of the Organization.

To reposition the tourism sector more prominently on a global scale to benefit people and the planet, we need greater international collaboration and empowered international organizations, within the framework of a reinvigorated multilateral system and a rapidly evolving business environment, for tourism growth to be sustainable, inclusive and resilient.

Consistent with the Statutes of the Organization, the Redesigning Tourism for the Future Task Force’s strategic objectives are to:

- (i) support the Secretariat to strengthen the UNWTO to better guide and service the existing and future needs of the tourism sector, in light of the new global context;
- (ii) contribute to shape UNWTO’s strategic priorities to engage for building a resilient, inclusive, and sustainable tourism sector for both developed and developing economies;

⁵ A/RES/172(VI)

(iii) review UNWTO's institutional and risk framework, and working methods as well as its strategy and other measures, to provide recommendations and strategy and reform proposals (as well as reports) to be approved by the Executive Council and then the General Assembly, so that the UNWTO's framework, working methods, strategy and other measures can be made fit for purpose to better serve Members, considering endogenous and exogenous challenges;

(iv) encourage and ensure the meaningful participation of non-State stakeholders in the redesign of the global tourism sector.

(b) The mandate of the Redesigning Tourism for the Future Task will continue until the 25th session of the General Assembly. The extension of this term will be approved by the General Assembly.

IV. Composition and terms of office

a) Composition

The composition of non-plenary organs or bodies of the Organization, especially when they are subsidiary of the Council such as the Task Force, should follow the principle of fair and equitable geographical distribution established in Article 14(1) of the Statutes in respect of Full Members, and provide for the participation of Associate and Affiliate Members – in line with the consistent practice of the Council, at least one Associate Member and the representative of the Committee of Affiliate Members – to ensure alignment with the legal framework of the Organization.

The proposal of the Secretariat in Rule II.1 of the Rules of Procedure of the Task Force regarding the composition and particularly the number of Full Members on a regional basis, follows the consistent practice of other committees that are subsidiary to the Executive Council. Consequently, the Task Force would be composed of nine Full Members – in addition to one Associate Member and one Affiliate Member without the right to vote – appointed by the Executive Council upon recommendation by the Regional Commissions in accordance with the principle of fair and equitable geographical distribution as follows:

- a) Africa: 2
- b) Americas: 2
- c) East Asia and the Pacific: 1
- d) Europe: 2
- e) Middle East: 1
- f) South Asia: 1

Please find below a chart showing the composition of Full Members by regions of subsidiary organs of the Executive Council.

	CAF	CAM	CAP	CSA	CEU	CME
Programme and Budget Committee	2	2	2	2	2	2
Committee on Matters Related to Affiliate Membership ⁶	1	1	1	1	1	1
Committee on Statistics	2	2	1	1	2	1
Committee on Tourism and Competitiveness	2	2	1	1	2	1
Committee on Tourism and Sustainability	2	2	1	1	2	1
Committee on Online Education	2	2	1	1	2	1

As established in decision 7(CXVII) and as per the consistent practice of the Organization, Full Members designated to serve in subsidiary bodies of the Council are recommended by the Regional Commissions – normally by consensus – and, subsidiarily, through a vote, and appointed by the parent organ.

⁶ The CMAM is composed of six Full Members (one per region) and then two Full Members from the region with the highest number of Affiliate Members and one Full Member from the region with the second highest number of Affiliate Members.

b) Officers

The proposal of the Secretariat under Rule II.3, in consultation with the Chair, does not reflect the long-standing practice of the Governing Bodies and their subsidiary organs by which a Chair and one or two Vice-Chairs are elected among the Full Members of the organ itself. Instead, the General Assembly recommended in its resolution 741(XXIV) that two Co-Chairs (Saudi Arabia and Spain) be appointed.

In the present case, insofar as the Task Force is a subsidiary organ of the Executive Council, the provisions of the Rules of Procedure of the Executive Council shall apply to the Task Force “subject to any specific provisions the Council may adopt”⁷. Consequently, it is entirely up for the Council to take a decision on whether the Task Force follows the long-standing practice concerning officers of non-plenary organs of the Organization (one Chair and one Vice-Chair) or not (two Co-Chairs), as recommended by the General Assembly.

It is noted, however, that having two Full Members acting *equally or jointly* as Chairs raises several concerns of a practical nature. For example, the Task Force could face the scenario where the Co-Chairs do not agree on the ruling concerning a point of order raised by a delegate, leading to a situation which is neither foreseen in nor solved by any of the rules of procedure of the Organization. Therefore, the Legal Office is of the view that having two Full Members acting as Co-Chairs **is not advisable** for the officers of the Task Force from a practical and legal perspective. There is an alternative option which is for the Co-Chairs to split the functions of the position so that they do not collide. Ultimately, unless all functions are clearly defined and expressly vested in either of the Co-Chairs, concerns may arise on who does what, thus leading, just like in the case above, to a situation which is neither foreseen in nor solved by any of the rules of procedure of the Organization.

