

执行委员会第 1 8 届会议 \$**\mathbb{\text{\$\etitt{\$\etitt{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\$\text{\$\text{\$\text{\$\$\text{\$\$\text{\$\etititt{\$\text{\$\exititt{\$\text{\$\text{\$\text{\$\}}}\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\text{\$\}}}}}\text{\$\t

议程项目 4 关于成立"为未来重新设计旅游业"工作 队的状况报告

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

世旅组织正走向绿色。执行委员会所有文件均可在世旅组织网站获得:www.unwto.org.或使用此处快速响应码



执行摘要

根据执行委员会第<u>7(CXVII)</u>号决定,秘书处于2023年3月1日向委员会成员提交了"为未来重新设计旅游业"工作队的《议事规则》和法律顾问办公室的报告。

根据上述决定,经与执行委员会主席协商,该文件包括工作队的任务、组成和运作方式。

截至本文件编写之日,秘书处已收到以下执委会成员对工作队《议事规则》的意见:亚美尼亚、希腊、意大利、摩洛哥和葡萄牙。





决定草案1

议程项目 4 关于成立"为未来重新设计旅游业"工作队的状况报告 (CE/118/4 rev.1 号文件)

执行委员会,

审查了秘书处与执行委员会主席协商后提交的关于"为未来重新设计旅游业"工作队的《议事规则》的报告,以及法律顾问办公室的报告;

- 1. 注意到所提供的信息;
- 2. 批准本文件附件 I 所载的工作队《议事规则》(CE/118/4);
- 3. 敦促非洲、美洲、东亚和太平洋、欧洲、中东和南亚地区委员会在定于 2023 年 6 月和 7 月举行的会议上,根据其议事规则,提出关于工作队成员的建议;
- 4. 决定工作队由各地区委员会推荐的九名成员组成,应从正式成员中选举出一名主席和一名副主席,最初任期一年,可连任;
- 6. 决定如果默许未被打破,该决定应被视为获得通过,执委会应在其下届会议上注意到该 决定;
- 7. 建议大会第25届会议将工作队的任务期限延长至大会第26届会议;
- 8. 敦促成员国根据《章程》和《财务条例和细则》向秘书处提供自愿捐助,支持工作队完成任务,以加强世旅组织,包括其业务和体制框架;和
- 9. 鼓励各成员国通过与秘书处分享实质性建议,为工作队的工作做出贡献。

¹这是决定草案。关于执委会通过的最后决定,请参考届会结束时发布的决定文件。

1. 引言

- 1. 在大会第 24 届会议期间(2021 年 12 月 1-3 日,西班牙,马德里),成员国注意到沙特阿拉伯和西班牙联合提交的提案(A/24/11 rev.1),通过第 741(XXIV)号决议,同意设立该工作队,并敦促执行委员会审议该提案,根据该议程项目中提出的指导原则确定工作队的任务、组成和运作方式。
- 2. 2022年6月7日在沙特阿拉伯吉达举行的第116届会议上,执行委员会在第<u>6(CXVI)号决定</u>中,注意到沙特阿拉伯和西班牙没有就工作队的任务、组成和运作方式向秘书长提交正式来文,决定"将对设立工作队的提案的审议和评价(.....)推迟到下届会议",并要求"任何提案(.....)都应与秘书处协商,以确保[其]符合本组织的法律框架"。
- 3. 在执行委员会第 117 届会议召开之前,2022 年 10 月 24 日,沙特阿拉伯旅游部长 Ahmed Al Khateeb 先生阁下、西班牙工业、贸易和旅游部长 María Reyes Maroto Illera 女士阁下和世旅组织秘书长,通过信函向执行委员会成员通报了列入第 117 届会议议程的关于工作队项目的辅助文件(CE/117/4),主要要求执委会批准《工作队议事规则》(附件 II, CE/117/4)。
- 4. 文件发布后,秘书处收到了葡萄牙、希腊和塞内加尔的书面来文,对有关工作队(议程项目4)的辅助文件,特别是《工作队议事规则》提出了一些关切和/或建议及修正。

Ⅱ. 执行委员会的决定

- 5. 执行委员会,在其第 117 届会议(2022 年 11 月 23-25 日,摩洛哥,马拉喀什)上审议了这些提案,并在其<u>第 7(CXVII)号决定</u>中通过,将工作队设立为执委会的一个附属机构,其《议事规则》应根据第 32 条予以适用,其任务、组成和运作方式应根据<u>第 741(XXIV)号决议</u>通过的沙特阿拉伯和西班牙提案中提出的指导原则确定,并与联合国的法律框架保持一致。
- 6. 执委会还请秘书长与主席协商,在 2023 年 2 月底之前分发一份最后文件,包括工作队的任务、组成和运作方式以及法律顾问办公室的报告。
- 7. 根据第7(CXVII)号决定,委员会还要求各地区委员会在2023年3月前,提出一份在工作队任职的正式成员名单,供执行委员会批准,该名单将根据执行委员会第117届会议的建议进行修订,以实现公平和公正的地域分配,并基于以下分配:非洲地区委员会2名,美洲地区委员会2名,东亚和太平洋地区委员会1名,欧洲地区委员会2名,中东地区委员会1名,南亚地区委员会1名。
- 8. 执委会邀请本组织成员在 2023 年 5 月 16-18 日在多米尼加共和国蓬塔卡纳举行的委员会下届会议之前,通过分享建议,为工作队的工作做出贡献。

