



Sixteenth session
Dakar, Senegal, 28 November-2 December 2005
Provisional agenda item 25

AMENDMENTS TO THE STATUTES

(a) Amendments to Articles 6 and 7 of the Statutes

Note by the Secretary-General

The Secretary-General submits to the Assembly, in accordance with Executive Council decision 23(LXXV), the amendments to Articles 6 and 7 of the Statutes, as well as the note of the Legal Adviser discussing the consequences of the amendments envisaged insofar as they affect the regulatory texts currently in force.

AMENDMENTS TO THE STATUTES

(a) Amendments to Articles 6 and 7 of the Statutes

1. At its seventy-second session held in Beijing in October 2003, the Executive Council decided to constitute a Working Group in charge of preparing amendments to Articles 6 and 7 of the Statutes.
2. The composition of this Group was established as follows:

Brazil, Bulgaria, Cameroon, Cyprus, Spain (Vice-Chairman), Russian Federation, France (Chairman), Italy, Jordan, Morocco, Mexico (Vice-Chairman), and Tunisia. The Group was also open to the Members of the Council wishing to take part in it.
3. Aside from the first meeting in Beijing, the Working Group has met on four other occasions: on 27 January 2004 in Madrid, Spain; on 8 July 2004 in Hyderabad, India; on 4 November 2004 in Paris, France; and on 2 December 2004 in Salvador de Bahia, Brazil.
4. It was at this last meeting that a definitive draft of the amendments to the Statutes was finalized, taking into consideration the contributions received from different member countries of the Group. This draft has received the agreement of the Secretary-General.
5. This proposal by the Working Group was examined at the seventy-fourth session of the Council (Salvador de Bahia, December 2004), which decided to transmit it to the Assembly for adoption (decision 10(LXXIV)). This decision was circulated to all Members on 13 January 2005, and consequently, all the Members have been notified of this draft amendment six months in advance of the holding of the Assembly, in compliance with Article 33 of the Statutes.
6. Afterwards, the Ministry of Foreign Affairs of Spain informed the Secretariat of its wish for a slight modification of the text adopted by the Council, in order to introduce a harmonization in its wording, without giving rise to any issues of substance. The proposed amendment, duly revised in consequence, was submitted to and approved by the seventy-fifth session of the Council (Nessebar, Bulgaria, June 2005) and is attached as Annex 1 of the present document for possible approval by the Assembly.
7. The Council of Salvador de Bahia also requested the Secretary-General to prepare a report on the consequences of the amendments envisaged on the regulatory texts in force. The note prepared by the Legal Adviser on this subject is provided in Annex 2.
8. As for the proposed amendment to the last paragraph of the Financing Rules, which are of statutory nature, it can be considered that even if this text is circulated to the Members outside the notice period established by Article 33 of the Statutes, it constitutes only a harmonization with the proposed amendments to Articles 6 and 7, and can thus be considered at the same time as the amendments to the latter articles.

9. Furthermore, with regard to the modifications to be introduced in the Rules of Procedure of the Assembly, the seventy-fifth session of the Council (Nessebar, Bulgaria, June 2005), has approved their content. If the Assembly adopts the amendments to the Statutes, it may give its approval in principle to do the same with regard to its own Rules of Procedure, with the understanding that the modifications to the latter would take effect on the date when the ratification of the aforementioned amendments occurs.

ANNEX 1**Article 1**

The World Tourism Organization, hereinafter referred to as "the Organization", is hereby established as an international organization of intergovernmental character. It is a specialized agency of the United Nations.

Article 4

Membership of the Organization shall be open to:

- (a) Full Members
- (b) Associate Members

Article 5

1. Full membership of the Organization shall be open to all sovereign States that are members of the United Nations.
2. Such States may become Full Members of the Organization if their candidatures are approved by the General Assembly by a majority of two-thirds of the Full Members present and voting provided that said majority is a majority of the Full Members of the Organization.
3. States that have withdrawn from the Organization in accordance with the provisions of Article 35 shall have the right to become Full Members of the Organization again, without requirement of vote, on formally declaring that they adopt the Statutes of the Organization and accept the obligations of membership.

