

Agenda item 5

**Consideration of the suspension
of membership of the Russian Federation
in accordance with Article 34 of the Statutes**

A/EXT-1/5
Madrid, 1 April 2022
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Executive summary

At its second emergency session (8 March 2022, Madrid, Spain) the Executive Council called for an extraordinary session of the General Assembly in accordance with Article 10 of the Statutes to consider the suspension from membership of the Russian Federation pursuant to Article 34 of the Statutes.

The Assembly is informed by the Secretariat of the relevant UN and UNWTO resolutions and decisions regarding the basis of such suspension in accordance with Article 34 of the Statutes and the practice of UNWTO in its application, as well as an evaluation of the potential impact of current situation on tourism.

Procedural matters in regard to the matter are placed under consideration of the Assembly given the unprecedented nature of the application of Article 34 of the Statutes to a Member at the request of another Member.

The Assembly is invited to adopt resolutions regarding both the procedural and substantive matters under this agenda item.

DRAFT RESOLUTION¹

Agenda item 5
**Consideration of the suspension of membership of
the Russian Federation in accordance with Article 34 of the Statutes**

The General Assembly,

Reaffirming the fundamental aim of the Organization under Article 3(1) of the Statutes to promote and develop tourism with a view to contributing to economic development, international understanding, peace, prosperity, and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also that the Organization shall take all appropriate action to attain its fundamental aim,

Endorsing United Nations General Assembly resolutions ES-11/1 of 2 March 2022 and ES-11/2 of 24 March 2022,

Endorsing also United Nations Human Rights Council resolution 49/1 of 4 March 2022,

Taking note of Executive Council decision 2(URG-2) of 8 March 2022, in which the Executive Council called for an extraordinary session of the General Assembly to consider the suspension of the membership of the Russian Federation in accordance with Article 34 of the Statutes,

Having examined the communications received from Colombia, Guatemala, Lithuania, Poland, Slovenia and Ukraine requesting an extraordinary meeting of the General Assembly to be convened to consider the suspension of membership of the Russian Federation in accordance with Article 34 of the Statutes,

Endorsing Executive Council decision 2(URG-2) requesting the immediate cessation of the hostilities and for the parties to return to peaceful resolution mechanisms,

Taking note with grave concern of the report of the Secretary-General on the evaluation of the potential impact of the conflict in Ukraine on tourism,

Affirming that the ongoing military actions against Ukraine are contrary to the principles enshrined in the United Nations Charter and to Article 3 of the Statutes of UNWTO, as well as to the values of tourism, as a pillar for peace and solidarity,

Decides:

[The General Assembly is requested to decide:

- (a) On the setting up of a committee in accordance with Rule 51.4, its composition, mandate and *modus operandi*
- (b) On the suspension of membership of the Russian Federation in accordance with Article 34 of the Statutes
- (c) On the effects of the suspension and the basis and procedure for the lifting of the suspension, if so decide

¹This is a draft resolution. For the final decision adopted by the Assembly, please refer to the Resolutions document issued at the end of the session.

I. Background

1. In the first week of March 2022, the Secretariat received six notes verbales (Annex I) from the embassies in Spain of Colombia, Guatemala, Lithuania, Poland, Slovenia and Ukraine requesting that an extraordinary session of the General Assembly be convened in accordance with Article 10 of the Statutes – Lithuania, Poland, Slovenia and Ukraine requesting that it be convened as soon as possible – to consider the suspension of the membership of the Russian Federation in accordance with Article 34 of the Statutes for actions deemed contrary to the fundamental aim of the Organization as enshrined in Article 3 of the Statutes.
2. On 4 March 2022, the Secretariat received a letter from the Russian Federation addressed to the members of the UNWTO Executive Council and urging them to reject the proposal to convene an extraordinary session of the General Assembly to consider the suspension from membership of the Russian Federation (Annex II).
3. In view of the receipt of six official communications from Full Members requesting that an extraordinary session of the General Assembly be convened to consider the suspension from membership of the Russian Federation as well as the impact of the offensive on the already fragile and uneven recovery of tourism from an historic crisis, the Secretary-General, in consultation with the Chair of the Executive Council (Côte d'Ivoire), convened on 2 March 2022 an emergency session of the Executive Council, held on 8 March 2022 in Madrid, Spain, pursuant to Rule 3(4) of the Rules of Procedure of the Executive Council¹.
4. Through decision 2(URG-2), the Executive Council, at its 2nd emergency session, noted with grave concern the report of the Secretary-General and its evaluation of the potential impact of the conflict in Ukraine on tourism. The Council also noted that the continued military actions in Ukraine are contrary to both the principles enshrined in the United Nations Charter and to Article 3 of the Statutes of UNWTO, as well as to the values of tourism and its role as a pillar for peace and solidarity. The Executive Council requested an immediate cessation of hostilities and for the parties to return to peaceful resolution mechanisms.
5. The Executive Council further decided to call for an extraordinary session of the General Assembly in accordance with Article 10 of the Statutes to consider the suspension from membership of the Russian Federation pursuant to Article 34 of the Statutes. The Council requested that the Secretary-General convenes such an extraordinary session in accordance with the Rules of Procedure of the General Assembly.
6. On 23 March 2022, the Secretary-General sent the letters of convocation for the first extraordinary session of the General Assembly in accordance with Rules 2 and 3(1) of its Rules of Procedure.

II. Basis for considering the suspension of membership in accordance with Article 34 of the Statutes

A. Analysis and practice in the application of Article 34 of the Statutes by the General Assembly

7. Article 34 of the Statutes concerning the suspension of Members, reads as follows:

"1. If any Member is found by the Assembly to persist in a policy that is contrary to the fundamental aim of the Organization as mentioned in Article 3 of these Statutes, the Assembly may, by a resolution adopted by a majority of two-thirds of Full Members present and voting, suspend such Member from exercising the rights and enjoying the privileges of membership.

2. The suspension shall remain in force until a change of such policy is recognized by the Assembly."

¹ "If events requiring immediate action occur, the Secretary-General may, in consultation with the Chairman, convene the Council in emergency session, the date and place of which shall be fixed by the Secretary-General." (Rule 3(4) Rules of Procedure of the Executive Council)

8. Article 3 of the Statutes concerning the aims of the Organization, reads as follows:

“1. The fundamental aim of the Organization shall be the promotion and development of tourism with a view to contributing to economic development, international understanding, peace, prosperity, and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. The Organization shall take all appropriate action to attain this objective.

2. In pursuing this aim, the Organization shall pay particular attention to the interests of the developing countries in the field of tourism.

3. In order to establish its central role in the field of tourism, the Organization shall establish and maintain effective collaboration with the appropriate organs of the United Nations and its specialized agencies. In this connection the Organization shall seek a cooperative relationship with and participation in the activities of the United Nations Development Programme, as a participating and executing agency.”

9. To date, the applicability of Article 34 of the Statutes has only been raised within the Organization by the Executive Council in relation to prolonged and unjustified non-payment of obligatory contributions by Members. It had never before been invoked by any Member to request the suspension from membership of another Member of the Organization.
10. Pursuant to decisions of the Executive Council, the Secretariat prepared in 1985 (document CE/25/7) and 1987 (document A/7/10(j)) studies whose findings are relevant to the present case, in particular those related to the competence of the Assembly in applying Article 34 of the Statutes and the nature and effects of the suspension of membership.
11. The Secretariat recalled in these studies some general principles applicable to the present case, specifically regarding the commitment that all Members of the Organization undertake to respect the obligations that derive from accepting the Statutes. Members were reminded that the UNWTO Statutes constitute an international treaty, which impose, under international law, a duty for the parties having accepted them, to respect in good faith all the obligations that are set for the Members of the Organization. It was also highlighted that, with a view to carrying out the aims established in Article 3(1) of the Statutes and ensuring that its Members fulfil their obligations, the constituent treaty also gives the Assembly the power to control the actions of the Members and to sanction a Member whose conduct is contrary to the aims of the Organization. The Secretariat revealed in these studies the potential difficulties in identifying how to interpret the term “a policy that is contrary to the fundamental aim of the Organization”.
12. From the outset, it should be pointed out that the Assembly appears in the Statutes as the “supreme organ” of the Organization (Article 9(1)). In other words, it is the organ that takes cognizance of all matters concerning the Organization and all those within the latter’s competence (Article 12). By acting in this way, the Assembly simultaneously defines the Organization’s policies to achieve its aims, as set out in the Statutes, as well as the content and extent of the obligations of its Members with regard to these aims.
13. With regard to agreeing on the interpretation of Article 3 of the Statutes, the General Assembly recalled in its resolution 27(II) that “the Organization’s Statutes do not contain any specific provision for settling differences or difficulties of interpretation that may arise therefrom” and “that it is accordingly for the Assembly to settle the said matter of interpretation by means of a resolution”. Moreover, the General Assembly has the authority to seek an advisory opinion from the International Court of Justice on legal questions arising within the scope of its competence, in accordance with the Agreement between the United Nations and the UNWTO recognizing the latter as a specialized agency.
14. Among the specialized agencies of the United Nations System, UNWTO is one of the few (together with IAEA, IOM, and WHO) where its constituent treaty (the Statutes) establishes that its supreme organ (the General Assembly) may, without requiring a prior decision of the United Nations, suspend a Member. Likewise, any decision of the United Nations to suspend or expel one of its member States would not be automatically enforceable to that Member in UNWTO, as the Statutes establish absolute sovereignty of the Assembly to decide on the matter of suspension.

