

## SECOND PROPOSED ADDITION TO AGENDA ITEM NO 9

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### Discussion of the UNWTO Rules of Procedure on the Conduct of Elections

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As per the **Open Letter** of 12 June, 2017, addressed to all UNWTO Member States, and as per the written justification submitted by the Republic of Zimbabwe in support of its proposed addition to Agenda Item No 9 of the Provisional Agenda for the 22<sup>nd</sup> Session of the UNWTO General Assembly, circulated by the UNWTO Secretariat on 12 June, 2017, it is the contention of the Republic of Zimbabwe that the 12 May elections in Madrid were marred by a number of procedural and other irregularities which, taken together, served not only to undermine the integrity of the process but also to cast doubt upon the soundness of an outcome produced by what was clearly a profoundly flawed process.

It is further contended that the seriousness of the lapses which occurred within the context of the Madrid election process are such as **to warrant a complete and urgent review of the existing Rules of Procedure governing elections** and for the Secretariat to present, within a timeframe specified by the General Assembly, detailed proposals of such a review with clear recommendations on changes to the existing Rules so as to enhance the integrity of the election processes and to prevent any recurrence of the flaws which tarnished the Madrid process

Whether by omission or commission, the Secretariat - which, as **the servant** of the Member States, is mandated and expected to ensure an electoral process beyond any reproach, deriving an outcome which enjoys the unreserved confidence of all Member States - failed to fully live up to its responsibility.

If we wish to be generous and absolve the Secretariat from any deliberate acts of omission or commission, or from any undue manipulation of an evidently inadequate set of Rules of Procedure, then the focus must of course come to rest on the existing Rules

Reproduced below is a list of the most glaring procedural and other irregularities which marred the election process in Madrid, as detailed in the Report accompanying the proposed addition of an Agenda Item No 9 (a) to the existing Agenda Item No 9 of the Provisional Agenda.

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These included :

- The decision by the Secretariat **to delay by 2 days**, informing the Executive Council of the receipt of a written communication from the Head of State of the Republic of Seychelles to the effect that the Government of Seychelles had **withdrawn its endorsement** of Mr Alain St Ange as a candidate for the post of Secretary General of the UNWTO;
- The decision by the Secretariat to make this information public only when the Council began to consider the Agenda Item relative to the election itself;
- The decision by the Secretariat - even though it was fully aware of the position of the Seychelles Government - to **condone the continued active presence and participation of Mr St Ange, as a declared "candidate"**, in the UNWTO proceedings;
- The decision to allow the by-then disqualified candidate to address the Executive Council **immediately prior** to the vote taking place; and to allow him to address the Council for considerably in excess of ten 10 minute limit imposed upon the remaining valid candidates;
- The decision to permit, without any restraint or caution, the undisguised criticism, by St Ange, of the African Union and, by implication, the African Union-endorsed candidate for the post of UNWTO Secretary General;
- The decision, by the Secretariat to **completely skip**, or to allow to be skipped, the crucial **2<sup>nd</sup> Step** of the UNWTO electoral process as confirmed in its Aide Memoire of 5 May, 2017, addressed to all UNWTO Member States, namely the provision for a **Restrictive Private Meeting** at which the Chairperson "(...) **will moderate a discussion on the candidates**".

It is the contention of the Republic of Zimbabwe that none of this should have been allowed to happen and indeed would not have happened if (i) existing Rules of Procedure had been followed, and/or (ii) if Rules of Procedure were adequately comprehensive to provide clear guidance for Member States and, equally, for the Secretariat in circumstances such as those which arose in Madrid.

More specifically, clear or clearer guidance is required as per the following :

- Rules governing the criteria to be met by candidates aspiring to lead the UNWTO;
  - Clear job description;
  - Academic and professional qualifications;
  - Experience in and knowledge of the Tourism Sector;
- Rules governing how the Organisation deals with candidates from within the Organisation;

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- At what stage must they step-aside from their UNWTO activities;
  - Conflict of interests/possible abuse of UNWTO funds as yet-to-declare candidates travel on UNWTO business and might campaign at the same time;
- Is leave-of-absence adequate or should such candidates be compelled to resign;
- Rules governing a clear Code of Ethics for candidates, expressly forbidding any activities which could be construed as blatant 'vote-buying' or 'influence-buying';
- Rules governing the withdrawal, by a nominating Government, of its support for a candidate;
- Rules governing instances where such a candidate or his/her Government requests leave to address a UNWTO body (the Executive Council, the General Assembly etc);
- Rules governing electronic transmission of data or images from within the election chamber whilst voting is in process;
- Rules mandating strict compliance with the full range of agreed procedures within the election process;
  - The Secretariat is compelled to ensure that ALL procedures are followed and complied with OR that any departure therefrom is fully authorised by the EC or the GA;
- Rules mandating a full, confidential discussion by Executive Council Members of the candidates, of their strengths/weaknesses and of the substance of their respective visions for the future of the UNWTO as articulated in (i) their Statement of Management and Policy Intent and (ii) their 10-minute live presentations to the Executive Council;
- Rules mandating that a representative of every geographical grouping providing a candidate for election must field a Teller for purposes of safeguarding the interests of his/her region's candidate during the ballot-counting phase of the election;
- Rules mandating that ballots be kept in a secure location for up to one year after the ballot has taken place;
- Rules governing what activities or function a Secretary General-elect may engage in or be exposed to pending confirmation of his/her election by the General Assembly;
- Rules providing clear guidance on what happens if the General Assembly does not endorse the election of a Secretary-General-elect;