Ⅲ. 《议事规则》和法律顾问办公室的报告

- 9. 在附件 I 中,根据第 7(CXVII)号决定,秘书处提交了"为未来重新设计旅游业"工作队的《议事规则》,其中考虑到了沙特阿拉伯王国和西班牙在大会第 24 届会议期间提出的原始提案(A/24/11 rev.1),纳入了执委会成员提出的意见,并确保其与本组织的法律框架保持一致。
- 10. 在附件 II 中,秘书处提交了法律顾问办公室的报告,为支持秘书处与 2023 年执行委员会主席(沙特阿拉伯)协商后提出的工作队《议事规则》作出了必要的澄清。

- 11. 截至本文件编写之日,秘书处已收到以下执委会成员对工作队《议事规则》的意见:亚美尼亚、希腊、意大利、摩洛哥和葡萄牙(附件 III、IV、V、VI 和 VII)。收到的意见已于2023年4月5日传发给各执委会成员。
- 12. 根据从成员国收到的意见,经与执行委员会主席协商,对规则第 III.9 条进行了修改,以纳入法律办公室提出的替代措辞。2019年11月25日发布的公共信息披露政策(SGB/12/19)包含在附件 VIII中。
- 13. 根据从成员国收到的意见,经与执行委员会主席协商,对决定草案也作了如下修改:
 - (a) 第 4 至第 6 段旨在澄清与各地区委员会的磋商程序,以推荐将被选入工作队并由执行委员会任命的成员;和
 - (b) 经与执行委员会主席协商,在决定草案中增加了第7段,以反映各成员国的意见。
 - (c) 2023年5月10日和11日,世旅组织秘书处和执行委员会主席的代表召开了在线筹备情况介绍会,执行委员会成员的职能部委的相关代表出席了会议。会议的主要目的是提前向执行委员会成员提供有关第118届会议的筹备和程序的信息,组织这些会议是为了介绍情况,并与成员国进行适当的磋商。为期两天的广泛的重要讨论使成员国提出了一系列问题,并已作为额外要点纳入本文件的决定草案中,即:1)从工作队的组成中选出一名主席和一名副主席;2)确定调动自愿捐助的极端重要性,这是工作队运作和开展活动的基本要素。

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I. 任务

考虑到执行委员会成员在第117届会议上提供的意见,秘书处制定了关于工作队任务的建议。

1. 为未来重新设计旅游业工作队的任务是加强世旅组织,包括其业务和体制框架,以根据本组织的《章程》,为发达国家和发展中国家旅游业的现有和未来需求提供服务。

为了在全球范围内将旅游业重新定位,以造福人类和地球,需要在重振的多边体系和快速发展的商业环境的框架内,加强国际协作和赋予权能的国际组织,使旅游业的增长具有可持续性、包容性和韧性。

根据本组织的《章程》,为未来重新设计旅游业工作队的战略目标是:

- (a) 支持秘书处加强世旅组织,以便在新的全球背景下,更好地指导和服务旅游业的现有和未来需求。
- (b) 为塑造世旅组织的战略优先事项做出贡献,参与为发达和发展中经济体建立一个有韧性、包容性和可持续的旅游业。
- (c) 审查世旅组织的体制和风险框架、工作方法及其战略和其他措施,提出建议、战略和改革提案(以及报告),供执行委员会和大会批准,以便世旅组织的框架、工作方法、战略和其他措施能够符合目的,更好地为各成员服务,同时考虑到内在和外在挑战。
- (d) 鼓励并确保非国家利益攸关方有意义地参与全球旅游业的重新设计。
- 2. 为未来重新设计旅游业的任务将持续到大会第25届会议。这一任期的延长将由大会批准。

II. 组成和任期

- 1. 工作队组成如下:
 - (a) 由各地区委员会推荐并由执行委员会任命的九名有投票权的正式成员如下:
 - 非洲: 2
 - 美洲: 2
 - 东亚和太平洋:1
 - 欧洲: 2
 - 中东: 1
 - 南亚: 1
 - (b) 一名准成员,在他们中间指定;和
 - (c) 根据附属成员委员会的《议事规则》第6条,一名附属成员。
- 2. 此外,由秘书长与执行委员会主席协调提出,经执行委员会批准,根据一次或多次具体会议的议程,临时邀请的与会者将参加工作队的工作。这些受邀与会者可以是:
 - (a) 国际组织;
 - (b) 公共部门、私营部门和民间社会实体,包括教育机构、目的地管理组织(DMO); 和
 - (c) 专家个人(如研究人员、名人)。
- 3. 工作队应从正式成员中选举出一名主席和一名副主席,最初任期一年,可连任。
- 4. 工作队所有成员的任期将在其任务结束后届满。