15. The studies mentioned above noted that the decision to suspend a Member from the rights and privileges inherent to membership under Article 34 of the Statutes is a discretionary authority of the Assembly, which it is free to exercise or not at any given time and not constrained by a precise legal obligation.
16. Since Article 34 of the Statutes does not define, even by way of example, what should be understood by “policy contrary to the fundamental aim of the Organization”, it was reminded that the organ responsible for deciding on the suspension of membership, i.e., the Assembly, is responsible for doing so, either by establishing a number of general principles or to decide on a case by case basis.
17. On this basis, the General Assembly, in resolution 217(VII), recognized that prolonged non-payment of obligatory contributions to the Organization’s budget is “an attitude clearly constituting a policy contrary to the aims” of UNWTO; decided to “apply henceforward” the measure of suspension to a Member who has accumulated contribution arrears in respect of any four financial years, which need not to be consecutive, and who has not agreed a payment plan with the Secretariat; and, noting that the aforementioned criteria applied to a list of Full and Affiliate Members, further considered that they were “liable to the provisions of Article 34 of the Statutes and therefore to suspension from the Organization”.
18. Since its adoption in 1987, resolution 217(VII) has been consistently interpreted and applied by the Assembly in such a way that a Member be suspended as soon as it is found by the Assembly to meet the criteria established therein, without any margin for judgment by the Assembly and, most importantly, without the need to refer the question of suspension to the Executive Council or to an *ad hoc* committee set up in accordance with the procedure established in Rule 51 of its Rules of Procedure.
19. In the present case, the communications from the Full Members received in the first week of March 2022 requesting the suspension of membership of the Russian Federation provide that “[w]ith its aggressive actions against Ukraine the Russian Federation trampled on the fundamental aim of the UNWTO”, as enshrined in Article 3 of the Statutes. The Executive Council, through decision 2(URG-2), noted that the ongoing military actions in Ukraine are contrary to the principles enshrined in the United Nations Charter and to Article 3 of the Statutes of UNWTO, as well as to the values of tourism, as a pillar for peace and solidarity, and requested an immediate cessation of hostilities and for the parties to return to peaceful resolution mechanisms.
20. The power of sanction accorded to the Assembly under Article 34 of the Statutes is perfectly justified in any event (including but not limited to the grounds defined in resolution 217(VII)) in which a Member of the Organization persists in a policy that contravenes the fundamental aims of the Organization. In these cases, the Assembly, in the exercise of its statutory mandate would be doing no more than applying its discretionary authority as recognized by the Statutes for the main purpose of achieving the fundamental aims of the Organization as defined in Article 3 of the Statutes.
21. It is therefore incumbent upon the General Assembly to consider the requests received from six (6) Member States and to decide if the Russian Federation is persisting in a policy contrary to Article 3 of the Statutes that could motivate a suspension from membership by a decision of two-thirds of the Full Members present and voting² in the Assembly in accordance with Article 34 of the Statutes.

B. Relevant UN/UNWTO resolutions and decisions regarding the aggression of the Russian Federation against Ukraine

22. On 2 March 2022, the United Nations General Assembly adopted resolution ES-11/1 (Annex III) at its eleventh emergency special session. The resolution endorses the UN Secretary-General’s statement of 24 February 2022 in which he recalled that “the use of the force by one country against another is the repudiation of the principles that every country has committed to uphold and that the present military offensive of the Russian Federation is against the UN Charter”.

² In accordance with Rule 39 of the Rules of Procedure of the General Assembly, the term “Members present and voting” shall be understood to mean “Full Members present and voting for or against”. Full Members which abstain from voting shall be regarded as non-voting”.

23. In said resolution, the United Nations General Assembly further demanded that “the Russian Federation immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders”, and called upon “the Russian Federation to abide by the principles set forth in the Charter and the Declaration on Friendly Relations”. Furthermore, the United Nations General Assembly expressed grave concern “at reports of attacks on civilian facilities such as residences, schools and hospitals, and of civilian casualties, including women, older persons, persons with disabilities, and children”.
24. On 4 March 2022, the Human Rights Council of the United Nations adopted resolution 49/1 (Annex IV), by which it decided to establish an independent international commission of inquiry. The Council condemned “in the strongest possible terms the human rights violations and abuses and violations of international humanitarian law resulting from the Russian Federation’s aggression against Ukraine” and called upon “the Russian Federation to immediately end its human rights violations and abuses and violations of international humanitarian law in Ukraine”.
25. The UNWTO Executive Council, endorsing the aforementioned resolutions adopted by the United Nations General Assembly and the Human Rights Security Council, noted in its decision 2(URG-2) adopted at its 2nd emergency session on 8 March 2022 that “the ongoing military actions in Ukraine are contrary to the principles enshrined in the United Nations Charter and to Article 3 of the Statutes of UNWTO, as well as to the values of tourism, as a pillar for peace and solidarity”. It also requested “an immediate cessation of the hostilities and for the parties to return to peaceful resolution mechanisms”.
26. On 16 March 2022, the International Court of Justice, the principal judicial organ of the United Nations, delivered its Order on the Request for the indication of provisional measures submitted by Ukraine in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*. In its Order, which has binding effect, the Court indicates, among other provisional measures, that the Russian Federation shall immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine.
27. On 24 March 2022, the United Nations General Assembly adopted resolution ES-11/2 (Annex V), at its eleventh emergency session. In said resolution, the UN General Assembly, recognizing “that the military offensive of the Russian Federation inside the sovereign territory of Ukraine and its humanitarian consequences are on a scale that the international community has not seen in Europe in decades” and recalling “its demand that the Russian Federation immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders”, demanded “an immediate cessation of the hostilities by the Russian Federation against Ukraine, in particular any attacks against civilians and civilian objects”.

C. Evaluation of the potential impact of the conflict in Ukraine on tourism

28. The Secretariat continues to closely monitor the impact of the conflict in Ukraine on travel and tourism.
29. Though the full extent of the impact on international tourism may not be measured for some time, the military offensive of the Russian Federation on Ukraine risks further delaying the already weak and uneven recovery of international tourism following on from the worst crisis in the history of the sector. Data available on searches and bookings for international travel to date shows a slowdown in the pace of recovery.³
30. By end of 2021, international tourist arrivals were still 71% below the pre-pandemic levels. The offensive risks hampering the return of confidence in global travel at a moment when recovery has started to gain traction and an increasing number of destinations are removing travel restrictions. The US and the Asian source markets, which have recently started to open up again, could be particularly impacted, especially regarding travel to Europe, as they are historically more risk-averse. This could be particularly harmful for those economies that are especially reliant on tourism’s economic and social benefits.