Accordingly, the Chair of the Executive Council has introduced the proposed Rule III.2 which provides that the Co-Chairs of the Task Force split the functions (“share and allocate between themselves responsibilities”) and that they take turns in presiding over the agenda items at meetings of the Task Force (“each Co-Chair shall chair over each agenda item in turn”). In case of disagreement (“[i]n the event the Co-Chairs cannot jointly agree on any of the responsibilities”), the matter is referred to the Task Force which shall rule by a simple majority vote.

The Legal Office welcomes this proposal from the Chair to provide more legal certainty in the conduct of business, while highlighting the need to further detail and develop a more comprehensive set of rules or guidance for the Co-Chairs, which could be decided by the Task Force itself.

Regarding the appointment of the Co-Chairs by the Executive Council, it should be noted that, having two Co-Chairs designated by the Executive Council before Members of the Task Force have been selected and appointed has an impact on the proposed composition of the Task Force. It is recalled that the current proposal is compliant with the principle of fair and equitable geographical distribution enshrined in Article 14(1) of the Statutes. Consequently, the Co-Chairs must be elected among the nine Full Members as proceeding otherwise would not reconcile with the above-mentioned principle.

This would mean that Europe may only recommend one Member to serve in the Committee, while the Middle East will not be able to recommend any, as Spain and Saudi Arabia will have already been appointed to serve as Members and Co-Chairs of the Task Force.

c) Attendance of observers

Regarding the participation of other Members of the Organization that have not been appointed by the Executive Council as members of the Task Force, no specific provision has been included in the proposed Rules of Procedure, following the rules of other existing subsidiary bodies of the Executive Council and therefore, in accordance with proposed Rule III.7, the Rules of Procedure of the Executive Council will apply *mutatis mutandis*.

On the basis of Rule 1(4) RPEC which shall apply *mutatis mutandis* to the Task Force, a Full Member that is not a Member of the Task Force may attend all meetings of the Task Force as an Observer, “without the right to speak or to vote”, unless the Chairman authorizes such Full Member to speak,

⁷ Rule 32 RPEC.

either at the Task Force's request or at the request of the Full Member. In accordance with Rule 1(5) RPEC, an Associate or Affiliate Member may be authorized to speak on an agenda item, either at the Task Force's request or when the Member so requests in writing.

The potential participation in the Task Force of States, entities and organizations that are not Members of the Organization as "invited participants" shall follow the existing practice of the Governing Bodies and their subsidiary organs. Proposed Rule II.2 replicates paragraph 6 of the rules of procedure of the Committees on Competitiveness and Sustainability. Such entities may be proposed by the Secretary-General in coordination with the Chair of the Executive Council and shall require the approval of the Executive Council to participate as Observers or speakers to the Task Force meetings.

It should be noted, that in accordance with the customary practice of the UNWTO and in line with its status as a specialized agency of the United Nations, the participation of States that are not Full Members of the Organization shall be restricted to States that are Members of the United Nations.

d) Term of Office

While the duration of the term of office of the members of the Task Force is subject to the mandate provided by the 24th session of the General Assembly to the Task Force – i.e., until the 25th session in 2023 as per the proposed Rule I.2 – and will expire upon its conclusion, it should be noted that under the current practice of other subsidiary bodies of the Executive Council, members are recommended by the Regional Commissions for a four-year term and appointed by the Executive Council – normally in meetings held in the framework of the General Assembly. The same procedure is retained in the proposed Rules of Procedure of the Task Force should the mandate of the Task Force be renewed by the 25th session of the General Assembly, the only difference being that the term of office of the initial members be extended such additional time necessary until the Executive Council takes a decision on the composition of the Task Force, be it maintaining it or changing it.

In line with the Executive Council, the Secretariat proposes that the term of office of the Officers of the Task Force (the Chair and the Vice-Chair) be limited to one year, and renewable for an additional period of one year, subject to a decision of the Task Force on its renewal, either by consensus or by secret ballot if consensus cannot be reached on the candidate(s).

V. Modus Operandi

The proposed modus operandi for the Task Force follows in general lines the modus operandi of other technical committees subsidiary to the Executive Council, such as the Technical Committees for Competitiveness and Sustainability regarding the working language, the consensus-building approach to the preparation of recommendations and proposals for approval of the Council, and the frequency of meetings.

While technical committees usually meet within the framework of the Executive Council session to which they report their recommendations and conclusions, nothing prevents such bodies to interact as much as necessary through virtual means for the correct performance of their mandate, hence the proposed Rule III.6. This facilitates and expedites the work of the Committees, while avoiding any additional financial burden for the Organization.

VI. Reporting to the Executive Council and to the General Assembly

According to the functions set out under Article 19 of the Statutes, the Executive Council is the executive board of UNWTO and is tasked with preparing the work for and executing the decisions and recommendations of the General Assembly – the "supreme organ of the Organization"⁸. The Executive Council also supervises the Secretariat and the budget of the Organization and decides on current affairs when the Assembly is not in session, but only subject to the final authority of the latter⁹.

⁸ Article 9(1) of the Statutes.

⁹ See Article 20 of the Statutes.

Based on the foregoing, the Task Force cannot report directly to the Assembly but rather through the Council necessarily (see Rules III.6 and III.11). Thus, any report, recommendation and/or decision adopted by the Task Force may only be submitted to the Executive Council and, insofar as it is a subsidiary organ of the latter, they will need to be approved by the Council before it reports to the Assembly.

