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Special Procedures governing the Executive Council during the COVID-19 pandemic

I. Background and purpose of the Special Procedures for an online session of the Council

1. The coronavirus disease (COVID-19) pandemic is having an extraordinary impact around the globe. Many governments have imposed severe restrictions on the movement and gathering of people and even closed borders.
2. In light of the evolving situation regarding the COVID-19 pandemic, the guidelines issued by the WHO and limitations imposed by host states, the governing bodies of the United Nations and of the majority of specialized agencies are considering (or have already considered) holding their plenary sessions and/or its subsidiary bodies online rather than deferring them indefinitely. Such is the case, for example, of UN, WHO, UNESCO and IFAD, whose governing bodies have additionally adopted special procedures in order to ensure business continuity without a plenary session and to facilitate the timely organization and conduct of proceedings of their online sessions during the COVID-19 pandemic.
3. In the case of UNWTO, and as explained in the document CE/112/7, exceptional and unavoidable circumstances caused by the COVID-19 outbreak forced the Secretariat, in consultation with the Chair of the Executive Council, to postpone the present session of the Council, initially scheduled to be held on 10-12 June 2020 in Georgia, to 15-17 September 2020.
4. However, given the current evolution of the COVID-19 pandemic and the related worldwide restrictions on travel, gatherings and movement of people, the Chair of the Executive Council agreed on the Secretary-General's recommendation that Members of the Council be allowed to join the Meeting either in person or virtually, using video conference technology, so as not to defer it any further, and requested the latter to inform all the Members of his decision prior to the opening of the session.
5. Therefore, and after consultation with, and endorsement from the Secretary-General, the Chair of the Executive Council submits in the present document for approval by the Council a set of exceptional arrangements and special procedures to regulate the conduct of virtual and in-person sessions of the Council during the COVID-19 pandemic.
6. It is important to note that these Special Procedures are not intended to deviate from, replace or otherwise amend the Rules of Procedure of the Executive Council in any definite manner but only to propose a set of exceptional arrangements limited in scope and of temporary application for the specific needs to hold sessions of the Council by virtual means during the COVID-19 pandemic in order to facilitate the conduct of the proceedings.

Legal basis for conducting an online session of the Council

7. At the outset, UNWTO has never held any session of its governing bodies by online means. In fact, according to the information available to the Secretariat, no governing body of any other organization of the United Nations system had held formal online meetings before the COVID-19 pandemic.
8. The Rules of Procedure of the Executive Council were originally adopted in 1975 and have been drafted in a manner that presupposes the conduct sessions of the Council with the physical presence of participants. However, neither these Rules of Procedure nor even the Statutes explicitly impose the holding of a session in presentia, nor do they forbid the convening of an online session.

9. According to Rule 3.3 (pursuant to Article 8.2 of the Statutes) the sessions of the Council shall be held at the Organization's Headquarters "unless the Council decides otherwise". It is noted, however, that even though the wording implies that meeting outside the Headquarters is an exception, in the practice of the Organization, meetings of the Executive Council hardly ever take place in Madrid.
10. Therefore, the Council may meet virtually or allow Members to join virtually a physical meeting when exceptional circumstances make it impossible to hold a physical meeting be it at the Organization's Headquarters or elsewhere.

II. Procedure for taking decisions of the Council during the COVID-19 pandemic

11. In the current global context in which in-person formal meetings of the Council pose a significant challenge and large gatherings are discouraged, it has become imperative to explore temporary and extraordinary means to ensure continuity of its work during the COVID-19 pandemic, particularly in relation to taking crucial administrative and budgetary decisions related to the Organization.
12. In situations where an urgent action must be taken by the Council and the calling of an extraordinary meeting pursuant to Rule 3.2 is not practicable or to facilitate the adoption of decisions in between sessions as appropriate, the Council may consider adopting a silence procedure for decision-making in line with that adopted by the United Nations' General Assembly.
13. Pursuant to Decision 75/544 (adopted on 27 March 2020), the President of the United Nations General Assembly is authorized to submit a draft resolution or decision to all Member States, in consultation with the Office of the General Assembly, by a no-objection procedure (silence procedure) of at least 72 hours. If no objection has been raised, the decision/resolution is considered adopted through a letter by the President of the Assembly to the whole membership, of which the General Assembly should take note at its first plenary meeting "as soon as the circumstances allow". It is noted, however, that only consensus is allowed. Therefore, an objection by any Member State is sufficient to prevent the adoption of a text.

