

Agenda item 7

**Place and dates of the 113th, 114th and 115th sessions of the Executive Council**

CE/112/7  
Madrid, 16 August 2020  
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**Executive summary**

During the 111th session of the Council, the Members approved that the next meeting be held in the first semester of 2020 in Georgia (CE/DEC/4(CXI)).

However, the exceptional international situation due to the coronavirus outbreak forced the Secretariat, in consultation with the Chair of the Council, to postpone the 112th session of the Executive Council to the second semester of 2020.

The Secretariat proposes to the Council to consider postponing the next session of the Council, the 113th session, to the first semester of 2021, and the 114th and 115th sessions to the second semester of 2021 and holding them in the framework of the General Assembly.

The Secretariat proposes that the 115th session, at which the Council would decide the place and dates of its 116th session, be held right after the holding of the 24th session of the General Assembly (Morocco, 2021).

**DRAFT DECISION<sup>1</sup>**

**Agenda item 7**

Place and dates of the 113th, 114th and 115th sessions of the Executive Council  
(document CE/112/7)

*The Executive Council,*

*Having examined the report,*

1. *Decides* to hold its 113th session in Spain during the first semester of 2021, on dates to be agreed upon between the Secretariat and the host country; and
2. *Also decides* to hold its 114th and 115th sessions in Morocco in 2021, immediately before and after the 24th session of the General Assembly, with the place and dates of the 116th session of the Council to be decided at its 115th session.

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<sup>1</sup>This is a draft decision. For the final decision adopted by the Council, please refer to the Decisions document issued at the session.

## I. Introduction

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1. The Executive Council approved during the 111th session of the Council that the next session would be held in Georgia (CE/DEC/4(CXI)).
2. During the present session, the Council is called upon to decide on the places of its meetings up to the next General Assembly taking into consideration the guidelines adopted for the selection of venues of its sessions (CE/DEC/11(XCIV) and document CE/94/3(III)(d) rev.1).

## II. Postponement of the 112th session of the Council

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3. According to Rule 3 of the Rules of Procedure of the Executive Council of the Organization, the Council shall meet at least twice a year and sessions are generally organized each year during the first and last semester of the year.
4. However, the exceptional and unavoidable circumstances caused by the COVID-19 outbreak, which genuinely qualifies as *force majeure*, forced the Secretariat, in consultation with the Chair of the Council, to postpone the 112th session of the Executive Council, initially scheduled to be held on 10-12 June in Georgia, to a later date in the second semester of the year. The Secretariat notified the Members of the Council of the postponement through a Note Verbale sent electronically on 8 May 2020.
5. The new dates for the 112th session of the Council, 15-17 September 2020, were communicated via a joint invitation letter sent to the Members by the Secretary-General and the Minister of Economy and Sustainable Development of Georgia on 19 June 2020. The Council is the first UNWTO meeting to be held in person since the pandemic outbreak.
6. It should be noted that, prior to 2020, the Executive Council had never held any session by online means. Furthermore, 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. As a result, many agencies have also deferred or postponed the scheduled meetings of their Governing Bodies during 2020. The Secretariat has been working on the development of special procedures and working methods for the holding of virtual and hybrid meetings of its Governing Bodies in the event this would be necessary.

## III. The 113th, 114th and 115th sessions

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7. According to Article 16 of the Statutes and Rule 3.1 of the Rules of Procedure of the Executive Council of the Organization, the Council shall meet "at least twice a year", generally in each semester of the year. However, under the general principle of law that no one is expected to perform the impossible (*ad impossibilia nemo tenetur*), non-compliance with such a constitutional obligation would be justified if it were the result of force majeure, that is to say, an irresistible impediment or event, beyond UNWTO's control, which makes it objectively impossible to perform the obligation concerned.
8. Given the current global health context and the restrictions on travel, gatherings and movement of people, the decision to defer the 113th session of the Executive Council to the first semester of 2021 could not be reasonably deemed to contravene the constitutional obligation to hold two annual meetings of the Council. Indeed, the Secretariat has condensed in the present session of the Council all agenda items that would be normally considered in its annual sessions. Similar measures have been taken by other agencies of the UN system in view of the pandemic.
9. Further, according to Rule 3.1 of its Rules of Procedure, the Executive Council is competent to take any decision to fix the date of its next session. Consequently, the Council may postpone its next session to the first semester of 2021, at which time it would be called upon to recommend to the General Assembly a nominee for the post of Secretary-General.
10. According to the guidelines on the selection of venues of Executive Council sessions (document CE/94/3(III)(d) rev.1), when the Council meets to recommend to the General Assembly a nominee for appointment to the post of Secretary-General, the meeting of the Executive Council shall take place at the Headquarters of the Organization.

11. The Secretariat proposes that the 115th session of the Council be held right after the 24th session of the General Assembly 2021 in Morocco where the decision on the place and dates for the 116th session of the Council will be taken by the Members.

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