VII. Access to information and documents

After consultation with the Chair of the Council, the Secretariat has introduced a new provision under Rule III.9 enabling the Task Force to request information or documents from the Secretariat insofar as these are not “protected from disclosure by legal privilege, privacy or confidentiality”. As for “disclosures to the public”, the Secretariat will do so “in accordance with the UNWTO’s applicable rules and policies”.

However, the wording of Rule III.9 raises concerns from a legal perspective as it simply does not reconcile with the legal framework of the Organization, in particular the Secretariat’s Public Information Disclosure (SGB/12/19), which is aligned with those of other UN entities¹⁰. Indeed, the limitations to the disclosure of internal information, which apply to the public, including Members of the Organization, reflect what is necessary to preserve legitimate public or private interests. This is precisely why the Secretariat’s policy applies “to all information created by UNWTO or in its possession” regardless of the person or entity requesting access thereto.

Furthermore, the wording of Rule III.9 does not clarify the scope of the power of the Task Force and what are the documents and information to which it can request full access. It is also unclear who would be the responsible authority making the determination that said documents are protected from disclosure – the Task Force itself or the Secretary-General?

It should be recalled that the function of the Task Force to make broad requests for any information or documentation to the Secretariat was not in its mandate as adopted by General Assembly resolution 741(XXIV). This function was first introduced in the draft Rules of Procedure of the Task Force under Rule 5(3) as submitted to the 117th session of the Executive Council ([CE/117/4](#)) and it raised several concerns and comments by Members of the Council which even requested that the Legal Office confirm its legality.

It is also recalled that the international documents of UNWTO, just like other international organizations, are normally excluded from public scrutiny and the reach of national authorities. The inviolability of archives has been traditionally considered a fundamental immunity of international organizations for the purpose of protecting the independent exercise of their functions while protecting the privacy and safety of third parties. In the case of UNWTO, the inviolability of its archives and all documents in general belonging to it or held by it wherever located is enshrined under Section 6, Article III, of the Convention on the Privileges and Immunities of the Specialized Agencies, approved by the General Assembly, and to which member States have acceded or undertaken to apply through bilateral agreements.

In the practice of the Organization, disclosure of internal documents and information is made only to those bodies that are statutorily designated to that purpose – the External Auditor –, as well as to UN bodies with which the Organization has entered into special arrangements, such as the Office for Internal Oversight and the Joint Inspection Unit.

Consequently, the Legal Office submits an alternative wording in the case the Executive Council considers proceeding differently which accommodates the position of the Chair of the Executive Council while ensures that the Secretariat complies with its applicable rules and policies on the matter which, as mentioned above, are fully aligned with those of other UN entities:

“The Secretariat will provide any information or documents of UNWTO requested by the Task Force in accordance with UNWTO’s applicable rules and policies¹¹ and to the extent that such information and documents is or are not protected from disclosure by legal privilege, privacy or confidentiality.”

¹⁰ See e.g. [WHO](#) and [UNDP](#).

¹¹ Public Information Disclosure policy (SGB/12/19).

VIII. Application of Rules of Procedure of the Executive Council *mutatis mutandis*

According to Rules 8(2) and 32, the Rules of Procedure of the Executive Council shall be applicable *mutatis mutandis* to any subsidiary organs established by the Council. This Latin expression, which translates into English as “with the necessary changes”, indicates that whilst it may be necessary to make some changes to take account of different situations, the main point remains the same¹².

In the present case, this means that, insofar as the Task Force is a subsidiary organ of the Executive Council, the provisions of the Rules of Procedure of the Executive Council shall apply automatically in relation to those elements that are not expressly covered in the Rules of Procedure of the Task Force (Rule III.10).

In reply to the concerns expressed by Portugal, Senegal and Greece ahead of the 117th session of the Executive Council, the following clarifications are provided:

a) Role of the Secretary-General

The functions of the Secretary-General in the Task Force would be the same he possesses with respect to the Executive Council in which he acts as Secretary. Consequently, the Secretary-General – or another staff acting on his behalf – will, *inter alia*, send the letters of convocation for sessions of the Task Force (Rule 3 RPEC), draw up the provisional agenda of the meeting in agreement with the Chair/Co-Chairs (Rule 4 RPEC) and prepare and submit a report on all items included in the agenda of the Task Force (Rule 11 RPEC). Likewise, the Secretary-General would have the right to make at any time oral or written statements on any matters under discussion (Rule 12 RPEC).