5. 如果大会第 25 届会议延长工作队的任期,其成员的任期应延长至执行委员会根据上文第 1 段就其组成作出决定为止。

III. 运作方式

会议

- 1. 会议的临时议程应由秘书长与主席商定后拟订,并在工作队会议前分发给工作队。
- 2. 工作队的工作语言是英语。
- 3. 工作队力争建立共识。如果不能达成共识,应适用执行委员会关于投票程序的《议事规则》。
- 4. 电话、视频会议和电子会议及磋商将是主要的互动形式。
- 5. 工作队将每年举行两次常会,最好是在执行委员会会议的框架内举行,在任何报告提交给 大会之前,工作队向执行委员会报告所有建议供其批准。
- 6. 世旅组织秘书处将不承担工作队成员、观察员和受邀与会者参加工作队会议的费用,无论 是在现场还是远程。

秘书处

- 7. 秘书长应担任工作队的秘书,并可将此职能委托给秘书处的另一成员。
- 8. 秘书处将根据世旅组织的适用规则和政策,向工作队提供所要求的世旅组织的任何信息或 文件,只要这些信息和文件的披露不受法律特权、隐私和保密性的保护²。

议事

9. 本《议事规则》是根据《执行委员会议事规则》第 32 条通过的,它们从属于该规则。如果出现本《议事规则》没有规定的情况,《执行委员会议事规则》应比照适用。

报告

10. 作为执行委员会的一个附属机构,工作队应向执行委员会提交关于其活动和建议的中期和 最后报告,以供批准。然后,执行委员会应酌情向大会报告。

自愿捐助

11. 虽然工作队没有自己的预算,但本组织可以根据其《章程》和《财务条例和细则》接受自愿捐助,分配给工作队执行任务。

² 2019 年 11 月 25 日发布的公共信息披露政策(SGB/12/19)。

编号: LGAD17/2023 2023年2月28日,马德里

原文: 英文

法律办公室关于工作队《议事规则》的报告

执行摘要

本报告是应执行委员会第 7(CXVII)号决定的要求编写的。报告的重点是按照执行委员会的要求,确定秘书处与执行委员会 2023 年主席(沙特阿拉伯)协商编写的规定工作队任务、组成和运作方式的《议事规则》草案是否符合本组织的法律框架。

法律办公室审查了秘书处与执委会主席协商后提交的提案。报告中提出了详细的分析。

法律办公室注意到,该提案大多与本组织的法律框架相一致,但规则 III.9 除外,该规则尚未起草,也未得到该办公室的确认(见第 8 页)。法律办公室进一步指出,根据大会第 741(XXIV)号决议的建议,按照规则 II.3 任命两名共同主席,可能需要制定工作队会议的议事指南,该指南可能需要由工作队本身批准(见第 6 页)。

I. 背景

2021年10月25日,秘书处通过沙特阿拉伯驻西班牙大使馆的普通照会,收到了旅游部长 Ahmed Al Khateeb 先生阁下的信函,要求秘书长在大会第24届会议(2021年12月1-3日)的临时议程中列入一个题为"为未来重新设计旅游业"的项目—主要提出由大会根据《章程》第12(j)条在本组织内设立一个"为未来重新设计旅游业工作队",并将该信函及其所附辅助文件分发给所有成员国。2021年11月9日,秘书长向本组织所有成员转递了沙特阿拉伯提交的文件和为澄清而与之交换的信函(A/24/11)。

在接下来的几周里,直到大会召开前,秘书处收到了几个成员国的要求,就沙特阿拉伯的提案是否符合本组织的法律框架及其结构和治理提供信息,包括关于此事项是否应首先由执行委员会审查的问题。

2021年11月30日,沙特阿拉伯王国通过给秘书处的一封电子邮件,要求在同一天举行的执行委员会第114届会议的临时议程中列入一个关于"为未来重新设计旅游业"倡议的项目。

当天,执行委员会听取了沙特阿拉伯的提案,并注意到该提案只是在其会议前夕收到的,因此不能作为一个项目审议,因为它不符合其《议事规则》规定的任何最后期限,秘书长也无法根据第 4(8)条报告其影响³。然而,鉴于主席对该倡议是否符合法律框架以及本组织的总体结构和管理表示关切,执行委员会在其<u>第 2(CXIV)号决定</u>中决定"将对该提案的审查推迟到未来的一届会议,以使秘书长能够就其技术、行政和财务影响提供必要的报告,从而使执行委员会能够向大会提出建议",并要求主席"向大会报告这一决定"⁴。

