



Executive Council

105th session

Madrid, Spain, 10-12 May 2017

Provisional agenda item 8(b)

CE/105/8(b)
Madrid, 7 April 2017
Original: English

Affiliate Members

(b) Guidelines for States on criteria for endorsement of candidates to affiliate membership

I. Background

1. The Executive Council at its 100th session held in Rovinj, Croatia, in 2015, requested the Secretariat, through decision 19(C) to prepare guidelines clarifying the responsibility of Member States with respect to the Affiliate Members to which they have extended a letter of support, and also decided that such guidelines should be applied to future applications for affiliate membership coming from both Member and non-Member States.
2. Following this request, the Secretariat started a thorough and rigorous analysis of the legal situation to draft a document that was circulated to the members of the Committee for Review of Applications for Affiliate Membership during the meeting held on 31 October 2016 in Luxor, Egypt, on the occasion of the 104th session of the Executive Council. Following consultation with the members of the Committee, the Secretariat is submitting the annexed guidelines for consideration and approval by the Executive Council.
3. The endorsement of an Affiliate Member is an important step that must not be underrated; UNWTO recommends following these guidelines, which have been designed to help the Full Member/State take into consideration the most important factors that should be reviewed before admission to affiliate membership takes place.
4. The purpose of these guidelines is to recommend to States a set of standard requirements to ensure a minimum of due diligence in the support of candidates, as well as to establish more clearly the responsibility of States in the endorsement of candidates to Affiliate Membership and throughout the duration of their membership with the Organization.
5. The text of the proposed Guidelines for States on Criteria for Support of Affiliate Members is provided in the Annex to this document.



II. Actions to be taken by the Executive Council

6. The Executive Council is invited:
 - (a) To endorse the Guidelines for States on the Criteria for Support of Affiliate Members and to recommend its approval by the UNWTO General Assembly at its twenty-second session; and
 - (b) To request the Secretary-General to initiate the circulation of the Guidelines for States on Criteria for Support of Affiliate Members to the Full Members before submitting it to the consideration of the General Assembly.

Annex: Guidelines for States on Criteria for Support of Affiliate Members

I. Introduction

1. One of the requirements for a commercial body or association with interests in tourism or with activities related to the aims of the Organization to become an Affiliate Member is the endorsement by the State in which the headquarters of this candidate are located, according to Article 7 of the Statutes of the UNWTO and Article 3.1(d) of the Rules of Procedure of the Committee of the Affiliate Members.

2. The Executive Council, at its 100th session held in Rovinj, Croatia, in 2015, requested the Secretariat in decision 19(C) to prepare guidelines to clarify the responsibility of Member States with respect to the Affiliate Members to which they have extended a letter of support, and also decided that these guidelines should be applied to future applications for affiliate membership coming from non-Member States as well.

II. What is the responsibility of a Full Member/State when it endorses a candidature for affiliate membership?

1. Through the endorsement, the State is supporting the affiliation of the candidate to the UNWTO, hence the importance of a perusal of its situation. In particular, it should check that the information in the application form is accurate and the conformity of the candidature with the following:

(a) **Eligibility for affiliate membership**. In accordance with the eligibility requirements established in Article 7 of the UNWTO's Statutes, a candidate for affiliate membership must have the following characteristics:

(i) **Type of entity**. International bodies, both intergovernmental and non-governmental; commercial bodies or business associations with tourism-related activities (see next).

(ii) **Interests and activities**. The entity must carry out activities that are directly or indirectly connected with tourism, related to the mission and the aims of the Organization or that fall within its competence.

(b) **Accordance with UN principles**. As part of the UN system, the UNWTO cannot engage with entities that are complicit in human rights abuses, tolerate forced or compulsory labour or the use of child labour, are involved in the sale or manufacture of anti-personnel landmines or cluster bombs, or that otherwise do not meet relevant obligations or responsibilities required by the United Nations. The Full Member/State guarantees with its endorsement that, to the best of its knowledge, the candidate does not fall in any of the stated cases.

(c) **Financial and legal situation of the candidate**. The Full Member/State guarantees that the entity complies and is in line with its relevant local laws and regulations and that their tax and social security payments are up to date.

(d) **Authority of representative**. The Full Member/State ensures that the representative of the entity is legally entitled, under national law, to represent such entity.

2. This support from the Full Member/State does not make it responsible for the membership contributions of the Affiliate Member nor implies a financial endorsement of this entity.