An inherent role of the Secretary-General within the Task Force would be to coordinate its work with that of other bodies of the Organization, particularly with other subsidiary organs of the Executive Council whose scope is related to the preparation of the programme of work of the Organization, such as the Programme and Budget Committee.

b) Role of the Officers

The functions of the Chair or Co-Chairs of the Task Force would parallel those of the Chairman of the Executive Council without further additional powers. Thus, the Chair(s) will, *inter alia*, agree on the provisional agenda of meetings of the Task Force drafted by the Secretary-General (Rule 4 RPEC), ensure the observance of the Rules of Procedure and the orderly conduct of the meetings (Rules 6 and 17-25 RPEC).

c) Decision-making and voting procedures

In line with the applicable rules at the Executive Council sessions, the presence of a majority of the Full Members of the Task Force will be necessary to constitute a quorum at its meetings (Rule 15 RPEC) and its meetings will be public unless the Task Force itself decides otherwise (Rule 16 RPEC). Each Full Member will have one vote (Rule 27 RPEC) and the decisions/recommendations of the Task Force will be taken by a simple majority of the Full Members present and voting (Rule 28 RPEC). In the event of holding a vote, the Task Force will follow Rules 40-43 of the Rules of Procedure of the General Assembly, in the same way that the Council does.

d) Format of the meetings

At the outset, the proposed Rule III.6 provides that meetings of the Task Force will take place preferably within the framework of Executive Council sessions, without prejudice to arranging meetings and consultations, including by electronic means, in accordance with the special procedures applicable to virtual meetings of the Executive Council. As in the case of the Executive Council, the letters of convocation for meetings of the Task Force would be sent by the Secretary-General.

¹² <https://www.lexisnexis.co.uk/legal/glossary/mutatis-mutandis>

IX. Funding

At the outset, organs of the Organization, including its subsidiary bodies, do not have a budget of their own nor are they directly assigned funds to carry out their functions. Pursuant to Article 25(1) of the Statutes, the budget of the Organization “[covers] its administrative functions and the general programme of work”. Indeed, there is no provision in the rules of procedure of the General Assembly or the Executive Council making allowance for the receipt of voluntary contributions for the performance of their functions.

However, in consultation with the Chairman of the Executive Council (the Kingdom of Saudi Arabia) with a view to clarify any potential queries on the matter, the Secretariat has introduced a provision under Rule III.12 allowing for the possibility for the Organization to receive voluntary contributions that may be allocated to the execution of the mandate of the Task Force in accordance with the Statutes and the Financial Regulations and Rules, while making it clear that the Task Force does not have a budget of its own.

Annex III: Comments received from the Ministry of Economy of Armenia



**EMBAJADA DE LA REPÚBLICA DE ARMENIA
EN EL REINO DE ESPAÑA**

No. 2212/043/23

N O T E V E R B A L E

The Embassy of the Republic of Armenia to the Kingdom of Spain presents its compliments to the Secretariat of the World Tourism Organization (UNWTO) and, with reference to the latter's note verbale N: CONF/03/2023 dated 01 March 2023, has the honour to enclose herewith the considerations presented by the Tourism Committee of the Ministry of Economy of the Republic of Armenia on the Rules of Procedure of the Redesigning Tourism for the Future Task Force and the report of the Office of the Legal Counsel.

The Embassy of the Republic of Armenia to the Kingdom of Spain avails itself of this opportunity to renew to the Secretariat of the World Tourism Organization (UNWTO) the assurances of its highest consideration.

S.A.

Madrid, 22 March 2023

UN World Tourism Organization
Madrid



CONSIDERATIONS

on the Rules of Procedure of the Redesigning Tourism for the Future Task Force and
the report of the Office of the Legal Counsel.

➤ **Voluntary contributions:**

Rule III.12 says that *“While the Task Force does not have a budget of its own, the Organization may receive voluntary contributions to be allocated to the execution of the mandate of the Task Force in accordance with the Statutes and the Financial Regulations and Rules of the Organization.”*

According to the clarification provided under “IX Funding” of the Report of the Legal Office on the Rules of Procedure of the Task Force (henceforth Report) *“At the outset, organs of the Organization, including its subsidiary bodies, do not have a budget of their own nor are they directly assigned funds to carry out their functions. Pursuant to Article 25(1) of the Statutes, the budget of the Organization “[covers] its administrative functions and the general programme of work”. Indeed, there is no provision in the rules of procedure of the General Assembly or the Executive Council making allowance for the receipt of voluntary contributions for the performance of their functions.*

However, in consultation with the Chairman of the Executive Council (the Kingdom of Saudi Arabia) with a view to clarify any potential queries on the matter, the Secretariat has introduced a provision under Rule III.12 allowing for the possibility for the Organization to receive voluntary contributions that may be allocated to the execution of the mandate of the Task Force in accordance with the Statutes and the Financial Regulations and Rules, while making it clear that the Task Force does not have a budget of its own.”.

Further clearance on this Rule is required clarifying what costs will be covered or services acquired by the accumulated budget, whether there is any limitation for the voluntary contributions, and who will be in charge of the mentioned budget and its spending. At the same time, will the provision of such voluntary contributions guarantee impartiality of the Task Force and its decisions?

➤ **Access to information and documents:**

According to Rule III.9 *“The Secretariat will provide any information or documents of UNWTO requested by the Task Force in accordance with UNWTO’s applicable rules and*

policies¹¹ and to the extent that such information and documents is or are not protected from disclosure by legal privilege, privacy or confidentiality.”

Point “VII. Access to information and documents” clearly raises the concerns regarding the mentioned Rule at the same time suggesting an alternative wording for the Rule *“in the case the Executive Council considers proceeding differently which accommodates the position of the Chair of the Executive Council while ensures that the Secretariat complies with its applicable rules and policies on the matter which, as mentioned above, are fully aligned with those of other UN entities:”*.