2021年12月1日,西班牙通过电子邮件向秘书处提交了一份关于议程项目11"沙特阿拉伯王国的提案:为未来重新设计旅游业"的提案,其中包括经修订的原始文件和一项新的决议草案,并要求在次日审议之前立即将其转发给所有成员国(A/24/11 rev.1)。

在<u>第 741(XXIV)号决议</u>中,大会*注意*到沙特阿拉伯和西班牙联合提交的修订提案(A/24/11 rev.1),*同意*设立该工作队,*敦促"*执行委员会审议该提案,并根据该议程项目规定的指导原则确定工作队的任务、组成和运作方式",并*建议"*任命沙特阿拉伯和西班牙为工作队的共同主席"。

^{3&}quot;执委会应审议秘书长向其提交的关于每个议程项目的技术、行政和财务影响的报告"。

⁴ CE/DEC/2(CXIV),第17和18段。

2022年6月7日在沙特阿拉伯吉达举行的第116届会议上,执行委员会在第<u>6(CXVI)号决定</u>中*注意到*沙特阿拉伯和西班牙没有就工作队的任务、组成和运作方式向秘书长提交正式来文,*决定*"将对设立工作队的提案的审议和评价(.....)推迟到下届会议",并要求"任何提案(.....)都应与秘书处协商,以确保[其]符合本组织的法律框架"。

2022年10月24日,执行委员会成员收到一封信函,获悉关于工作队的一个项目将列入第117届会议的议程,并附有辅助文件(CE/117/4),主要是要求执委会批准"工作队的《议事规则》"(附件 II,CE/117/4)。正如法律顾问后来在讨论该议程项目时口头表达的那样,法律办公室既没有起草也没有批准支持该议程项目的任何文件。

在 2022年11月24日于摩洛哥马拉喀什举行的执行委员会第117届会议之前,秘书处收到了葡萄牙、希腊和塞内加尔的书面来文,对有关工作队(议程项目4)的辅助文件,特别是"工作队的《议事规则》"提出了一些关切和/或建议及修正案。

在开幕时,执行委员会在其<u>第 1(CXVII)号决定</u>中核准了葡萄牙的提议,即在审议议程项目 4 — 现在的议程项目 5(b)之前讨论与工作队有关的法律问题。法律顾问提供了一般性指导,以便使该提案符合本组织的法律框架以及沙特阿拉伯和西班牙提交给大会第 24 届会议的初步提案。

经过长时间的讨论,并听取了秘书处的澄清后,执行委员会在其<u>第 7(CXVII)号决定</u>中通过了与工作队有关的下列准则:

- (a) 工作队作为执行委员会的一个附属机构设立。
- (b) 工作队的任务、组成和运作方式根据第 741(XXIV)号决议通过的沙特阿拉伯和西班牙的提案中提出的指导原则确定,并与本组织的法律框架相一致。
- (c) 规定工作队任务、组成和运作方式的最后文件,将由秘书长与主席协商后,连同法律顾问办公室的报告,在 2023年 2 月底之前分发。
- (d) 各地区委员会将在 2023 年 3 月前就按照以下分配方式(根据 A/24/11 rev.1)参加工作队的 9 名正式成员提出建议,供执行委员会批准:
 - a) 非洲: 2
 - b) 美洲: 2
 - c) 东亚和太平洋: 1
 - d) 欧洲: 2
 - e) 中东: 1
 - f) 南亚: 1
- (e) 本组织所有成员均可在执行委员会下届会议之前提交有关该工作队的实质性建议。

本文件是法律顾问办公室的报告,为支持秘书处与 2023 年执行委员会主席(沙特阿拉伯)协商后提出的工作队《议事规则》作出必要的澄清。

Ⅱ. 简介

正如本办公室在执行委员会第 116 届和第 117 届会议上,应秘书长和主席的要求,在讨论关于工作队的项目时,已经在*现场*向成员表示,确立本组织的治理和结构的依据,是组建本组织的国际条约、《章程》及其所附的《财务细则》,它是世旅组织的主要和支配性法律,本组织的所有机构、规则和政策都在其规范之下。

设立《章程》中没有明确规定的任何机构,应服从《章程》规定的治理和结构,其《议事规则》同样必须充分尊重《章程》的核心原则,*特别是*关于正式成员的主权平等、各类成员参与本组织活动、三个法定机构(大会、执行委员会和秘书处)的权力归属、非全体会议机构组成中公正和公平的地域分配原则以及决策和表决程序。