III. What are the responsibilities of a Full Member/State after the candidature of the organization/entity has been accepted and during its membership?

1. The Full Member is responsible for communicating, if it becomes aware of any such case, any breach by the entity of the following:

(a) **Respect for UN and UNWTO principles and rules.** If the Full Member/State becomes aware that the Affiliate Member conducts its activities in a manner that poses any financial, operational, reputational or other undue risk to the UNWTO, the Full Member/State should report the matter to UNWTO.

(b) **Respect for the Global Code of Ethics for Tourism.** By signing the letter of acceptance, the candidate undertakes to constantly make an effort to practice and develop the principles of the UNWTO Global Code of Ethics for Tourism and commit to it. The Full Member must watch out for any practice contravening this Code.

2. All Full Members of UNWTO are bound to **protect the signs** of the Organization by virtue of the Paris Convention for the Protection of Industrial Property, as well as resolution 601(XIX) of the General Assembly of UNWTO. They have the obligation of taking any appropriate measure to protect the signs and communicating any misuse that takes place in their territory or by their nationals. In case a Full Member becomes aware of any misuse of the signs of the Organization by an Affiliate Member, it must:

(a) Immediately notify the Secretariat;

(b) Take any appropriate measure to protect the use of the signs in accordance with the Convention and international and national legislation.

3. At any time, a Full Member/State may withdraw its endorsement of an Affiliate Member if it considers that it has incurred in a breach of any of the mentioned issues (numbers 1 or 2 above) or any other reasons, or it may request the General Assembly to suspend the membership.

IV. What are the consequences of a Full Member/State withdrawing its endorsement of an Affiliate Member?

1. The State is ensuring that conditions like the above-mentioned are met by the Affiliate Member. If at any stage the State should have enough reasons not to support the entity, henceforth it can either request the General Assembly through the Secretariat to start the process of suspension of membership or withdraw its endorsement, immediately notifying it to the Secretariat.

2. The consequences of the withdrawal may take place in two scenarios:

(a) **Candidates to affiliate membership.** In the case of a candidate with pending approval of its application, there are two main stages before the approval by the Assembly:

(i) If the endorsement is withdrawn before the session of the Executive Council, this candidature will not be presented for approval.

(ii) If the candidature has already been approved by the Executive Council and is pending ratification by the General Assembly, it will not be submitted to the latter and the entity will cease benefitting from the status of membership. The General Assembly has the final word on applications to membership and if there is no approval (the application not having even been submitted) this renders null and void all actions, rights and obligations of

the entity as affiliate member. All the paid contributions would be reimbursed to it, as established for withdrawing members in Financial Rule 9.

(b) **Entities that are already Affiliate Members of UNWTO**. The endorsement of the Full Member/State is necessary to become an Affiliate Member and without it the requirements are not fully met. There are two possible consequences of loss of endorsement, according to UNWTO Statutes and International Law:

(i) **Suspension of membership**. The Full Member/State may ask the Executive Council through the Secretary-General to suspend the membership of the entity, and to report it to the General Assembly for confirmation, in light of Article 34 of the Statutes and Article 4 of the Rules of Procedure of the Committee of Affiliate Members. The suspension could then be lifted if the endorsement is granted again by the State at a later stage. The suspension would come into effect on the date of the decision of suspension by the Executive Council (or the first day of the month following the decision, if so stated). This suspension implies the loss of rights and services connected to membership and the reimbursement of the contributions paid towards membership on a *pro rata* basis as from the date when the suspension becomes effective, as established in Financial Rule 9.

(ii) **End of membership**. Without the endorsement, the Affiliate Member ceases to fulfil the conditions required by the Statutes for the existence of membership and thus its membership would end due to the loss of an essential qualification for it. The Secretariat would notify the entity of its new situation, which starts on the date of the notification of the withdrawal of the endorsement to the Secretariat (or the first day of the month following the notification of the withdrawal, if so stated). The contributions already paid towards membership would be reimbursed on a *pro rata* basis as from the date of the end of membership as established in Financial Rule 9.

3. In any case, the Organization is not responsible for the withdrawal by a Full Member/State of the endorsement to an Affiliate Member. UNWTO does not take part in the decision of endorsing nor does it in the decision of the withdrawal. These are made solely by the State and therefore UNWTO is not responsible for the loss of membership in this event.