However, we insist on providing further clarification on *“the scope of the power of the Task Force and what are the documents and information to which it can request full access. It is also unclear who would be the responsible authority making the determination that said documents are protected from disclosure – the Task Force itself or the Secretary-General?”* as duly outlined in the Report (paragraph 3, section VII. Access to information and documents).

➤ **Appointment of Co-Chairs:**

According to the background information provided by the Report *“In its resolution 741(XXIV), the General Assembly, taking note of the revised proposal submitted jointly by Saudi Arabia and Spain (A/24/11 rev.1), agreed on the creation of the task force”, urged “the Executive Council to consider such proposal and to set the mandate, composition and modus operandi of the task force based on the guiding principles set forth in the agenda item”, and recommended “to appoint Saudi Arabia and Spain as co-chairs” of the Task Force.”*

In the Executive Summary of the same report *“The Legal Office further notes that the appointment of two Co-Chairs under Rule II.3, as recommended by the General Assembly resolution 741(XXIV), may require the development of guidance for the conduct of business in meetings of the Task Force, which may have to be approved by the Task Force itself (see page 6).”*

At the same time the Report says (section b) Officers, IV. Composition and terms of office) that *“The proposal of the Secretariat under Rule II.3, in consultation with the Chair, does not reflect the long-standing practice of the Governing Bodies and their subsidiary organs by which a Chair and one or two Vice-Chairs are elected among the Full Members of the organ itself. Instead, the General Assembly recommended in its resolution 741(XXIV) that two Co-Chairs (Saudi Arabia and Spain) be appointed.”*, which raises some concerns of a practical nature, including the splitting of functions.

The Report also outlines that *“Regarding the appointment of the Co-Chairs by the Executive Council, it should be noted that, having two Co-Chairs designated by the Executive Council before Members of the Task Force have been selected and appointed has an impact on the proposed composition of the Task Force. It is recalled that the current proposal is compliant with the principle of fair and equitable geographical distribution enshrined in Article 14(1) of the Statutes. Consequently, the Co-Chairs must be elected among the nine Full Members as proceeding otherwise would not reconcile with the above-mentioned principle.*

This would mean that Europe may only recommend one Member to serve in the Committee, while the Middle East will not be able to recommend any, as Spain and Saudi Arabia will have already been appointed to serve as Members and Co-Chairs of the Task Force.”.

Taking into consideration the above mentioned, we agree with the Legal Office that *“a more comprehensive set of rules or guidance for the Co-Chairs, which could be decided by the Task Force itself”* should be developed.

At the same time, we suggest considering the option of changing the Composition of the Office after the Task Force is fully developed and is functioning, maintaining the *“long-standing practice of the Governing Bodies and their subsidiary organs by which a Chair and one or two Vice-Chairs are elected among the Full Members of the organ itself.”*. This can be conducted after the end of the initial one-year term, making the Composition of the Task Force compliant with the principle of fair and equitable geographical distribution.

Annex IV: Comments received from the Ministry of Tourism of Greece

Comments to the Rules of Procedure of the Redesigning Tourism for the Future Task Force provided by the Ministry of Tourism of Greece

(Sent to UNWTO Secretariat via email by the Head of International Relations and EU Affairs,
Directorate of Strategic Planning, Ministry of Tourism of Greece, on 24 March 2023)

It is with great satisfaction that we have received the revised Rules of Procedure of the Redesigning Tourism for the Future Task Force and the relevant report of the Office of the Legal Counsel.

We do believe that the proposal of the Secretariat is a considerably improved document, taking into due consideration the concerns of several member-states. The thorough overview by the Legal Office and its statement about the consistency of the mandate (purpose and scope) of the Redesigning Tourism for the Future Task Force with the Statutes of the Organisation gives Greece a reassurance to proceed in a solid and transparent basis as it is the case with any eventual extension of its term that will be approved by the General Assembly and of course its status as a subsidiary body of the Executive Council to which its Rules of Procedures shall be applicable.

In this respect, we consider now as clear and convenient the mandate of the Task Force to a) support the Secretariat of the Organization in its tasks and contribute to shape UNWTO's strategic priorities as well as b) for its deliverables to be submitted for approval to the Executive Council and subsequently to the General Assembly. We do propose to omit the second subparagraph, **Rule I, par. 1** "To reposition the tourism sector [...] inclusive and resilient" as rather unnecessary. In addition, its wording "we need" is inconsistent with the usual, neutral wording of the Rules of Procedure of an international organization or an organ thereof.

As far as the composition is concerned, we believe that the wording of **Rule II, par. 3**, "After the Executive Council appoints [...], which may be renewed", does not make it clear whether it is possible for the Task Force to elect as Co-Chairs for the second term the initial Co-Chairs to be appointed by the Executive Council or whether the subsequent Co-Chairs should be different.

With reference to the Modus Operandi, even if the position of the Legal Counsel to follow the long-standing practice of the Governing Bodies, being now the Task Force a subsidiary organ of the Executive Council, and have a Chair and one (or two Vice-Chairs) of the organ seems rather rational from a practical and legal perspective, we can support the alternative proposal of Saudi Arabia, as a Chair of the Executive Council, to split the functions of Chairmanship between the two Co-Chairs as a means to allocate the responsibilities between them. However, in relation to **Rule III, par. 2**, the time distribution of responsibilities and work between the Co-Chairs could also be considered, according to which both will have the title of Co-Chair for the whole of the year, but the essential responsibilities will be exercised by one for the one semester and by the other for the next.