应该指出的是,大会和执行委员会的《议事规则》规定,它们将*比照*适用于各自设立的任何附属机构,"且须符合大会或执委会通过的任何具体规定"。在为这些附属机构的正确运作通过任何具体规定时,不能通过与本组织《章程》相抵触的规定。事实上,组建条约适用于世旅组织的所有机关和机构,所有这些机关和机构都必须遵守其规定,并作为这些规定的捍卫者;但谅解是,这并不妨碍大会通过第33条规定的法定程序修正组建条约的可能性。

在第 117 届会议上,执行委员会在其第 7(CXVII)号决定中作出决定,"设立工作队,作为执行委员会的一个附属机构,其《议事规则》应根据第 32 条予以适用";以及"工作队的任务、组成和运作方式,应根据大会第 741(XXIV)号决议通过的沙特阿拉伯和西班牙提案中提出的指导原则确定,并与本组织的法律框架保持一致。"

应当指出,沙特阿拉伯王国和西班牙向大会第24届会议提交的提案(A/24/11 rev.1)规定,工作队的《议事规则》应"根据需要考虑到联合国专门机构普遍适用的规则和程序"(见决议草案第10段)。

鉴上,秘书处编写的供执行委员会批准的工作队拟议《议事规则》与执行委员会其他现有附属机构,如旅游与竞争力技术委员会和旅游可持续性技术委员会的《议事规则》相一致,但秘书处与执行委员会主席协商后引入的那些内容除外,如共同主席、工作队的经费以及文件和信息的获取。这些规则规定了这些机构的任务、组成和与运作方式有关的事项,但只限于在这些机构正确运作所需的范围以内,而对于规则中没有明确反映的任何其他事项,则参照适用《执行委员会议事规则》(RPEC)。工作队的拟议《议事规则》遵循同样的模式,以避免不必要的重复,并确保世旅组织政府间机构做法的一致性。因此,它们没有明确提及决策过程和表决程序等事项,也没有提及会议事务的处理(共同主席的运作除外),这些事项在执行委员会的《议事规则》中已经充分考虑到了,并根据其拟议的规则 III.7 和执行委员会第7(CXVII)号决定适用于工作队。

III. 任务

本组织各机关或机构的任务和工作范围由设立它们的机关确定,该机关通常作为*上级机关*。执行委员会各委员会的情况就是如此,但附属成员事务委员会(CMAM)除外。事实上,CMAM 最初是*附属成员申请审查委员会,*由大会设立⁵,在执行委员会的结构内运作,目的是审查所有附属成员的申请并向大会提出建议。

在本事项中,大会敦促执行委员会根据 A/24/11 rev.1 中规定的指导原则确定工作队的任务。 根据第 III 节 "为未来重新设计旅游业工作队的任务",工作队的任务是:

- (a) "重振世旅组织,除其他外,考虑在《章程》框架内改变世旅组织目前的工作方法,以及制定更好的方案和举措,以确保世旅组织能够为旅游部门的现有和未来需求提供服务,特别是与发展中国家有关的需求;
- (b) 考虑采取措施,响应全球对世旅组织的呼吁,为其成员国提供经过实质性改进的方案和举措,能够得以执行,获得切实和可衡量的成果,旨在服务于未来,满足包括发展中国家在内的所有成员国的需求,并符合"重新设计未来旅游业"的三个关键支柱:可持续性、韧性和包容性;和
- (c) 鼓励并确保非国家利益攸关方有意义地参与全球旅游业的重新设计。"

以 A/24/11 rev.1 号文件中的上述段落(见第 III 节第 7 段)为*指导原则*,同时 ,考虑到执行委员会成员在第 117 届会议上提供的意见,秘书处就工作队的任务制定了以下建议:

(a) 为未来重新设计旅游业工作队的任务是加强世旅组织,包括其业务和体制框架,以满足发达国家和发展中国家旅游业的现有和未来需求,这是按照新的和正在出现的挑战和危机的要求,且与本组织现有《章程》保持一致。

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⁵ A/RES/172(VI)

为了在全球范围内将旅游业重新定位,以造福人类和地球,我们需要在重振的多边体系和快速发展的商业环境的框架内,加强国际协作和赋予国际组织权能,使旅游业的增长具有可持续性、包容性和韧性。

根据本组织的《章程》,"重新设计未来旅游业工作队"的战略目标是:

- (i) 支持秘书处加强世旅组织,以便在新的全球背景下,更好地指导和服务旅游业的现有和未来需求;
- (ii) 帮助确定世旅组织的战略重点,为发达经济体和发展中经济体建立一个有韧性、 包容性和可持续的旅游业;
- (iii) 审查世旅组织的体制和风险框架、工作方法及其战略和其他措施,提出建议、战略和改革提案(以及报告),供执行委员会和大会批准,以便世旅组织的框架、工作方法、战略和其他措施能够符合目的,更好地为成员服务,同时考虑到内在和外在挑战:
- (iv) 鼓励并确保非国家利益攸关方有意义地参与全球旅游业的重新设计。
- (b) 为未来重新设计旅游业工作队的任务将持续到大会第 25 届会议。这一任期的延长将由大会批准。