³ UNWTO World Tourism Barometer, Volume 20 • Issue 2 • March 2022

31. As source markets Russia and Ukraine represented a combined 3% of global spending on international tourism in 2020. A prolonged conflict could translate into a loss of at least US\$ 14 billion in tourism receipts globally this year. In 2019, Russian spending on travel abroad reached US\$ 36 billion and Ukrainian spending US\$ 8.5 billion. In 2020, these values were down to US\$ 9.1 billion and US\$ 4.7 billion, respectively. The importance of both markets is significant for neighbouring countries. At the same time, both are also important source markets for European sun and sea destinations and for long-haul destinations, particularly small island developing states.
32. In the immediate term, the shutdown of Ukrainian and Russian airspace, as well as the ban on Russian carriers by many European countries, is affecting intra-European travel. According to Eurocontrol (as of 23 March), the re-routing around Ukraine is disrupting traffic flows across a wide area, with overflights of neighbouring Moldova stopped and overflights around the borders of Ukraine, Russia and Belarus also disrupted. It is also causing detours in long-haul flights between Europe and East Asia, which translates into longer flights and higher costs.
33. Additionally, the conflict is adding further pressure to an already challenging economic environment, undermining consumer confidence and raising investment uncertainty. Adverse economic factors which could affect travel demand include surging oil prices and overall inflation, as well as interest rate hikes and the continued disruption of supply chains. The conflict has caused higher prices in commodities like energy and food, as Russia and Ukraine are major commodity exporters.
34. The recent spike in oil prices (from lows of US\$40 per barrel of Brent in 2020 to over US\$100 in March 2022, the highest in 10 years), as well as rising inflation, is making transport and accommodation more expensive and putting pressure on consumer purchasing power and savings, as well as increasing operational costs for tourism companies, particularly MSMEs, which are still struggling to recover from the impacts of the pandemic.
35. Amid the current uncertainty, the Organisation for Economic Co-operation and Development (OECD) estimates global economic growth could be more than 1 percentage point lower this year than was projected before the conflict⁴. Inflation, already high at the start of the year, could be at least a further 2.5 percentage points higher. The price shock, especially on food and energy, risks disrupting the production of goods and services worldwide and increasing poverty.
36. The United Nations Conference on Trade and Development (UNCTAD) has downgraded its projection for world economic growth in 2022 from 3.6% to 2.6% and warned that developing countries will be most vulnerable to the slowdown⁵.
37. In order to curb surging inflation, the US Federal Reserve announced a 0.25% interest rate hike on 16 March 2022, the first increase from near zero rate since 2018, and projecting an increase to 1.9% by the end of the year. While tackling inflation, this will also make credit more expensive, affecting consumer and investment demand.
38. It is important to note that after the 2009 economic crisis it took 19 months for international arrivals globally to recover pre-crisis levels. In Europe, the most visited region in the world, it took as long as 29 months.
39. With the conflict affecting travellers' confidence in terms of fears of being stranded or directly affected, UNWTO recalls the recently approved UNWTO International Code for the Protection of Tourists⁶ which provides a set of minimum international standards for the protection of tourists in emergency situations and the consumer rights of tourists.
40. In the immediate term, the Secretariat is taking the following actions to monitor the impacts of the crisis in coordination with the UN Nations system, as well as industry partners.

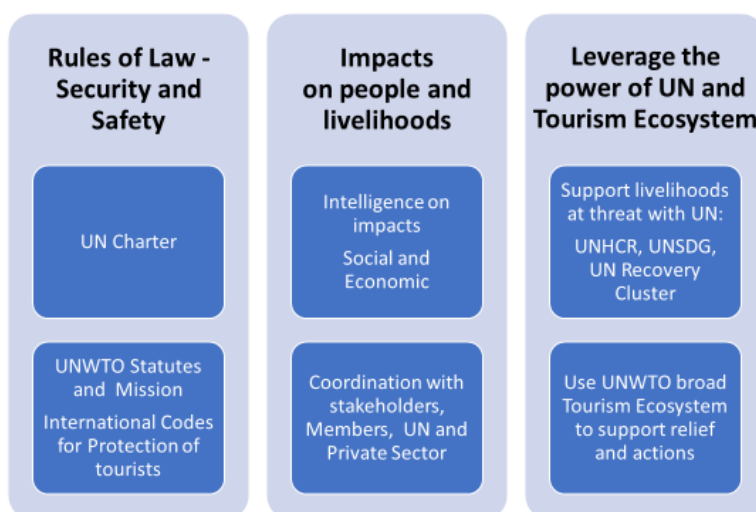
⁴ <https://www.oecd-ilibrary.org/sites/4181d61b-en/index.html?itemId=/content/publication/4181d61b-en>

⁵ <https://unctad.org/news/ukraine-war-cuts-global-growth-prospects-1>

⁶ Resolution 732(XXIV) and [hyperlink to website](#)

UNWTO Action Plan

Sharp Governance for sustaining livelihoods



III. Procedure and effects of the suspension from membership pursuant to Article 34 of the Statutes

A. Procedure for the suspension of membership pursuant to Article 34 of the Statutes

41. The Procedure for suspending a Member is established in Rule 51 of the Rules of Procedure of the General Assembly, which reads as follows:

“1. Any request to suspend a Member in accordance with Article 34 of the Statutes shall be addressed to the Secretary-General. The Secretary-General shall submit it to the Council, and the Council shall report on the question to the Assembly.

2. Such a request must be submitted at least sixty days before the Council’s session.

3. Within thirty days from the date on which he receives a request for suspension, as provided for in paragraph 1 above, the Secretary-General shall transmit it to the Members, enclosing the account of the facts considered to justify suspension under Article 34 of the Statutes.

4. Any request to suspend a Member made to the Assembly shall be referred to a committee set up for the purpose by the Assembly and tasked with presenting a report. The same procedure shall also apply to the lifting of the suspension provided for in Article 34(2) of the Statutes.”

42. Since the adoption of the Rules of Procedure of the General Assembly in 1977, the procedure established in Rule 51 has never been applied. As mentioned above (see paragraphs 9-10 and 16-18), before 2022, the application of Article 34 of the Statutes was raised for the first time by the Executive Council which, at its 24th session held in 1984, requested the Secretary-General to submit a study at its next session in 1985, resulting in the Council *recommending* the Assembly to suspend Members in prolonged arrears in payment of their contributions. However, no ad hoc committee was established for the purpose of reporting to the 7th session of the Assembly on the suspension of membership of Full and Affiliate Members in 1987. Likewise, and since then, the suspension of membership of Members pursuant to resolution 217(VII) has been applied unilaterally by the Assembly without constituting the committee referred to in Rule 51(4), considering sufficient the reports of the Secretary-General concerning the Members to which Article 34 of the Statutes could be applied⁷.

⁷ See for example document A/24/6(b) adopted by the General Assembly at its 24th session held in December 2021 in Madrid, Spain.

43. Regarding the competence of the Executive Council in this matter, it should be noted that, unlike for other matters expressly foreseen in the Statutes requiring a recommendation of the Council – the appointment of the Secretary-General (Article 22), the election of the External Auditors (Article 26) and the approval of the budget of the Organization (paragraph 9 Financing Rules) – , the Council is not statutorily required to submit a recommendation to the General Assembly on a request to suspend a Member.
44. Since the consideration of the suspension of membership under Article 34 of the Statutes for reasons other than those established in resolution 217(VII) is unprecedented, and thus the Assembly has never constituted the committee referred to in Rule 51(4) nor has tasked any existing organ with this task, the Assembly may as well decide to provide clear instructions to the Secretary-General, to the Executive Council, and/or to the committee set up for this purpose in accordance with Rule 51(4) on the type of report and information it would require to be in a position to take a decision in accordance with Article 34 of the Statutes.
45. In accordance with Rule 18 of the Rules of Procedure of the General Assembly, “[t]he Officers of the General Assembly shall be jointly responsible for recommending the Assembly’s programme of work, determining the time and agenda of each plenary meeting, making proposals regarding the establishment and composition of subsidiary organs, and reporting to the Assembly on all other questions requiring the decision for the proper conduct of business”.
46. Notwithstanding the above, and without prejudice to the competence of the Assembly to set up any committee or provide instructions to any of the organs of the Organization on the procedure for suspending a Member, the Secretariat recommends that, in the constitution and composition of the committee referred to in Rule 51(4) of the Rules of Procedure of the General Assembly, the following elements be considered:
 - (a) That the principle of fair and equitable geographical distribution be respected in the composition of the Committee;
 - (b) That the Committee abide in its *modus operandi* by the Rules of Procedure of the General Assembly, which apply *mutatis mutandis* to subsidiary organs of the Assembly pursuant to Rule 57;
 - (c) That the mandate of the Committee be limited to the establishment of relevant elements in this case, to the determination of whether there are grounds that may warrant the application of Article 34 of the Statutes and to prepare a draft resolution for consideration by the General Assembly, which includes the effects of the suspension of membership if so decided and any recommendations on the basis and procedure for the lifting of the suspension as appropriate;
 - (d) That the Committee be supported and assisted by the Secretariat as is the case of all UNWTO organs and its subsidiary bodies;
 - (e) That the Committee meet in private session and be entrusted with seeking the views of any third party as considered necessary, including the Russian Federation and the Full Members having requested the suspension.
47. With regard to the lifting of the suspension of membership, it is first recalled that Article 34(2) provides that “the suspension shall remain in force until a change of such policy is recognized by the Assembly” by a two-thirds majority of the Full Members present and voting pursuant to Rule 38(2)(d) of its Rules of Procedure. Since Article 34(2) does not define what should be understood by “change” in relation to a policy that is contrary to the fundamental aim of the Organization, it is also the Assembly that is responsible for doing so.
48. As for the procedure, Rule 51(4) *in fine* states that “the same procedure shall also apply to the lifting of the suspension provided for in Article 34(2) of the Statutes”. The lack of definition of what the Rules refer to as “the same procedure” results in it being interpreted in two ways: either as the whole procedure set out in Rule 51 – i.e., that a request to lift the suspension be addressed to the Secretary-General, then submitted to the Council to report on the question to the Assembly, and then referred to a committee tasked with presenting a report on such request –, or else as only the procedure set out in the first sentence of paragraph (4). While the Secretariat is in favour of a less restrictive interpretation – that “the same procedure” refers

exclusively to that in the first sentence of Rule 51(4) –, the organ responsible for defining the procedure that shall be observed is the General Assembly.