With reference to **Rule III, par. 10**, which provides for all matters not specifically regulated by these Rules of Procedure, the Rules of Procedure of the Executive Council shall apply, we propose to consider the possibility of not only refer to the above applicable Rules, but that these be copied and incorporated into the Task Force's Rules of procedure, where necessary, in order to avoid constant recourse to two different texts.

With reference to **Rule III, par 12**, after making clear that the Task Force does not have a budget of its own, we support the provision introduced by the Secretariat in consultation with Saudi Arabia, allowing the possibility for the Organisation to receive voluntary contributions that may be allocated to the execution of its mandate, provided that, of course, any funding is subject to the Financial Regulations and Rules of UNWTO.

We would like to thank the Secretariat and the Legal Counsel for the clarifications provided and the work they have done so far to set up the revised Rules of Procedure of the Redesigning Tourism for the Future Task Force.

Annex V: Comments received from the Ministry of Tourism of Italy

MINISTERO DEL TURISMO
 Protocollo in Partenza - 8. PROTOCOLLO - SEGRETERIA DEL CONSIGLIERE DIPLOMATICO
 Prot. n.0005917/23 del 24/03/2023



Ms Zhanna Yakovleva,
 Chief of Cabinet
 World Tourism Organisation (UNWTO)

Rome, March 24th, 2023

Dear Chief of Cabinet,

Italy would like to thank the Secretariat of the World Tourism Organization for circulating the revised Rules of Procedure of the Redesigning Tourism for the Future Task Force (hereinafter “the Task Force”) and the report of the Office of the Legal Counsel

We welcome detailed legal analysis and the review of the original draft mandate and rules of procedure as a much-needed step that confirmed the soundness of the concerns expressed by some Full Members in relation to the initiative to create the Task Force. We deem it necessary to ensure the full alignment of the proposal with the legal framework of the Organization, in the best interest of the UNWTO itself and its membership.

In this respect, following are some comments and questions on the draft text circulated through Note Verbale CON/03/23.

I. Mandate

- We suggest to amend the last sentence of Rule I.2 should read as follows: “The extension of this term will be submitted for approval to the General Assembly”.
- We would like to ask how “strategy and reform proposals” from the Task Force - if approved by the Council - will fit within the process of adoption of the general programme of work and the two years budget cycle, especially as a medium-long term strategy approach was frequently mentioned during the discussions. Should this involve amending the Statutes and/or the Financial Rules?

II. Composition and term of office

- We would like to recall that some Full Members expressed concerns for the number of members the Regional Commission for Europe may recommend. The allocation of two seats to CEU *in addition* to one of Co-Chairs was discussed and included in previous proposals.

We understand that Rule II.1 now reflects the principle of fair and equitable geographical distribution and follows the consistent practice of other committees that are subsidiary to the Executive Council. However, as pointed out by the Legal Counsel, “having two Co-Chairs designated by the Executive Council before Members of the Task Force have been selected and appointed has an impact on the proposed composition of the Task Force”: this leaves the CEU the possibility to select only one member of the Task Force.

Shouldn't the principles of the Organization and the long-standing practice of the Governing Bodies and their subsidiary organs be consistently and systematically applied to the Task Force, including the principles of selection by the Regional Commissions of *all* members of the subsidiary bodies and of election of the organ officers?

This would ensure the integrity of the legal framework. While following these general principles the membership could, of course, take in due consideration the *guiding principles* and *recommendations* of the General Assembly.

III. Modus Operandi

- We share the concerns expressed by the Legal Counsel about **Rule III.9** and support the inclusion of the alternative wording proposed on page 16 of the circulated document.
- In general, the issue of access to information and documents does not seem essential for the Task Force to execute the mandate set forth in Rule I.
- We would like to receive clarifications on the exact purpose of voluntary contributions “allocated to the execution of the mandate of the Task Force” under **Rule III.12**. The Organization does not receive voluntary contributions for other subsidiary organs of the Executive Council to perform their functions. Besides the mandate defined in Rule I does not seem to imply the need for specific funding to support the activities of the Task Force.

We thank you for your attention and confirm our readiness to cooperate for a successful outcome of the 118th session of the Executive Council.

Please accept the assurances of my highest consideration.


Simone Landini

Diplomatic Advisor

Annex VI: Comments received by the Ministry of Tourism of Morocco

Comments to the Rules of Procedure of the Redesigning Tourism for the Future Task Force provided by the Ministry of Tourism, Handicrafts and Social and Solidarity

Economy of Morocco

(Sent to UNWTO Secretariat by the Chief of Specialized Agencies Service, Directorate for Strategy and Cooperation, Ministry of Tourism, Handicrafts and Social and Solidarity Economy of Morocco, via email on 3 April 2023)

- Le Maroc avait adhéré à la résolution adoptée par la 24ème Assemblée de l'OMT concernant la constitution du Groupe d'étude précité, et également à la décision de la 117ème Session du Conseil Exécutif qui a convenu que ledit Groupe soit institué en tant qu'organe subsidiaire dudit Conseil ;
- Soutien par le Maroc de cette initiative qui apportera une valeur ajoutée à l'OMT, tout en veillant au respect du cadre juridique de l'OMT et des règlements intérieurs de l'Assemblée Générale et du Conseil Exécutif ;
- L'éventuelle participation des Etats qui ne sont pas des Membres effectifs de l'OMT, aux réunions de ce Groupe d'études, doit être limitée uniquement aux États qui sont Membres de l'Organisation des Nations Unies.