IV. 组成和任期

a) 组成

本组织的非全体会议机关或机构的组成,特别是当它们是委员会的附属机构时,如工作队,应遵循《章程》第 14(1)条为正式成员规定的公平和公正的地域分配原则,并为准成员和附属成员的参与作出规定一按照执委会的一贯做法,至少有一个准成员和附属成员委员会的代表一以确保与本组织的法律框架相一致。

秘书处在《工作队议事规则》第 II.1 条中提出的关于按地区划分的正式成员的组成,特别是人数的建议,遵循了其他附属于执委会的各委员会的一贯做法。因此,工作队将由九名正式成员组成,此外还有无表决权的一名准成员和一名附属成员,由执行委员会根据各地区委员会的建议,按照公平和公正的地域分配原则任命,具体如下:

- a) 非洲: 2
- b) 美洲: 2
- c) 东亚和太平洋: 1
- d) 欧洲: 2
- e) 中东: 1
- f) 南亚:1

以下是执行委员会各附属机构按地区划分的正式成员组成图。

	CAF	CAM	CAP	CSA	CEU	CME
方案和预算委员会	2	2	2	2	2	2
附属成员事务委员会6	1	1	1	1	1	1
统计委员会	2	2	1	1	2	1
旅游和竞争力委员会	2	2	1	1	2	1
旅游和可持续性委员会	2	2	1	1	2	1
在线教育委员会	2	2	1	1	2	1

⁶ 附属成员事务委员会由六名正式成员(每个地区一名)组成,然后由附属成员数量最多的地区的两名正式成员和附属成员数量第二多的地区的一名正式成员组成。

根据第 7(CXVII)号决定的规定和本组织的一贯做法,被指定在执委会附属机构任职的正式成员由各地区委员会推荐—通常是以协商一致的方式推荐—其次是通过投票,并由上级机关任命。

b) 官员

秘书处在与主席协商后根据规则第 II.3 条提出的建议,并不反映理事机构及其附属机构的长期做法,即从该机构本身的正式成员中选出一名主席和一名或两名副主席。相反,大会在第 741 (XXIV)号 决议中建议任命两名共同主席(沙特阿拉伯和西班牙)。

在本事项中,只要工作队是执行委员会的一个附属机构,《执行委员会议事规则》的规定应适用于工作队,"但须符合委员会可能通过的任何具体规定"⁷。因此,完全由执委会决定工作队是否遵循关于本组织非全体会议机关官员的长期做法(一名主席和一名副主席),或按照大会的建议,不遵循(两名共同主席)。

然而,应注意到,由两名正式成员*平等*或*共同*担任主席,会引起一些实际问题。例如,工作队可能会面临这样的情况:共同主席对某一代表提出的程序问题的裁决意见不一致,从而导致本组织的任何议事规则都没有预见到或解决的情况。因此,法律办公室认为,从实际和法律角度来看,由两名正式成员担任共同主席对工作队的官员来说**是不可取的**。还有一个备选方案,即由共同主席分担该职位的职能,使其不发生冲突。归根结底,除非所有的职能都被明确界定,并明确赋予任何一位共同主席,否则可能会出现谁做什么的问题,从而导致像上面的情况一样,出现本组织的任何议事规则都没有预见到或解决的情况。

因此,执行委员会主席提出了拟议的规则 III.2,规定工作队的共同主席分担职能("在他们之间分担和分配责任"),他们轮流主持工作队会议的议程项目("每个共同主席应轮流主持每个议程项目")。如果出现分歧("如果共同主席不能就任何责任达成一致"),则将该问题提交给工作队,工作队应以简单多数票作出裁决。

法律办公室欢迎主席的这一建议,以便在议事中提供更多的法律确定性,同时强调需要进一步详细说明并为共同主席制定一套更全面的规则或指南,这可以由工作队自己决定。

关于执行委员会任命共同主席的问题,应该指出的是,在工作队成员被选定和任命之前,由执行委员会指定两名共同主席会对工作队的拟议组成产生影响。应当指出的是,目前的建议符合《章程》第 14(1)条规定的公平和公正的地域分配原则。因此,共同主席必须从九个正式成员中选出,否则就不符合上述原则。

这意味着欧洲只能推荐一名成员在委员会任职,而中东将无法推荐任何成员,因为西班牙和沙特阿拉伯已经被任命为工作队的成员和共同主席。

c) 观察员的出席

关于未被执行委员会任命为工作队成员的本组织其他成员的参与问题,按照执行委员会其他现有附属机构的规则,拟议的议事规则中没有列入具体规定,因此,根据拟议的规则III.7,执行委员会的议事规则将tt照适用。