Article 6

1. Territories already holding associate membership on 24 October 2003 shall maintain the status, rights and obligations belonging to them as at such date. The list of such territories is annexed to these Statutes.
2. Members enjoying the status of Affiliates, up to at the date of entry into force of the Amendments to the present Statutes adopted on _____ shall become as of right Associate Members at that date.
3. Associate membership of the Organization shall be open to intergovernmental and non-governmental organizations, tourism administration bodies without political power subordinate to territorial entities, professional and labour organizations, academic, educational, vocation training and research institutions and to commercial enterprises and associations whose activities are related to the aims of the Organization or fall within its competence. The participation of Associate Members in the work of the Organization shall be of a technical nature, with decisions and votes being the exclusive prerogative of the Full Member.

4. Such entities may become Associate Members of the Organization provided that their requests for membership are presented in writing to the Secretary-General and that the candidature is approved by the General Assembly by a majority of two-thirds of the Full Members present and voting provided that said majority is a majority of the Full Members of the Organization. Except in the cases of international organizations, the candidatures of the entities mentioned in paragraph 3 above shall be introduced by the State on whose territory their headquarters is located,

Article 7

1. A Committee of Associate Members shall be constituted which shall establish its own rules and submit them to the Assembly for approval by a majority of two-thirds of the Full Members present and voting provided that said majority is a majority of the Full Members of the Organization. The Committee may be represented at meetings of the Organization's organs.
2. The Committee of Associate Members shall be composed of three boards:
 - (i) a board of destinations, composed of the tourism bodies, without political power subordinate to territorial entities
 - (ii) an education board composed of academic, educational, vocational training and research institutions; and
 - (iii) a professional board composed of all the other Associate Members.

Intergovernmental and non-governmental organizations may participate in whichever board or boards correspond to their competences.

General Assembly

Article 9

1. The Assembly is the supreme organ of the Organization and shall be composed of delegates representing Full Members.
2. At each session of the Assembly each Full Member shall be represented by not more than five delegates, one of whom shall be designated by the Member as Chief Delegate.
3. Associate Members as of 24 October 2003, the list of which is annexed to the present Statutes, shall be represented by not more than five delegates, one of whom shall be designated as Chief Delegate. These delegates may participate, without the right to vote, in the work of the Assembly. They shall have the right to speak but may not participate in decision-making.
4. The Committee of Associate Members may designate three spokespersons, one representing the board of destinations, one representing the professional board and the other representing the education board, who shall participate in the work of

the Assembly, without the right to vote. Each Associate Member may designate one observer, who may attend the deliberations of the Assembly.

Executive Council

Article 14

1. The Council shall consist of Full Members elected by the Assembly in the ratio of one Member for every five Full Members, in accordance with the Rules of Procedure laid down by the Assembly, with a view to achieving a fair and equitable geographical distribution.
2. Associate Members as of 24 October 2003 may have a spokesperson who may participate, without the right to vote, in the work of the Council. Such spokesperson may not participate in decision-making.
3. The three spokespersons of the Committee of Associate Members may participate, without the right to vote, in the work of the Council. Such spokespersons may not participate in decision-making.

ANNEX 2

Note by the Legal Adviser on the

CONSEQUENCES OF THE AMENDMENTS TO ARTICLES 1, 4 to 7, 9 and 14 OF THE STATUTES

1. Through decision CE/DEC/10(LXXIV), the Executive Council requested "the Secretary-General to prepare, with the help of the Legal Adviser, a report explaining the consequences of the amendments [to Articles 1, 4-7, 9 and 14 of the Statutes] envisaged for the statutory texts currently in force and to submit said report to its next session". The present note has been drawn up in response to this request.

2. For the purposes of the present study, I have included the Financing Rules among the texts examined: although they are annexed to the Statutes themselves, it seemed to me that it was in keeping with the spirit of the above-mentioned decision of the Council to also take them into consideration. Nevertheless, I wish to draw the attention of the Members of the Council to the fact that they are subject to the rules relative to the amendment of the Statutes, established in Article 33 of the Statutes. The other texts examined in the light of the amendments envisaged are:

- the Financial Regulations and their annex;
- the Rules of Procedure of the General Assembly; and
- the Rules of Procedure of the Executive Council.