49. In resolution 217(VII) whereby the General Assembly considered that prolonged non-payment of statutory contributions to the Organization's budget constitutes a policy contrary to the fundamental aims, thus warranting the suspension of the Member concerned, the Assembly also established *sensu contrario* the criterion to lift the suspension – that the Member agrees to a payment plan for the contribution arrears with the Secretary-General within a year from the date of the Assembly's resolution applying the measure of suspension – and requested the Secretary-General to report to the Executive Council. Since 1987, and on the basis of this criterion, the Assembly has consistently lifted the suspension to Members without referring the matter to an ad hoc committee set up pursuant to Rule 51(4) but simply on the basis of the reports of the Secretary-General.
50. In view of the above, should the Assembly decide to suspend a Member for persisting in a policy other than that established in resolution 217(VII), it is highly recommended at this point that the Assembly clearly define in its resolution the basis for lifting the suspension pursuant to Article 34(2) as well as the procedure that shall be observed to this effect.

B. The effects of the suspension of membership pursuant to Article 34 of the Statutes

51. Article 34 of the Statutes imposes a sanction, and like all provisions imposing sanctions it must be strictly interpreted. It is out of the question, for example, to extend its application by analogy to the point of excluding a Member from the Organization. Unlike Article 6 of the United Nations Charter, the Statutes do not provide for such a sanction. This is to be understood, however, without prejudice to the termination of affiliate membership of an entity for the loss of an essential eligibility requirement established in the Statutes pursuant to Article 4(3) of the Charter of Affiliate Membership⁸, or the cessation of affiliate membership of an entity for unjustified failure to settle arrears in accordance with Detailed Financial Rule IV.2.
52. It should be noted that the sanction of suspension is applicable to all categories of Members (Full, Associate and Affiliate) but can only be imposed by Full Members, by a majority of two-thirds present and voting in the Assembly.
53. By its very nature, suspension is only a temporary sanction, since it will be maintained only so long as the Assembly has not recognized a change in the suspended Member's policy. It must be noted that the majority by which the Assembly must decide to lift the suspension of membership is also two-thirds of the Full Members present and voting, as established in Rule 38(2)(d) of the Rules of Procedure of the General Assembly.
54. With regard to the effects of suspension, Article 34 of the Statutes indicates that a suspended Member is deprived of "the exercise of their rights and enjoyment of the privileges of membership". This means not only that the Member cannot benefit from the services of the Organization and cannot exercise its right to vote, but also, more generally, that none of the rights or privileges inherent to its membership, regardless of their nature, can be recognized, including but not limited to the following:
 - (a) Suspension of the rights to receive services from the UNWTO in the form of access to publications, projects of UNWTO in the territory of the Member or in benefit of the Member, participation at international conferences, workshops, or any other UNWTO training activity;
 - (b) Suspension of the right to vote in the General Assembly, in the Executive Council and in any of their subsidiary organs;
 - (c) Ineligibility to be a candidate for Officers' positions in the General Assembly, in the Executive Council and in any of their subsidiary organs;

⁸ The Charter of Affiliate Membership was adopted by the General Assembly through resolution 749(XXIV) at its 24th session held at Madrid, Spain, in 2021.

- (d) Exclusion of the possibility for the Member to support the candidature of a national for the post of Secretary-General;
 - (e) Exclusion of the possibility for the Member to be a candidate to host a statutory meeting or an Office of the Organization.
55. On the other hand, suspended Members continue to assume all the obligations inherent to membership and, in particular, the obligation to pay their statutory contributions to the Organization and comply with all rules imposed upon Members by the Statutes.
56. In addition, though not currently being applied to Members under Article 34 for arrears in their contributions, the General Assembly could also decide further measures such as the suspension of the right to participate in the meetings of the Governing Bodies of UNWTO and their subsidiary organs (as is the case of ITU) by referring explicitly to these measures in the resolution by which it decides, if it does so, to apply Article 34 of the Statutes.
57. The suspension from Membership and the related measures may be lifted at any time by the General Assembly in accordance with Article 34(2) of the Statutes and Rule 51(4) of its Rules of Procedure, which would automatically restore the Member's rights and privileges in the Organization.

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Annex I: Notes Verbales from Colombia, Guatemala, Lithuania, Poland, Slovenia and Ukraine requesting an extraordinary session of the General Assembly



Embajada de la
República de Colombia
en España

S-EESMD-22-99

NOTA VERBAL URGENTE

La Embajada de Colombia ante el Reino de España saluda atentamente a la Honorable Secretaría General de la Organización Mundial del Turismo (OMT) y tiene el honor de referirse a la terrible invasión militar de Ucrania por parte de la Federación de Rusia. Al iniciar una guerra no provocada contra Ucrania, la Federación Rusa ha violado flagrantemente los principios del derecho internacional consagrados en la Carta de las Naciones Unidas y numerosos Resoluciones y Acuerdos internacionales.

La Embajada de Colombia ante el Reino de España, al respecto, considera que con sus acciones agresivas e injustificadas contra Ucrania, la Federación de Rusia ha pisoteado el objetivo fundamental de la Organización Mundial del Turismo, que de conformidad con el Artículo 3 de los Estatutos de la Organización, es la promoción y el desarrollo del turismo con miras a contribuir al desarrollo económico, el entendimiento internacional, la paz, prosperidad y el respeto universal y la observancia de los derechos humanos y las libertades fundamentales para todos sin distinción de raza, sexo, idioma o religión.

En vista de lo anterior, la Embajada de Colombia ante el Reino de España, por instrucciones del Ministerio de Relaciones Exteriores, solicita la suspensión de la membresía de la Federación de Rusia de la OMT, de conformidad con el Artículo 34 de los Estatutos de la Organización; y con ese propósito, apoya la convocatoria de una sesión extraordinaria de la Asamblea General de la OMT para adoptar una resolución para dicha suspensión, de conformidad con el Artículo 10 de los Estatutos de la Organización, ya que las circunstancias así lo exigen.

La Embajada de Colombia ante el Reino de España se vale de la oportunidad para expresar a la Honorable Secretaría General de la Organización Mundial del Turismo (OMT), las seguridades de su más distinguida consideración.

[Handwritten signature]
Madrid, 01 de marzo de 2022



A la Honorable
ORGANIZACIÓN MUNDIAL DEL TURISMO (OMT)
Secretaría General
Madrid



EMBAJADA DE GUATEMALA EN ESPAÑA

No. 384-M43-OMT-2022-MB

NOTA VERBAL

La Embajada de la República de Guatemala acreditada ante el Reino de España saluda atentamente al Honorable Secretaría General de la Organización Mundial del Turismo (OMT), y tiene el honor de referirse a la terrible invasión militar de Ucrania por parte de la Federación de Rusia. Al iniciar una guerra no provocada contra Ucrania, la Federación Rusa ha violado flagrantemente los principios del derecho internacional consagrados en la Carta de las Naciones Unidas y numerosos Resoluciones y Acuerdos internacionales.

La Embajada de la República de Guatemala acreditada ante el Reino de España, al respecto, considera que con sus acciones agresivas e injustificadas contra Ucrania, la Federación de Rusia ha pisoteado el objetivo fundamental de la Organización Mundial del Turismo, que de conformidad con el Artículo 3 de los Estatutos de la Organización, es la promoción y el desarrollo del turismo con miras a contribuir al desarrollo económico, el entendimiento internacional, la paz, prosperidad y el respeto universal y la observancia de los derechos humanos y las libertades fundamentales para todos sin distinción de raza, sexo, idioma o religión.