根据比照适用于工作队的执委会议事规则第 1(4)条,不是工作队成员的正式成员可以作为观察员出席工作队的所有会议,"没有发言权或表决权",除非主席应工作队的要求或正式成员的要求授权该正式成员发言。根据执委会议事规则第 1(5)条,准成员或附属成员可在工作队的要求下或在该成员书面要求下被授权就某一议程项目发言。

非本组织成员的国家、实体和组织可能作为"受邀参与者"参加工作队,应遵循理事机构及其附属机构的现行做法。拟议的规则 II.2 复制了竞争力委员会和可持续性委员会的议事规则第 6 段。这些实体可由秘书长与执行委员会主席协调提出,并应得到执行委员会的批准,以观察员身份参加工作队会议或在会上发言。

⁷执委会议事规则,第32条。

应当指出的是,根据世旅组织的惯例,并根据其作为联合国专门机构的地位,非本组织正式成员的国家的参与应限于联合国成员国。

d) 任期

虽然工作队成员的任期取决于大会第 24 届会议为工作队规定的任务,即根据拟议的规则 I.2,到 2023 年第 25 届会议为止,并将在其结束时届满,但应该指出,根据执行委员会其他附属机构的现行做法,成员由各地区委员会推荐,任期四年,由执行委员会任命,通常在大会框架内举行的会议上任命。如果大会第 25 届会议延长工作队的任务期限,工作队的拟议议事规则也保留了同样的程序,唯一不同的是,初始成员的任期将延长到必要的额外时间,直到执行委员会就工作队的组成作出决定,无论是维持还是改变。

根据执行委员会的规定,秘书处建议工作队官员(主席和副主席)的任期以一年为限,并可再延长一年,但须由工作队以协商一致的方式或在无法就候选人达成共识的情况下以无记名投票的方式决定是否延长。

V. 运作方式

工作队的拟议运作方式大体上遵循执行委员会附属的其他技术委员会的运作方式,如竞争力和可持续性技术委员会,涉及工作语言、在编制建议和提案供委员会批准方面采取建立共识的方法以及会议频率等方面。

虽然技术委员会通常在执行委员会会议的框架内举行会议,并向其报告建议和结论,但完全不妨碍这些机构通过虚拟手段进行必要的互动,以正确履行其任务,因此提出了拟议的规则 III.6。这有利于并加快各委员会的工作,同时避免给本组织带来任何额外的财政负担。

VI. 向执行委员会和大会报告

根据《章程》第19条规定的职能,执行委员会是世旅组织的执行局,其任务是为大会一本组织的最高机构"8,做好工作准备,并执行大会的决定和建议。执行委员会还负责监督秘书处和本组织的预算,并在大会闭会期间决定当前事务,但须服从大会的最终权威°。

根据上述情况,工作队不能直接向大会报告,而必须通过执委会(见规则 III.6 和 III.11)。因此,工作队通过的任何报告、建议和/或决定只能提交给执行委员会,而且由于它是后者的一个附属机构,在它向大会报告之前需要由执委会批准。

VII. 获取信息和文件

在与执委会主席协商后,秘书处在规则 III.9 中引入了一项新的规定,使工作队能够向秘书处索取信息或文件,只要这些信息或文件不受"法律特权、隐私或保密性的保护而不得披露"。至于"向公众披露",秘书处将"根据世旅组织的适用规则和政策"行事。

然而,从法律角度来看,规则 III.9 的措辞引起关切,因为它根本不符合本组织的法律框架,特别是秘书处的公共信息披露(SGB/12/19),它与其他联合国机构的法律框架是一致的¹⁰。事实上,对内部信息披露的限制,适用于公众,包括本组织的成员,反映了维护合法的公共或私人利益的必要性。这正是秘书处的政策适用于"世旅组织创建的或其掌握的所有信息"的原因,而不论是某个人或机构要求获取这些信息。

此外,规则 III.9 的措辞并没有澄清工作队的权力范围,以及哪些文件和资料是它可以要求全面获取的。也不清楚谁是确定上述文件受保护而不予披露的负责机构 — 工作队本身还是秘书长?

^{8 《}章程》第9(1)条。

⁹ 见《章程》第20条。

¹⁰ 例如,见<u>世卫组织</u>和<u>开发计划署</u>。

应忆及,工作队向秘书处广泛要求提供任何信息或文件的职能并不在大会第 741 (XXIV)号决议通过的任务中。这项职能首次出现在提交给执行委员会第 117 届会议(<u>CE/117/4</u>)的工作队《议事规则》草案的第 5(3)条中,它引起了执委会成员的一些关切和意见,甚至要求法律办公室确认其合法性。

还可以忆及,世旅组织的国际文件,跟其他国际组织一样,通常被排除在公众审查和国家当局可获范围之外。档案的不可侵犯性,历来被认为是国际组织的基本豁免权,目的是保护其独立行使职能,同时保护第三方的隐私和安全。就世旅组织而言,其档案以及一般来说属于它的或由它持有的所有文件,无论位于何处,其不可侵犯性是根据大会批准的《专门机构特权和豁免公约》第 6 节第 III 条规定的,成员国已加入或通过双边协议承诺适用该公约。