Translation into English

- Morocco had supported the resolution adopted by the 24th UNWTO Assembly concerning the establishment of the above-mentioned Task Force and also to the decision of the 117th session of the Executive Council which decided that the said Task Force be established as a subsidiary body of the said Council;
- Support by Morocco for this initiative, which will bring added value to UNWTO, while ensuring compliance with the UNWTO legal framework and the rules of procedure of the General Assembly and the Executive Council;
- The possible participation of States that are not Full Members of UNWTO in the meetings of this Task Force should be limited only to States that are Members of the United Nations.

Annex VII: Comments received by the Ministry of Tourism of Portugal



Distinguished Mr. Zurab Pololikashvili
Honourable Secretary General
UNWTO

Topic: Rules of Procedure and the report of the Office of the Legal Counsel regarding the Task Force on Redesigning Tourism for the Future.

Dear Mr. Zurab,

In accordance with the Executive Council decision CE/DEC/7(CXVII) the Secretariat has circled the document, which includes the mandate, composition and modus operandi of the Task Force, in consultation with the Chair of the Executive Council, together with a report of the Office of the Legal Counsel.

In that regard, and after thoughtful consultation, we have some questions and comments:

1. We recognize that this new draft answers most of our previous questions, namely the Task Force being established as a subsidiary body of the Executive Council, to which its Rules of Procedure shall be applicable and should be aligned with the legal framework of the Organization.
2. We acknowledge that the Legal Office notes that the proposal is mostly aligned with the legal framework of the Organization, except for Rule III.9 which has not been drafted nor validated by the Legal Office. We agree with the alternative proposal suggested by the Legal Office, with this new formulation:

"The Secretariat will provide any information or documents of UNWTO requested by the Task Force in accordance with UNWTO's applicable rules and policies and to the extent that such information and documents is or are not protected from disclosure by legal privilege, privacy or confidentiality."

3. We take note that the Legal Office notified that the appointment of two Co-Chairs may require the development of guidance for the conduct of business in meetings of the Task Force, which may have to be approved by the Task Force itself. We think we need further clarification regarding this subject:

The Legal Office highlights the need to further detail and develop a more comprehensive set of rules or guidance for the Co-Chairs, which could be decided by the Task Force itself.

Regarding the appointment of the Co-Chairs by the Executive Council, it should be noted that having two Co-Chairs designated by the Executive Council, before the selection and

appointment of the Members of the Task Force itself, have an impact on the proposed composition of the Task Force.

Consequently, the Co-Chairs must be elected by the nine Full Members as proceeding, otherwise that would not be reconciled with the principle above-mentioned. This would mean that Europe may only recommend one Member to serve in the Committee, while the Middle East will not be able to recommend any, as Spain and Saudi Arabia will have already been appointed to serve as Members and Co-Chairs of the Task Force.

Therefore, we need further clarification regarding this subject and the nomination without voting of Saudi Arabia and Spain as Co-Chairs.

4. Regarding the funding, as reported by the Legal Office, the outset, organs of the Organization, including its subsidiary bodies, do not have a budget of their own nor are they directly assigned funds to carry out their functions. We agree with the provision introduced by the Secretariat under Rule III.12 allowing for the possibility for the Organization to receive voluntary contributions that may be allocated to the execution of the mandate of the Task Force in accordance with the Statutes and the Financial Regulations and Rules, while making it clear that the Task Force does not have a budget of its own.

Best regards,



Nuno Fazenda

Secretário de Estado do Turismo, Comércio e Serviços



Secretary-General's Bulletin

SGB/12/19
Madrid, 25 November 2019

Public information disclosure policy

The World Tourism Organization (UNWTO) is committed to making information about its activities and operations available to the public. UNWTO considers public access to information is a key component of effective engagement with all stakeholders, including its Member States, Associate and Affiliate Members and the public, in the fulfillment of its mandate UNWTO recognizes that public access to its information facilitates transparency and accountability and enhances trust in its activities to further its mandate.

Section 1

Purpose and scope

- 1.1 This Policy is intended to ensure that information concerning UNWTO's activities is made publicly available, subject to the exceptions and limitations set out in sections III and IV below. These exceptions are limited to what is essential to protect the privacy of individuals and third parties, legal privilege, contractual, proprietary or commercial information and internal governance matters.
- 1.2 Information jointly owned with third parties, for example, memoranda of understanding, donor agreements, and other contractual arrangements, may be made available on a case by case basis with the agreement of the parties concerned.
- 1.3 Information accessible to the public shall be made available, as far as reasonable and practical, primarily through the UNWTO public website, and through official Social Media accounts.
- 1.4 This Policy shall apply to all information created by UNWTO or in its possession.