En vista de lo anterior, la Embajada de la República de Guatemala, por instrucciones del Ministerio de Relaciones Exteriores, solicita la suspensión de la membresía de la Federación de Rusia de la OMT, de conformidad con el Artículo 34 de los Estatutos de la Organización; y con ese propósito, apoya la convocatoria de una sesión extraordinaria de la Asamblea General de la OMT para adoptar una resolución para dicha suspensión, de conformidad con el Artículo 10 de los Estatutos de la Organización, ya que las circunstancias así lo exigen.

La Embajada de la República de Guatemala en el Reino de España se vale de la oportunidad para expresar a la Honorable Secretaría General de la Organización Mundial del Turismo (OMT), las seguridades de su consideración.

Madrid, 28 de febrero de 2022.



**A la Honorable
Secretaría General de la Organización Mundial del Turismo (OMT)
MADRID**



Embassy of the Republic of
Lithuania in the Kingdom of
Spain

No. (43.4.1)SN43-12

VERBAL NOTE

The Embassy of the Republic of Lithuania in the Kingdom of Spain presents its compliments to the World Tourism Organization (UNWTO) and has the honour to convey the following request.

By starting an unprovoked war against Ukraine, the Russian Federation blatantly violated the principles of international law, enshrined in the United Nations Charter and other numerous international documents.

With its aggressive actions against Ukraine the Russian Federation trampled on the fundamental aim of the UNWTO, which according to Article 3 of the Organization's Statutes, shall be the promotion and development of tourism with a view to contributing to economic development, international understanding, peace, prosperity, and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

In view of the above the Embassy of the Republic of Lithuania in the Kingdom of Spain stands for suspension of the membership of the Russian Federation in the UNWTO according to the Article 34 of the UNWTO Statutes.

To adopt the resolution on the suspension of the membership of the Russian Federation in UNWTO the Embassy of the Republic of Lithuania in the Kingdom of Spain, being guided by Article 10 of the UNWTO Statutes, requests to convene an extraordinary session of the General Assembly of the UNWTO as soon as possible.

The Embassy of the Republic of Lithuania in the Kingdom of Spain avails itself of this opportunity to renew to the World Tourism Organization the assurances of its highest consideration.



Madrid, 28 February, 2022

The World Tourism Organization (UNWTO)

Madrid

AMB.MAD.408.02/54.22

NOTE VERBALE

The Embassy of the Republic of Poland in Madrid presents its compliments to the World Tourism Organization and has the honour to kindly request to convene an extraordinary session of the UNWTO General Assembly as soon as possible in order to adopt the resolution on the suspension of the membership of the Russian Federation in UNWTO.

The Embassy of the Republic of Poland in Madrid believes that *by starting an unprovoked war against Ukraine, the Russian Federation blatantly violated the principles of international law, enshrined in the United Nations Charter and other numerous international documents.*

With its aggressive actions against Ukraine the Russian Federation trampled on the fundamental aim of the UNWTO, which according to Article 3 of the Organization's Statutes, shall be the promotion and development of tourism with a view to contributing to economic development, international understanding, peace, prosperity, and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

In view of the above the Embassy of the Republic of Poland in Madrid stands for suspension of the membership of the Russian Federation in the UNWTO according to the Article 34 of the UNWTO Statutes.

To adopt the resolution on the suspension of the membership of the Russian Federation in UNWTO The Embassy of the Republic of Poland in Madrid being guided by Article 10 of the UNWTO Statutes, requests to convene an extraordinary session of the UNWTO General Assembly as soon as possible.

The Embassy of the Republic of Poland in Madrid avails itself of this opportunity to renew to the World Tourism Organization the assurances of its highest consideration.

KW

Madrid, 28 February 2022

To the World Tourism Organization
Madrid





VELEPOSLANIŠTVO REPUBLIKE SLOVENIJE
EMBAJADA DE LA REPÚBLICA DE ESLOVENIA

Núm.: VMA-011/22

NOTA VERBAL

La Embajada de la República de Eslovenia saluda muy atentamente a la Secretaría de la Organización Mundial del Turismo y en base a los últimos acontecimientos tiene el honor de solicitar la convocación de una sesión extraordinaria de la Asamblea General de la Organización Mundial del Turismo de forma urgente.

Al iniciar una guerra no provocada contra Ucrania, la Federación de Rusia violó flagrantemente los principios del derecho internacional consagrados en la Carta de las Naciones Unidas y otros numerosos documentos internacionales. Asimismo, actuó en contra del objetivo fundamental de la OMT, que según el Artículo 3 de los Estatutos de la Organización, será la promoción y desarrollo del turismo con vistas a contribuir al desarrollo económico, la comprensión internacional, la paz, la prosperidad y el respeto universal, y la observancia de los derechos humanos y las libertades fundamentales para todos, sin distinción de raza, sexo, lengua o religión.

Basado en lo anterior, la Embajada de la República de Eslovenia propone la suspensión de la membresía de la Federación de Rusia en la OMT de acuerdo con el Artículo 34 de los Estatutos de la OMT. Con el fin de adoptar la resolución sobre la suspensión de la membresía de la Federación de Rusia en la OMT, la República de Eslovenia, guiándose por el Artículo 10 de los Estatutos de la OMT, tiene el honor de solicitar la convocación de una sesión extraordinaria de la Asamblea General de la OMT de forma urgente.

La Embajada de la República de Eslovenia aprovecha la oportunidad para reiterar a la Secretaría de la Organización Mundial del Turismo el testimonio de su más alta y distinguida consideración.



Madrid, a 28 de febrero de 2022

Secretaría de la Organización Mundial del Turismo
MADRID



Embajada de Ucrania
en el Reino de España

Ronda de la Abadilla,
52, 28043 Madrid

91 748 93 60
91 759 03 28 (fax)
emb_es@mfa.gov.ua

Ref. № 6127123-012-2

URGENT

NOTE VERBALE

The Embassy of Ukraine to the Kingdom of Spain presents its compliments to the Secretariat of the World Tourism Organization (UNWTO) and would like to inform of the following.

By starting an unprovoked war against Ukraine, the Russian Federation blatantly violated the principles of international law, enshrined in the United Nations Charter and other numerous international documents.

With its aggressive actions against Ukraine the Russian Federation trampled on the fundamental aim of the UNWTO, which according to Article 3 of the Organization's Statutes, shall be the promotion and development of tourism with a view to contributing to economic development, international understanding, peace, prosperity, and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

In view of the above the Ukrainian Party stands for suspension of the membership of the Russian Federation in the UNWTO according to the Article 34 of the UNWTO Statutes.

In order to adopt the resolution on the suspension of the membership of the Russian Federation in UNWTO the Ukrainian Party, being guided by Article 10 of the UNWTO Statutes, requests to convene an extraordinary session of the UNWTO General Assembly as soon as possible.

The Embassy of Ukraine to the Kingdom of Spain avails itself of this opportunity to renew to the Secretariat of the World Tourism Organization the assurances of its highest consideration.



Madrid, 27 February 2022

Secretariat of the World Tourism Organization

Madrid

Annex II: Letter by the Russian Federation on requesting an extraordinary session of the General Assembly



**ФЕДЕРАЛЬНОЕ АГЕНТСТВО
ПО ТУРИЗМУ
(РОСТУРИЗМ)**

Пресненская наб., д.10, стр.2,
г. Москва, 125039
Тел.: (495) 870-40-05
ОКПО 00083724, ОГРН 1057746091369
ИНН/КПП 7708550300/770301001
e-mail: rt@tourism.gov.ru

04 МАР 2022

№

4-154/32

на № _____ от _____

Членам Исполсовета ЮНВТО

Уважаемые коллеги,

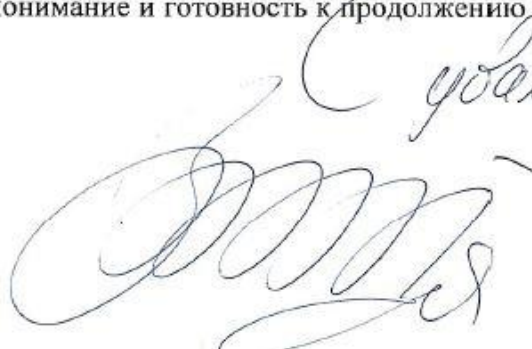
Как вы знаете, Секретариат Всемирной туристской организации информировал о проведении 8 марта 2022 года в Мадриде (Испания) чрезвычайной сессии Исполнительного совета ЮНВТО с целью принятия решения о созыве её Генеральной Ассамблеи для рассмотрения вопроса приостановления членства России в Организации.