在本组织的实践中,内部文件和信息只向法定的为此目的指定的机构 — 外聘审计员 — 以及与本组织达成特别安排的联合国机构披露,如内部监督办公室和联合检查组。

因此,在执行委员会考虑采取不同做法的情况下,法律办公室提交了一份替代措辞,该措辞既顾及了执行委员会主席的立场,又确保秘书处遵守其在此问题上的适用规则和政策,这些规则和政策如上所述,与联合国其他实体的规则和政策完全一致:

"对于工作队索要的世旅组织的任何信息或文件,秘书处将根据世旅组织的适用规则和政策¹¹,并在这些信息和文件的披露未受到法律特权、隐私或保密保护的情况下,提供这些信息和文件。"

VIII. 比照适用执行委员会的议事规则

根据第 8(2)条和第 32 条,执行委员会的《议事规则》应*比照*适用于执委会设立的任何附属机构。这一拉丁语表达方式($mutatis\ mutandis$),翻译成英语为"做必要修改后",表明虽然可能有必要做出一些修改,以考虑到不同的情况,但要点仍保持相同 12 。

在目前的情况下,这意味着,只要工作队是执行委员会的一个附属机构,执行委员会《议事规则》的规定应自动适用于工作队《议事规则》中没有明确规定的内容(规则 III.10)。

针对葡萄牙、塞内加尔和希腊在执行委员会第117届会议之前所表达的关切,现作出如下澄清:

a) 秘书长的作用

秘书长在工作队中的职能将与他在执行委员会中担任秘书时的职能相同。因此,秘书长 — 或代表其行事的另一名工作人员 — *除其他外*,将发出工作队会议的召集函(执委会议事规则第 3 条),与主席/共同主席商定起草会议的临时议程(执委会议事规则第 4 条),并就工作队议程中的所有项目编写和提交报告(执委会议事规则第 11 条)。同样,秘书长有权在任何时候就讨论中的任何事项发表口头或书面声明(执委会议事规则第 12 条)。

秘书长在工作队内的一个固有作用,是协调工作队与本组织其他机构的工作,特别是涉及执行委员会的其他附属机构,如方案和预算委员会,这些机构的工作范围与编制本组织的工作计划有关。

b) 官员的作用

工作队主席或共同主席的职能将与执行委员会主席的职能平行,但没有进一步的额外权力。因此,*除其他外*,主席将同意秘书长起草的工作队会议的临时议程(执委会议事规则第 4 条),确保遵守议事规则和会议的有序进行(执委会议事规则第 6 条和第 17-25 条)。

c) 决策和投票程序

根据执行委员会届会的适用规则,工作队必须有多数正式成员出席才能构成会议的法定人数(执委会议事规则第 15条),其会议将是公开的,除非工作队本身另有决定(执委会议事规则第 16条)。每个正式成员将有一票(执委会议事规则第 27条),工作队的决定/建议将由出席并投票的正式成员

¹¹ 公共信息披露政策 (SGB/12/19)。

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

的简单多数做出(执委会议事规则第 28 条)。在举行投票的情况下,工作队将遵循《大会议事规则》第 40-43 条,与执委会的做法相同。

d) 会议的形式

首先,拟议的规则 III.6 规定,工作队的会议最好在执行委员会届会的框架内举行,但不妨碍根据适用于执行委员会虚拟会议的特别程序安排会议和协商,包括通过电子手段。与执行委员会的情况一样,工作队会议的召集函将由秘书长发出。

IX. 筹资

首先,本组织的机构,包括其附属机构,没有自己的预算,也没有向其直接分配资金来履行其职能。根据《章程》第 25 (1)条,本组织的预算"包括其行政职能和一般工作计划"。事实上,在大会或执行委员会的《议事规则》中,没有规定允许为履行其职能而接受自愿捐助。

然而,经与执行委员会主席(沙特阿拉伯王国)协商,为了澄清对该问题的任何潜在疑问,秘书处在规则 III.12 下引入了一项规定,允许本组织接受自愿捐助,这些捐助可根据《章程》和《财务条例和细则》分配给工作队执行任务,同时明确指出,工作队没有自己的预算。



EMBAJADA DE LA REPÚBLICA DE ARMENIA EN EL REINO DE ESPAÑA

No. 2212/043/23

NOTE VERBALE

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. $5\,{\it \Lambda}$

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.

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 <u>mandate</u> 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 <u>composition</u> 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 <u>Modus Operandi</u>, 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.

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.

Diplomatic Advisor

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.



Par M. Zurest,

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.

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:

- 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

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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

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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
 - 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

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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
- 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.

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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.

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

- 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.

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