In each case, I have placed the current text side-by-side with the text as it will have to be modified once the amendments envisaged come into force.

A. Financing Rules

Last paragraph:

In calculating the assessments of Associate and Affiliate Members, account shall be taken of the different bases of their membership and the limited rights they enjoy within the Organization.

In calculating the assessments of Associate Members _____, account shall be taken of the different bases of their membership and the limited rights they enjoy within the Organization.

As indicated above, amendments to the Financing Rules have to be adopted in accordance with the provisions of Article 33 of the Statutes.

B. Financial Regulations

Regulation 6, paragraph 3:

The contributions payable by Affiliate Members shall be fixed by the Assembly at an amount corresponding to the administrative expenses incurred for the services to be supplied and the execution of the programme of work, established in consultation with the Chairman of the Committee of Affiliate Members.

Regulation 8, paragraphs 1, 2, 6 and 9:

1. If a Full, Associate or Affiliate Member is one or more years in arrears in the payment of its contributions, the Secretary-General shall send it a communication reminding it of the provisions of paragraph 2 of this regulation.

2. When the amount of the arrears due by a Full, Associate or Affiliate Member equals or exceeds the contributions due by it for two financial years, the Secretary-General shall, at the end of those two years, inform the Member accordingly and notify it that in accordance with paragraph 13 of the Financing Rules attached to the Organization's Statutes, it is deprived of the privileges enjoyed by Members in form of services and, in the case of a Full Member, of the right to vote.

DELETE

Note by the Legal Adviser:

It seemed to me preferable to maintain the text of the current par. 2 of Regulation 6, which says the same thing more clearly: "2. In calculating the assessments for Associate Members, the Assembly shall take into account the special nature of their membership and limited rights they enjoy within the Organization." Furthermore, this text uses the same formulation that appears in the last paragraph of the Financing Rules (see above).

1. If a Full **or** Associate _____ Member is one or more years in arrears in the payment of its contributions, the Secretary-General shall send it a communication reminding it of the provisions of paragraph 2 of this regulation.

2. When the amount of the arrears due by a Full **or** Associate _____ Member equals or exceeds the contributions due by it for two financial years, the Secretary-General shall, at the end of those two years, inform the Member accordingly and notify it that in accordance with paragraph 13 of the Financing Rules attached to the Organization's Statutes, it is deprived of the privileges enjoyed by Members in form of services and, in the case of a Full Member, of the right to vote.

6. Pending a decision on the proposal by the Assembly, the Full Member shall not be entitled to continue to enjoy the services of the Organization or to vote and the Associate or Affiliate Member shall not be entitled to enjoy the services of the Organization.

9. Any decision to permit a Full, Associate or Affiliate Member which is in arrears in the payment of its contributions to continue to enjoy the services of the Organization shall be valid until the opening of the next session following that at which it was taken.

6. Pending a decision on the proposal by the Assembly, the Full Member shall not be entitled to continue to enjoy the services of the Organization or to vote and the Associate _____ Member shall not be entitled to enjoy the services of the Organization.

9. Any decision to permit a Full or Associate _____ Member which is in arrears in the payment of its contributions to continue to enjoy the services of the Organization shall be valid until the opening of the next session following that at which it was taken.

C. Rules of Procedure of the General Assembly

Rule 5, paragraph 1(g):

1. The Secretary-General shall draw up the provisional agenda of each ordinary session of the Assembly and transmit it to the Members of the Organization. The provisional agenda of an ordinary session shall include the following items:

...
(g) Consideration and approval of the report on the activities of the Committee of Affiliate Members;

Rule 9, paragraph 3:

3. Delegations of Associate Members consisting of five delegates at most, one of whom shall be designated head of delegation, and not more than three observers designated by the Committee of Affiliate Members as well as one observer designated by each Affiliate Member shall be entitled to attend the plenary meetings of the Assembly.

1. The Secretary-General shall draw up the provisional agenda of each ordinary session of the Assembly and transmit it to the Members of the Organization. The provisional agenda of an ordinary session shall include the following items:

...
(g) Consideration and approval of the report on the activities of the Committee of **Associate** Members;

3. _____ **The three spokespersons of the Associate Members** as well as one observer designated by each **Associate** Member shall be entitled to attend the plenary meetings of the Assembly.