ЮНВТО – специализированное учреждение ООН. В соответствии с мандатом вопросы территориальной целостности и суверенитета не относятся к её компетенции. Поэтому, на наш взгляд, недопустимо смещать акцент в деятельности Организации с развития туризма на проблематику, не находящуюся в ведении ЮНВТО.

Убеждены, что туризм призван объединять людей, укреплять дружественные связи между странами, оставаясь свободным от политизации. Принятие же скоропалительных решений чревато долгосрочными негативными последствиями не только для Организации, но и для всей отрасли.

В этой связи призываю Вас, уважаемые коллеги, отклонить предложение о созыве внеочередной сессии Генеральной Ассамблеи для рассмотрения вопроса о приостановлении членства Российской Федерации.

Надеюсь на Ваше понимание и готовность к продолжению плодотворных контактов.

С уважением,


З.В.Догужева

Unofficial translation

Members of the UNWTO Executive Council

Dear colleagues,

As you know, the Secretariat of the World Tourism Organization has informed about the holding of an extraordinary session of the UNWTO Executive Council in Madrid (Spain) on March 8, 2022 in order to make a decision on convening its General Assembly to consider the suspension of Russia's membership in the Organization.

UNWTO is a specialized agency of the United Nations. In accordance with the mandate, issues of territorial integrity and sovereignty do not fall within its competence. Therefore, in our opinion, it is unacceptable to shift the focus of the Organization's activities from the development of tourism to issues that are not under the jurisdiction of the UNWTO.

We are convinced that tourism is designed to unite people, strengthen friendly ties between countries, while remaining free from politicization. Making hasty decisions is fraught with long-term negative consequences not only for the Organization, but also for the entire industry.

In this regard, I urge you, dear colleagues, to reject the proposal on convening an extraordinary session of the General Assembly to consider the suspension of the membership of the Russian Federation.

I hope for your understanding and willingness to continue close cooperation!

Zarina Doguzova



United Nations

General Assembly

A/RES/ES-11/1

Distr.: General
18 March 2022

Eleventh emergency special session

Agenda item 5

Letter dated 28 February 2014 from the Permanent
Representative of Ukraine to the United Nations addressed
to the President of the Security Council (S/2014/136)**Resolution adopted by the General Assembly
on 2 March 2022**

[without reference to a Main Committee (A/ES-11/L.1 and A/ES-11/L.1/Add.1)]

ES-11/1. Aggression against Ukraine*The General Assembly,**Reaffirming* the paramount importance of the Charter of the United Nations in the promotion of the rule of law among nations,*Recalling* the obligation of all States under Article 2 of the Charter to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to settle their international disputes by peaceful means,*Recalling also* the obligation under Article 2 (2) of the Charter, that all Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the Charter,*Taking note* of Security Council resolution 2623 (2022) of 27 February 2022, in which the Council called for an emergency special session of the General Assembly to examine the question contained in document S/Agenda/8979,*Recalling* General Assembly resolution 377 A (V) of 3 November 1950, entitled "Uniting for peace", and taking into account that the lack of unanimity of the permanent members of the Security Council at its 8979th meeting has prevented it from exercising its primary responsibility for the maintenance of international peace and security,*Recalling also* its resolution 2625 (XXV) of 24 October 1970, in which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United

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Nations, and reaffirming the principles contained therein that the territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force, and that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter,

Recalling further its resolution 3314 (XXIX) of 14 December 1974, which defines aggression as the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter,

Bearing in mind the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for human rights and of developing friendly relations among nations irrespective of their political, economic and social systems or the levels of their development,

Recalling the Final Act of the Conference on Security and Cooperation in Europe, signed in Helsinki on 1 August 1975, and the Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons (Budapest Memorandum) of 5 December 1994,

Condemning the 24 February 2022 declaration by the Russian Federation of a "special military operation" in Ukraine,

Reaffirming that no territorial acquisition resulting from the threat or use of force shall be recognized as legal,

Expressing grave concern at reports of attacks on civilian facilities such as residences, schools and hospitals, and of civilian casualties, including women, older persons, persons with disabilities, and children,

Recognizing that the military operations of the Russian Federation inside the sovereign territory of Ukraine are on a scale that the international community has not seen in Europe in decades and that urgent action is needed to save this generation from the scourge of war,

Endorsing the Secretary-General's statement of 24 February 2022 in which he recalled that the use of force by one country against another is the repudiation of the principles that every country has committed to uphold and that the present military offensive of the Russian Federation is against the Charter,

Condemning the decision of the Russian Federation to increase the readiness of its nuclear forces,

Expressing grave concern at the deteriorating humanitarian situation in and around Ukraine, with an increasing number of internally displaced persons and refugees in need of humanitarian assistance,

Expressing concern also about the potential impact of the conflict on increased food insecurity globally, as Ukraine and the region are one of the world's most important areas for grain and agricultural exports, when millions of people are facing famine or the immediate risk of famine or are experiencing severe food insecurity in several regions of the world, as well as on energy security,

Welcoming the continued efforts by the Secretary-General and the Organization for Security and Cooperation in Europe and other international and regional organizations to support de-escalation of the situation with respect to Ukraine, and encouraging continued dialogue,

1. *Reaffirms its commitment to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders, extending to its territorial waters;*
2. *Deplores in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2 (4) of the Charter;*
3. *Demands that the Russian Federation immediately cease its use of force against Ukraine and to refrain from any further unlawful threat or use of force against any Member State;*
4. *Also demands that the Russian Federation immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders;*
5. *Deplores the 21 February 2022 decision by the Russian Federation related to the status of certain areas of the Donetsk and Luhansk regions of Ukraine as a violation of the territorial integrity and sovereignty of Ukraine and inconsistent with the principles of the Charter;*
6. *Demands that the Russian Federation immediately and unconditionally reverse the decision related to the status of certain areas of the Donetsk and Luhansk regions of Ukraine;*
7. *Calls upon the Russian Federation to abide by the principles set forth in the Charter and the Declaration on Friendly Relations;¹*
8. *Calls upon the parties to abide by the Minsk agreements and to work constructively in relevant international frameworks, including in the Normandy format and Trilateral Contact Group, towards their full implementation;*
9. *Demands all parties to allow safe and unfettered passage to destinations outside of Ukraine and to facilitate the rapid, safe and unhindered access to humanitarian assistance for those in need in Ukraine, to protect civilians, including humanitarian personnel and persons in vulnerable situations, including women, older persons, persons with disabilities, indigenous peoples, migrants and children, and to respect human rights;*
10. *Deplores the involvement of Belarus in this unlawful use of force against Ukraine, and calls upon it to abide by its international obligations;*
11. *Condemns all violations of international humanitarian law and violations and abuses of human rights, and calls upon all parties to respect strictly the relevant provisions of international humanitarian law, including the Geneva Conventions of 1949² and Additional Protocol I thereto of 1977,³ as applicable, and to respect international human rights law, and in this regard further demands that all parties ensure respect for and the protection of all medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities;*
12. *Demands that all parties fully comply with their obligations under international humanitarian law to spare the civilian population, and civilian objects, refraining from attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population, and respecting and protecting humanitarian personnel and consignments used for humanitarian relief operations;*

¹ Resolution 2625 (XXV), annex.

² United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

³ Ibid., vol. 1125, No. 17512.


13. *Requests* the Emergency Relief Coordinator to provide, 30 days after the adoption of the present resolution, a report on the humanitarian situation in Ukraine and on the humanitarian response;

14. *Urges* the immediate peaceful resolution of the conflict between the Russian Federation and Ukraine through political dialogue, negotiations, mediation and other peaceful means;

15. *Welcomes and urges* the continued efforts by the Secretary-General, Member States, the Organization for Security and Cooperation in Europe and other international and regional organizations to support the de-escalation of the current situation, as well as the efforts of the United Nations, including of the United Nations Crisis Coordinator for Ukraine, and humanitarian organizations to respond to the humanitarian and refugee crisis that the aggression by the Russian Federation has created;

16. *Decides* to adjourn the eleventh emergency special session of the General Assembly temporarily and to authorize the President of the General Assembly to resume its meetings upon request from Member States.