There are undoubtedly many other areas in which there is clear need for much tighter and much more precise Rules of Procedure, including beyond the immediate area of elections : areas such as

- Rules to ensure much greater gender balance within the senior management structures;
- Rules to engender greater transparency on the engagement of special advisors;

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- Rules defining the exceptional circumstances under which the extension of employment contracts over the age of retirement can be granted;

Lack of such clarity and precision relegates excessive authority-to-decide to the Secretariat of our Organisation, and, often, leaves Member States - the **owners** of the Organisation - to react to ad-hoc proposals/suggestions/recommendations put forward by the Secretariat on the frequent occasions when the Rules of Procedure lack such precision.

The following citation from the Follow-Up Inspection of the **2009 Review of Management and Administration in the (UN)WTO**, prepared by the **United Nations Joint Inspection Unit (JIU)**, Geneva, dated 2014, speaks to this issue and underlines the urgent need for the proposed discussion on the UNWTO's Rules of Procedure, *inter alia*, on the Conduct of Elections.

*“ The UNWTO General Assembly may wish to revisit its current decision-making process at all legislative body levels to ensure that sufficient dialogue and negotiations among the parties take place in order to reach clear decisions as a pre-requisite to properly guide, direct and oversee the operations of the Organisation thus releasing the Secretariat from the responsibility to provide the basis for its decisions”*

To be fair, the same Report does acknowledge some improvements made in this regard by the Secretariat but, clearly, much more needs to be done and it is only by way of the Member States themselves formally directing the Secretariat to review and improve the Rules of Procedure, specifically in so far as they govern the conduct of elections, that Member States will be able to regain effective ownership of their Organisation.

**The General Assembly is requested** to discuss the Rules of Procedure governing the conduct of elections and, against the background of the lapses and flaws which marred the Madrid election in May 2017 and which have undermined Member States' confidence in the soundness of the outcome thereof<sup>1</sup>, **to direct the Secretariat to undertake an immediate comprehensive review of the Rules of Procedure governing the conduct of elections as well as associated issues, and, in this regard, to present detailed recommendations to the Executive Council for consideration and onward reference to the next General Assembly.**

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<sup>1</sup> For further detail regarding the procedural lapses and other irregularities which occurred during the course of the election process in Madrid on 12 May, 2017, please refer to the Document **“Proposed Addition to Agenda Item No 9 : Discussion of the UNWTO Executive Council Election of the Secretary General (2018-2021), held in Madrid, Spain, on 12 May 2017”**, submitted by the Republic of Zimbabwe in support of its proposed addition to Agenda Number 9 of the Provisional Agenda of the 22<sup>nd</sup> Session of the UNWTO General Assembly, as circulated by the UNWTO Secretariat on 12 June, 2017.

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**The General Assembly is requested** to endorse the proposal by the Republic of Zimbabwe that Agenda Item No 9 of the Provisional Agenda of the 22<sup>nd</sup> Session of the UNWTO General Assembly, namely “**Appointment of the Secretary General of the UNWTO for the period 2018-2021 on the Recommendation of the Executive Council**”, be made Agenda Item **No 9(c)** and should follow upon proposed Agenda Item **No 9(a)** “**Discussion of the UNWTO Executive Council Election of the Secretary General (2018-2021), held in Madrid, Spain, on 12 May, 2017**”, and proposed Agenda Item **No 9(b)** “**Discussion of the UNWTO Rules of Procedure on the Conduct of Elections**”.

**The General Assembly is requested** to conduct the Agenda Item relating to the Appointment of the Secretary General of the UNWTO for the period 2018-2021 on the recommendation of the Executive Council **on the basis of a Vote**.

**The General Assembly is requested** to ensure a clear, rules-based way forward in the event that the vote does not produce the requisite two-thirds majority result.

**The General Assembly is requested** to consider a proposal that, in the event of such a scenario, the General Assembly should order a **re-run** of the election, with the participation of all five valid candidates, and with the electoral process beginning at the stage where the irregularities began

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