Rule 12:

1. The names of the delegates of Full Members and Associate Members, of the observers of Affiliate Members and of the invited representatives of the United Nations and other international organizations, both intergovernmental and non-governmental, shall be communicated to the Secretary-General, if possible, at least fifteen days before the session of the Assembly opens.

2. The credentials of the delegates of Full Members and Associate Members, issued by the competent authority of the State, shall be handed to the Secretary-General, if possible, at least one day before the session of the Assembly opens.

3. Identification papers of the observers of Affiliate Members and invited representatives of intergovernmental and non-governmental international organizations shall be handed to the Secretary-General, if possible, at least one day before the session of the Assembly opens.

Rule 13, paragraph 4:

4. The Committee shall examine the credentials of the delegates of Full Members and Associate Members, issued by the competent authority of the State or of the territory or group of territories, and the identification papers of the observers of Affiliate Members and of the observers referred to in paragraph 2 of rule 9.

1. The names of the delegates of Full Members, _____ of the observers of **Associate** Members _____ and of the invited representatives of the United Nations and other international organizations, both intergovernmental and non-governmental, shall be communicated to the Secretary-General, if possible, at least fifteen days before the session of the Assembly opens.

2. The credentials of the delegates of Full Members _____ issued by the competent authority of the State, shall be handed to the Secretary-General, if possible, at least one day before the session of the Assembly opens.

3. Identification papers of the observers of **Associate** Members and invited representatives of intergovernmental and non-governmental international organizations shall be handed to the Secretary-General, if possible, at least one day before the session of the Assembly opens.

4. The Committee shall examine the credentials of the delegates of Full Members _____ issued by the competent authority of the State or of the territory or group of territories, and the identification papers of the observers of **Associate** Members and of the observers referred to in paragraph 2 of rule 9.

Rule 14:

Any delegate of a Full Member or Associate Member whose admission is objected to by a Full Member shall be entitled to attend provisionally with the same rights as the other delegates until the Credentials Committee has submitted its report on his credentials and the Assembly has taken a decision.

Rule 23:

The delegates of Associate Members may participate in the meetings of the Assembly and its subsidiary organs but shall not hold any office or have the right to vote.

Rule 24:

1. The Committee of Affiliate Members may appoint not more than three observers and each Affiliate Member may appoint one observer to participate in the meetings of the Assembly and its subsidiary organs.
2. Observers shall not hold any office or have the right to vote.

Rule 29:

1. During the discussion of any matter, a delegate of a Full Member or Associate Member may raise a point of order, which shall be decided forthwith by the President in accordance with the Rules of Procedure.
2. A delegate of a Full Member or Associate Member rising to a point of order may not speak on the substance of the matter under discussion.

Any delegate of a Full Member _____ whose admission is objected to by **another** Full Member shall be entitled to attend provisionally with the same rights as the other delegates until the Credentials Committee has submitted its report on his credentials and the Assembly has taken a decision.

DELETE

(and shift the numbering of the subsequent rules)

Rule 23:

1. The Committee of **Associate** Members may appoint _____ three **spokespersons** and each **Associate** Member may appoint one observer to participate in the meetings of the Assembly and its subsidiary organs.
2. Observers shall not hold any office or have the right to vote.

Rule 28:

1. During the discussion of any matter, a delegate of a Full Member _____ may raise a point of order, which shall be decided forthwith by the President in accordance with the Rules of Procedure.
2. A delegate of a Full Member _____ rising to a point of order may not speak on the substance of the matter under discussion.

3. A delegate of a Full Member or Associate Member may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the Full Members present and voting.

Rule 30:

During the course of a debate, the President may read out the list of speakers and, with the consent of the Assembly, declare the list closed. He may, however, accord the right of reply to any delegate of a Full Member or Associate Member if a speech delivered after he has declared the list closed makes this desirable.

Rule 31:

A delegate of a Full Member or Associate Member may at any time move the adjournment of the debate on the agenda item under discussion. In addition to the proposer of the motion, two delegates may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

3. A delegate of a Full Member _____ may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the Full Members present and voting.