*1st plenary meeting
2 March 2022*

 <p style="margin: 0;">United Nations</p> <p style="margin: 0; font-size: 1.2em;">General Assembly</p>	<p style="margin: 0;">A/HRC/RES/49/1</p> <p style="margin: 0;">Distr.: General 7 March 2022</p> <p style="margin: 0;">Original: English</p>
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Human Rights Council
 Forty-ninth session
 28 February–1 April 2022
 Agenda item 1
 Organizational and procedural matters

**Resolution adopted by the Human Rights Council on 4
March 2022**

49/1. Situation of human rights in Ukraine stemming from the Russian aggression

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the obligations of all States under Article 2 of the Charter to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, and to settle their international disputes by peaceful means,

Reaffirming the need to make the utmost effort to settle any conflicts and disputes between States exclusively by peaceful means and to avoid any military action and hostilities, which can only make the solution of those conflicts and disputes more difficult,

Recalling the Universal Declaration of Human Rights, relevant international human rights treaties and treaties relevant to international humanitarian law, and also the role of regional arrangements, particularly the European Convention on Human Rights,

Recalling also General Assembly resolution 3314 (XXIX) of 14 December 1974, entitled "Definition of aggression",

Welcoming the adoption by the General Assembly of its resolution ES-11/1 on aggression against Ukraine on 2 March 2022,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Ukraine within its internationally recognized borders, extending to its territorial waters, and reaffirming also that all peoples are entitled to freely determine, without external interference, their political status and to pursue their economic, social and cultural development, in accordance with international law,

Reaffirming also the primary responsibility of States to promote, respect and protect human rights,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Strongly condemning the aggression against Ukraine by the Russian Federation,

Gravely concerned at the ongoing human rights and humanitarian crisis in Ukraine, particularly at the reports of violations and abuses of human rights and violations of



international humanitarian law by the Russian Federation, including gross and systematic violations and abuses of human rights, and recognizing the strong expressions of concern made by the Secretary-General and the United Nations High Commissioner for Human Rights in their statements,

Recalling in this regard the reports of the Secretary-General and the Office of the United Nations High Commissioner for Human Rights based on the work of the human rights monitoring mission in Ukraine established in 2014,

Concerned about increasing reports of civilian casualties, including children, the forced displacement, including more than 660,000 refugees, and at damage to and destruction of residential areas, schools, cultural sites and critical civilian infrastructure, including hospitals and civilian water, sanitation and fuel supplies, caused by Russian bombing and shelling in populated areas,

Stressing the urgent need for the Russian Federation to immediately cease its military hostilities against Ukraine and for Belarus to immediately cease its support for these hostilities, for the prioritization of the protection of civilians, including those displaced, and civilian objects, and for full, timely, immediate, unhindered and safe humanitarian access, and demanding that the parties respect human rights and fully comply with their applicable obligations under international law, including international human rights law, international humanitarian law and international refugee law,

Recalling that the States members of the Human Rights Council are required to uphold the highest standards in the promotion and protection of human rights,

Deploing the suffering of people in Ukraine and reaffirming its profound solidarity with them, while stressing the importance of providing them with proper support and assistance,

Concerned at the humanitarian needs of all those fleeing from or displaced by the military hostilities,

Reaffirming the importance of the full, equal and meaningful participation of women in planning and decision-making with regard to mediation, confidence-building, conflict prevention and resolution, and of their involvement in all efforts to maintain and promote peace and security, and the need to prevent and redress human rights violations and abuses, such as all forms of violence against women and girls, especially sexual and gender-based violence,

Emphasizing the important role played by the Office of the United Nations High Commissioner for Human Rights and the human rights monitoring mission in Ukraine in contributing to an objective appraisal of the situation of human rights in Ukraine,

Reaffirming that the right to freedom of opinion and expression, both online and offline, is a human right guaranteed to all, reiterating in this regard the important role of free and independent media and non-governmental organizations, and condemning any attack against journalists, media outlets, media workers and human rights defenders,

Expressing concern at the spread of disinformation, which can be designed and implemented so as to mislead and to violate and to abuse human rights, including privacy and the freedom of individuals to seek, receive and impart information,

Underscoring the obligation on all parties to the Geneva Conventions of 12 August 1949 and to Additional Protocol I thereto of 8 June 1977, to investigate and prosecute or extradite persons alleged to have committed, or to have ordered to be committed, grave breaches of the Geneva Conventions or of Additional Protocol I thereto, as applicable,

Noting the decision by the prosecutor of the International Criminal Court to proceed in opening an investigation into the situation in Ukraine, as rapidly as possible,

Noting also the role of the International Court of Justice in settling, in accordance with international law, legal disputes submitted to it by States,

1. *Condemns in the strongest possible terms* the human rights violations and abuses and violations of international humanitarian law resulting from the aggression against Ukraine by the Russian Federation;
2. *Reaffirms* its strong commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders, extending to its territorial waters;
3. *Calls upon* the Russian Federation to immediately end its human rights violations and abuses and violations of international humanitarian law in Ukraine, and calls for the strict observance of all human rights and fundamental freedoms, and for the protection of civilians and critical civilian infrastructure in Ukraine;
4. *Calls for* the swift and verifiable withdrawal of Russian Federation troops and Russian-backed armed groups from the entire territory of Ukraine, within its internationally recognized borders and its territorial waters, in order to prevent further violations and abuses of human rights and violations of international humanitarian law in the country, and stresses the urgent need for the immediate cessation of military hostilities against Ukraine;
5. *Urges* immediate, safe and unhindered humanitarian access, including across conflict lines, ensuring that humanitarian assistance reaches all those in need, particularly those in vulnerable situations, that the independence and impartiality of humanitarian agencies are respected, and ensuring the protection of humanitarian personnel and medical personnel engaged exclusively in medical duties;
6. *Expresses grave concern* at the documented harm to the enjoyment of many human rights, including the rights to life, to education, and to the highest attainable standard of physical and mental health, caused by Russian shelling and bombing in populated areas;
7. *Stresses* the importance of maintaining free, open, interoperable, reliable and secure access to the Internet, and condemns unequivocally any measures that prevent or disrupt an individual's ability to receive or impart information online or offline, including partial or complete Internet shutdowns;
8. *Also stresses* that all those fleeing from the conflict in Ukraine should be protected without discrimination, including on the basis of racial, national and ethnic identity;
9. *Encourages* relevant thematic special procedure mandate holders, within their respective mandates, to pay particular attention to the situation of human rights in Ukraine;
10. *Stresses* the importance of ensuring accountability for violations and abuses of human rights and violations of international humanitarian law, and underscores the urgency of initiating a prompt, independent and impartial investigation into all alleged abuses and violations to end impunity and ensure accountability for those responsible;
11. *Decides* to urgently establish an independent international commission of inquiry, comprising three human rights experts, to be appointed by the President of the Human Rights Council for an initial duration of one year, complementing, consolidating and building upon the work of the human rights monitoring mission in Ukraine, in close coordination with the human rights monitoring mission in Ukraine and the Office of the United Nations High Commissioner for Human Rights, with the following mandate:
 - (a) To investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes in the context of the aggression against Ukraine by the Russian Federation, and to establish the facts, circumstances and root causes of any such violations and abuses;
 - (b) To collect, consolidate and analyse evidence of such violations and abuses, including their gender dimension, and to systematically record and preserve all information, documentation and evidence, including interviews, witness testimony and forensic material, consistent with international law standards, in view of any future legal proceedings;
 - (c) To document and verify relevant information and evidence, including through field engagement, and to cooperate with judicial and other entities, as appropriate;

(d) To identify, where possible, those individuals and entities responsible for violations or abuses of human rights or violations of international humanitarian law, or other related crimes, in Ukraine, with a view to ensuring that those responsible are held accountable;

(e) To make recommendations, in particular on accountability measures, all with a view to ending impunity and ensuring accountability, including, as appropriate, individual criminal responsibility, and access to justice for victims;

(f) To provide the Human Rights Council, at its fifty-first session, with an oral update, to be followed by an interactive dialogue, and a comprehensive written report at its fifty-second session, to be followed by an interactive dialogue, and to submit a report to the General Assembly at its seventy-seventh session;

12. *Requests* the immediate operationalization of the mandate, and requests the Secretary-General to provide all the resources necessary to enable the commission of inquiry to carry out its mandate and the resources and expertise necessary to enable the Office of the United Nations High Commissioner for Human Rights to provide such administrative, technical and logistical support as is required to implement the provisions of the present resolution, in particular in the areas of fact-finding, legal analysis and evidence-collection;

13. *Calls upon* all relevant parties and States, and encourages civil society, the media and other relevant stakeholders, to cooperate fully with the commission of inquiry to allow it to effectively fulfil its mandate, and to provide it with relevant information or documentation they may possess or come to possess, as appropriate;

14. *Calls upon* the relevant organs, bodies and agencies of the United Nations system to cooperate fully with the commission of inquiry and to respond promptly to any request made by it, including with regard to access to relevant information and documentation;

15. *Decides* to remain actively seized of the matter.