III. Decisions of the Council on the conduct of its sessions during the COVID-19 pandemic

14. Noting with concern the situation related to the COVID-19 worldwide and the limitations on travel, gatherings and movement of people as precautionary measures aimed at containing the spread of COVID-19, the Executive Council, on the proposal of its Chair,
 - (a) Takes note of the decision of the Chair of the Council, after consultation with the Secretary-General, that Members may join online the 112th session of the Council;
 - (b) adopts the special procedures governing the conduct of virtual and in-person sessions of the Council during the COVID-19 pandemic; and
 - (c) authorizes the Chair of the Council with the endorsement of the Secretary-General to hold sessions of the Council virtually insofar as the holding of an in-person meeting of the Council is not practicable due to the COVID-19 pandemic, and to inform all the Members of his decision (10 days) prior to the opening of the session.
15. Noting the need to adopt temporary and extraordinary measures for decision-making to ensure business continuity during the COVID-19 pandemic and following the practice adopted by the UN General Assembly, the Executive Council, on the proposal of its Chair,
 - (d) Authorizes the Chair of the Council, where, in his view, an action must be taken by the Council that should not be postponed until its next session and the calling of an extraordinary meeting of the Council is not practicable, to circulate, after consultation with the Secretary-General, the draft decision of the Council to all its Members under a silence procedure of at least 72 hours; and
 - (e) Decides that, if the silence is not broken, the decision shall be considered adopted, and the Council shall take note of such decision at its first formal meeting.

Annex I: Special Procedures Governing the Conduct of Virtual and In-Person Sessions of the Executive Council during the COVID-19 Pandemic

1. The Rules of Procedure of the Executive Council shall continue to apply in full to the relevant session of the Executive Council (hereinafter “the Meeting”) insofar as they are consistent with the special guidelines set out below.
2. The Rules of Procedure of the Programme and Budget Committee shall apply to its online session insofar as they are consistent with these Special Procedures.

Attendance

3. Participants to the Meeting may also join by means of teleconference or any other electronic means that enable them to listen to the proceedings and address the Meeting from a remote location. However, should any of them lose connectivity, deliberations shall continue and decisions be made as appropriate, unless the quorum is lost.
4. Members of the Council attending virtually shall be represented by a single representative with the right to speak. Alternates may attend virtually the Meeting as silent observers. During the Meeting, should connectivity issues arise, Members may be requested to restrict participation to a single representative only.
5. Should any of the Participants without the right to vote, pursuant to Rule 1, lose connectivity, deliberations shall continue and decisions be made as appropriate.

Registration and Credentials

6. Online registration will follow normal practice. Additional information is provided in the Information Note related to the Meeting.
7. In order to ensure their attendance at the meetings, Members of the Council attending virtually will communicate in writing the names, titles and email addresses of their designated representatives and alternates to the Secretary-General in advance of the Meeting. Upon accessing the virtual room, the Secretariat will verify the accreditation of the representative and alternates.
8. Credentials of the Members of the Council shall be submitted to the Secretary-General at least one day before the opening of the Meeting. A copy of the credentials shall be submitted electronically at least one week before the Meeting.

Conduct of business

9. Pursuant to Rule 15, the quorum would consist of a majority of the Members of the Council that are physically or virtually present at the Meeting¹. The quorum will be determined by verifying the physical or online presence of representatives of Members of the Council. In case of doubt, a roll call may be organized.
10. In the event that quorum is lost due to connectivity issues being experienced by a number of representatives attending virtually, the Meeting shall be suspended until such time as a quorum has been re-established.
11. In line with Rule 6.6, when the Chair is, for any reason, temporarily disconnected during the session, he shall be automatically replaced by the first Vice-Chair or, failing that, by the second.
12. Participants attending virtually shall signal their wish to take the floor during the session by using the Chat or by raising the hand. For the avoidance of doubt, Members of the Council wishing to speak are invited to inform the Secretariat (cose@unwto.org) in advance of the session of their wish to take the floor on agenda items.

¹ For hybrid or online sessions of the Council, the principle that the checking of quorum requires the physical presence of Members of the Council shall be suspended so that those participating by electronic means shall also be considered for quorum purposes.

13. The list of speakers is prepared by the Secretary-General, pursuant to Rule 17.4. Statements should be limited to 3 minutes. Participants attending virtually should mute their microphones and turn off their cameras when they are not addressing the Council.
14. Pursuant to Rule 19, a delegate attending virtually may raise a point of order by using the Chat or any available technological means.
15. Proposals and amendments to decisions relating to agenda items shall be submitted in writing to the Secretary-General at least 72 hours before the discussion of the corresponding item so that he can communicate to all Members of the Council no later than 48 hours before².

Decision-making

16. All decisions taken by the Council should so far as possible be taken by consensus.
17. If a vote is taken, it will be on roll call. Should a voting Member experience technical problems during a vote, it will be asked to call the Chair by phone so as to cast its vote, with Members witnessing the casting of the vote. Given the partially virtual nature of the Meeting, no decision shall be taken by show of hands vote or by secret ballot.

² For hybrid or online sessions of the Council, the deadline of one day provided for in Rule 25 shall be extended to 72 hours. The Chairman may, however, permit the discussion of amendments and procedural motions communicated after said deadline.