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Section 2

Publicly available Information

2.1 Below is a list of the main types of UNWTO information available to the public which can normally be accessed through the UNWTO public website and the UNWTO E-Library:

- a) General information about the role, mandate and structure of the UNWTO
- b) General Assembly and Executive Council documents
- c) Basic and regulatory texts
- d) Programme and budget documents
- e) Audited financial statements and reports of the External Auditor
- f) Reports of technical committees
- g) Press statements
- h) Technical working papers
- i) Calls for public tenders
- j) Employment vacancies
- k) Selected internal governance documents subject to previous authorization
- l) Books, journals, researches, publications and statistical reports available at the E-Library¹

2.2 This list is not exhaustive and other types of information may need to be added to the category of Publicly Available Information.

Section 3

Exceptions

3.1 There is no public access to UNWTO information falling under any of the following categories:

- a) Personal, medical, safety, security or employment-related information concerning UNWTO personnel (staff and non-staff members)
- b) Documents on investigations and internal audits, in particular when related to due process rights of individuals²
- c) Documents covered by legal privilege
- d) Information exchanged with the Ethics Officer

¹ Some publications and documents may only be made available on a cost-recovery basis.

² However, summarized information relating to these may be contained in the Governing Body documents or otherwise available on the public website.



- e) Internal tender, recruitment and contractual documents and personal, technical and financial information provided by bidders, participants in recruitment processes and contractors
- f) Documents containing commercial or proprietary information
- g) Documents exchanged with Member States and other third parties under an expectation of confidentiality
- h) Internal information³, including reports, studies on policies or technical matters, documents pertaining to technical or operational activities of the Organization and draft documents, mission reports, correspondence, including email, among UNWTO personnel
- i) Documents prepared for financial or budgetary reporting
- j) Documents and internal information related to internal bodies
- k) Documents and information containing personal data of personnel, representatives of Member States, Associate and Affiliate Members, participants in UNWTO recruitment processes or participants in conferences or other UNWTO events and activities
- l) Any other documents or information, which because of their content or the circumstances surrounding their creation or use, are deemed to be confidential in the interests of the Organization or third parties

3.2 As a general rule, it is necessary for recipients of the information listed above to exercise discretion and use their good judgment in the presence of such documents or information. UNWTO personnel should assume that, unless otherwise specified or evident, information they are handling is considered of an internal nature and may not be disclosed to others except in the performance of duties.

3.3 Personnel are encouraged to consult their supervisors in case of doubts regarding the public or internal information. Department supervisors may further classify information or documents as "confidential" and restrict their access as necessary if its disclosure would cause a serious negative impact on UNWTO, including financial, legal, strategic, operational and reputational damage. This is particular important with respect to information or documents containing personal data.

³ Internal information includes material that is generally available to UNWTO personnel and third parties engaged in the normal course of business, and which is not considered to be of public interest. This is so because, *inter alia* internal deliberative and decision-making processes may still be ongoing, the policy of the organization on a given matter has not yet been established, or the information is of a preparatory and incomplete nature and its disclosure could undermine UNWTO's free and independent decision-making processes.

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Section 4

Limitations

- 4.1 The implementation of this Policy is subject to the intellectual property and other proprietary rights of UNWTO and third parties, including but not limited to patents, copyrights, and trademarks, which may, inter alia, limit the right to reproduce or exploit information.
- 4.2 No representation is made or warranty given, express or implied, as to the completeness or accuracy of information made available by UNWTO. Moreover, UNWTO does not warrant that the use of any *third party*-owned individual component contained in the requested information will not infringe on the rights of those third parties. The risk of claims resulting from such infringement rests solely with the requestor/user. It is the responsibility of the requestor/user to determine whether permission is needed for any use of the information and to obtain permission from the copyright holder. In no circumstances will UNWTO be liable for any direct or indirect loss arising from the use of information.
- 4.3 Nothing contained in or relating to this Policy, or done pursuant to it, shall be construed as a waiver of any of the privileges and immunities enjoyed by UNWTO under national or international law, and/or as submitting UNWTO to any national court jurisdiction. Without limiting the generality of the previous sentence, the disclosure of information in response to a request for disclosure, will not constitute a waiver, express or implied, of any of the privileges and immunities of UNWTO.

Section 5

Entry into force and application of this policy

- 5.1 This policy shall enter into force on the date of its promulgation.
- 5.2 All UNWTO personnel is responsible for ensuring compliance with this policy, and supervisors of UNWTO departments are responsible for defining and periodically reviewing the classification of information for which they are responsible, in accordance with this policy.
- 5.3 All personnel have the duty to exercise the utmost discretion in all matters of official

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business. They shall not, except in the performance of their duties or by authorization of the Secretary-General, communicate to any person, unpublished information known to them by virtue of their official position, nor shall they at any time use such information to personal advantage. Personnel shall not disseminate, publish, and cause to be published or assist in the dissemination or publication of any unpublished material or information of the Organization and or its personnel. Any breach of this duty may lead to administrative or disciplinary action.

Section 6

Final provisions

6.1 The present bulletin shall enter into force on **25 November 2019**.