*10th meeting
4 March 2022*

[Adopted by a recorded vote of 32 to 2, with 13 abstentions. The voting was as follows:

In favour:

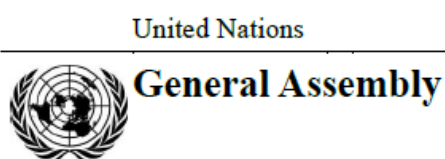
Argentina, Benin, Brazil, Côte d'Ivoire, Finland, France, Gambia, Germany, Honduras, Indonesia, Japan, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Marshall Islands, Mauritania, Mexico, Montenegro, Nepal, Netherlands, Paraguay, Poland, Qatar, Republic of Korea, Senegal, Somalia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America

Against:

Eritrea and Russian Federation

Abstaining:

Armenia, Bolivia (Plurinational State of), Cameroon, China, Cuba, Gabon, India, Kazakhstan, Namibia, Pakistan, Sudan, Uzbekistan and Venezuela (Bolivarian Republic of)



United Nations

A/RES/ES-11/2

Distr.: General
28 March 2022

Eleventh emergency special session
 Agenda item 5
 Letter dated 28 February 2014 from the Permanent
 Representative of Ukraine to the United Nations addressed
 to the President of the Security Council (S/2014/136)

Resolution adopted by the General Assembly on 24 March 2022

[without reference to a Main Committee (A/ES-11/L.2 and A/ES-11/L.2/Add.1)]

ES-11/2. Humanitarian consequences of the aggression against Ukraine

The General Assembly,

Reaffirming its determination to save succeeding generations from the scourge of war,

Reaffirming its resolutions 46/182 of 19 December 1991 and 76/124 of 10 December 2021,


Recalling the obligation of all States under Article 2 of the Charter of the United Nations to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to settle their international disputes by peaceful means,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders, extending to its territorial waters,

Recognizing that the military offensive of the Russian Federation inside the sovereign territory of Ukraine and its humanitarian consequences are on a scale that the international community has not seen in Europe in decades,

Reiterating the call of the Secretary-General to the Russian Federation to stop its military offensive, as well as his call to establish a ceasefire and to return to the path of dialogue and negotiations,

Recalling its demand that the Russian Federation immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders,

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Deploing the dire humanitarian consequences of the hostilities by the Russian Federation against Ukraine, including the besiegement of and shelling and air strikes in densely populated cities of Ukraine, in particular Mariupol, as well as attacks striking civilians, including journalists, and civilian objects, in particular schools and other educational institutions, water and sanitation systems, medical facilities and their means of transport and equipment, and the abduction of local officials, as well as attacks striking diplomatic premises and cultural sites,

Expressing grave concern at the deteriorating humanitarian situation in and around Ukraine, in particular at the high number of civilian casualties, including women and children, and the increasing number of internally displaced persons and refugees in need of humanitarian assistance,

Reaffirming the need to protect, without discrimination of any kind, the safety, dignity, human rights and fundamental freedoms of people fleeing the conflict and violence, regardless of their status, while promoting the security and prosperity of all communities, and condemning in this regard any acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against people on the move, including refugees,

Strongly condemning any attacks directed against civilians as such and other protected persons and civilian objects, including civilian evacuation convoys, as well as indiscriminate and disproportionate attacks, including indiscriminate shelling and the indiscriminate use of explosive weapons, and further expressing concern about the long-term risks posed by damage to civilian infrastructure and unexploded ordnance to the civilian population,

Stressing the particular impact that armed conflict has on women and children, including as refugees and internally displaced persons, and other civilians who have specific needs, including persons with disabilities and older persons, and stressing also the need to ensure safe passage, as well as protection and assistance, to all affected civilian populations,

Expressing its deep appreciation for the significant and admirable efforts that have been made by neighbouring countries to accommodate refugees,

Expressing concern about the impact of the conflict on increased food insecurity globally, in particular in the least developed countries, as Ukraine and the region are one of the world's most important areas for grain and agricultural exports, when millions of people are facing famine or the immediate risk of famine or are experiencing severe food insecurity in several regions of the world, as well as on energy security,

Recalling the link between armed conflict and violence and conflict-induced food insecurity and the threat of famine, and stressing in this regard that armed conflict, violations of international humanitarian law and international human rights law, and food insecurity can be drivers of forced displacement and that, conversely, forced displacement in countries in armed conflict can have a devastating impact on agricultural production and livelihoods,

Expressing concern about the grave humanitarian consequences of a possible accident resulting from the bombing and shelling of the Ukrainian nuclear infrastructure, reiterating the obligation to ensure the safety and security of all nuclear infrastructure, and expressing concern about the impact of the conflict on the environment,

Recalling the obligation of all States and parties to an armed conflict to fully respect international humanitarian law, in particular the principles of distinction and proportionality and the obligation to take all feasible precautions to avoid and in any

event minimize harm to civilians and damage to civilian objects, reiterating that sieges, the purpose of which is to starve the civilian populations, are a violation of international humanitarian law, and urging all States and parties to armed conflict to respect human rights, including with regard to those forcibly displaced, and the principle of non-refoulement,

Reiterating the call upon all parties to the armed conflict to comply with their obligations under international humanitarian law regarding the protection of civilians and civilian objects, and the environment, and to spare civilian objects, including those critical to the delivery of essential services to the civilian population, refraining from attacking, destroying, removing or rendering useless objects that are indispensable to the survival of the civilian population, and respecting and protecting humanitarian personnel and consignments used for humanitarian relief operations,

Reaffirming the principles of humanity, neutrality, impartiality and independence in the provision of humanitarian assistance, and reaffirming also the need for all actors engaged in the provision of humanitarian assistance in situations of complex emergencies to promote and fully respect these principles,

1. *Reiterates* the need for the full implementation of resolution ES-11/1 of 2 March 2022, entitled "Aggression against Ukraine";

2. *Demands* an immediate cessation of the hostilities by the Russian Federation against Ukraine, in particular of any attacks against civilians and civilian objects;

3. *Also demands* that civilians, including humanitarian personnel, journalists and persons in vulnerable situations, including women and children, be fully protected;

4. *Further demands* full respect for and protection of all medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities;

5. *Demands* full respect for and protection of objects indispensable to the survival of the civilian population and civilian infrastructure that is critical to the delivery of essential services in armed conflict;

6. *Also demands* that all parties protect civilians fleeing armed conflict and violence, including foreign nationals, notably students, without discrimination, to allow voluntary, safe and unhindered passage;

7. *Further demands* that the parties comply with their obligation to ensure the safe and unhindered humanitarian access of humanitarian personnel as well as their means of transport, supplies and equipment to those in need in Ukraine and its neighbouring countries;

8. *Stresses* that the sieges of cities in Ukraine, in particular the city of Mariupol, further aggravate the humanitarian situation for the civilian population and hamper evacuation efforts, and therefore demands to put an end to these sieges;

9. *Condemns* all violations of international humanitarian law and violations and abuses of human rights, and calls upon all parties to the armed conflict to strictly respect international humanitarian law, including the Geneva Conventions of 1949¹ and Additional Protocol I thereto, of 1977,² and to respect international human rights law and international refugee law, including the principle of non-refoulement, as applicable;

¹ United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

² *Ibid.*, vol. 1125, No. 17512.

10. *Calls upon* Member States to fully fund the United Nations Humanitarian Response Plan 2022, the flash appeal launched by the United Nations for the humanitarian response in Ukraine, as well as the regional refugee response plan for Ukraine and its neighbouring countries, and notes with concern the findings in the *Global Humanitarian Overview 2022*, including its February 2022 update;

11. *Welcomes and urges* the continued efforts by the Secretary-General, Member States, entities of the United Nations system and the international community to deliver humanitarian assistance as well as assistance and protection for refugees, and also welcomes the appointment by the Secretary-General of a United Nations Crisis Coordinator for Ukraine;

12. *Reiterates its request* to the Emergency Relief Coordinator to provide a report on the humanitarian situation in Ukraine and on the humanitarian response, in accordance with its resolution [ES-11/1](#), and requests the Secretary-General to brief the General Assembly, on a regular basis, on the implementation of the present resolution;

13. *Strongly encourages* the continued negotiations between all parties, and again urges the immediate peaceful resolution of the conflict between the Russian Federation and Ukraine through political dialogue, negotiations, mediation and other peaceful means in accordance with international law;

14. *Decides* to adjourn the eleventh emergency special session of the General Assembly temporarily and to authorize the President of the General Assembly to resume its meetings upon request from Member States.

*9th plenary meeting
24 March 2022*