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Article 30:

A delegate of a Full Member _____ may at any time move the adjournment of the debate on the agenda item under discussion. In addition to the proposer of the motion, two delegates may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 32:

A delegate of a Full Member or Associate Member may at any time move the closure of the debate, even if another delegate has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Assembly approves the motion, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Rule 33:

During the discussion of any matter, a delegate of a Full Member or Associate Member may move the suspension or the adjournment of the meeting. Such motions shall not be debated but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker who moves the suspension or the adjournment of the meeting.

Rule 35, paragraph 3:

3. A delegate of a Full Member or Associate Member may appeal against a ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the Full Members present and voting.

Rule 31:

A delegate of a Full Member _____ may at any time move the closure of the debate, even if another delegate has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Assembly approves the motion, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

Rule 32:

During the discussion of any matter, a delegate of a Full Member _____ may move the suspension or the adjournment of the meeting. Such motions shall not be debated but shall be immediately put to the vote. The President may limit the time to be allowed to the speaker who moves the suspension or the adjournment of the meeting.

Rule 34, paragraph 3:

3. A delegate of a Full Member _____ may appeal against a ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the Full Members present and voting.

Rule 55, paragraphs. 2, 3 and 4:

2. At each ordinary session of the Assembly, Associate members shall elect one of their number to participate in the work of the Council without the right to vote.

3. At each ordinary session of the Assembly, the Committee of Affiliate Members shall elect a representative to participate in the work of the Council without the right to vote.

4. The term of office of the Members of the Council shall begin immediately following their election by the Assembly and shall end on the election of their successors.

Rule 54, paragraphs. 2 and 3 :

DELETE

2. At each ordinary session of the Assembly, the Committee of **Associate** Members shall elect **three spokespersons** to participate in the work of the Council without the right to vote.

3. The term of office of the Members of the Council shall begin immediately following their election by the Assembly and shall end on the election of their successors.

D. Rules of Procedure of the Executive Council

Rule 1, paragraphs 2, 3 and 5:

2. Besides the delegates of Full Members elected to the Council, a delegate of one Associate Member appointed by the Associate Members of the Organization may take part in the work of the Council without the right to vote.

3. A representative of the Committee of Affiliate Members may participate in the work of the Council without the right to vote.

5. An Associate or Affiliate Member may be authorized to speak on an agenda item, either at the Council's request or when the Member concerned so requests in writing.

DELETE

2. **The three spokespersons** of the Committee of **Associate** Members may participate in the work of the Council without the right to vote.

4. An Associate _____ Member may be authorized to speak on an agenda item, either at the Council's request or when the Member concerned so requests in writing.

This authorization shall be given by the Chairman of the Council after consulting the delegate of the Associate Members or the representative of the Affiliate Members, as appropriate.

The Chairman of the Council may attach to this authorization such conditions as he deems relevant and necessary.

Rule 4, paragraph 2 :

2. The provisional agenda of each ordinary session of the Council shall include:

...

(g) consideration of the report and agenda items proposed by the Committee of Affiliate Members.

Rule 13, paragraphs 2 and 3:

2. The provisional summary records shall be prepared in the official languages of the Organization and distributed as soon as possible to the Members of the Council, the delegate of the Associate Members and the representative of the Committee of Affiliate Members attending the session.

3. The Members of the Council, the delegate of the Associate Members and the representative of the Committee of Affiliate Members attending the session shall inform the Secretariat in writing of any corrections they wish to have made to the summary records, within the time fixed by the Secretary-General.

This authorization shall be given by the Chairman of the Council after consulting the **spokesperson** of the Associate Members **representing the group to which the Associate Member concerned belongs**
_____.

The Chairman of the Council may attach to this authorization such conditions as he deems relevant and necessary.

2. The provisional agenda of each ordinary session of the Council shall include:

...

(g) consideration of the report and agenda items proposed by the Committee of **Associate** Members.

2. The provisional summary records shall be prepared in the official languages of the Organization and distributed as soon as possible to the Members of the Council **and the spokespersons** of the Associate Members _____ attending the session.

3. The Members of the Council **and the spokespersons** of the Associate Members _____ attending the session shall inform the Secretariat in writing of any corrections they wish to have made to the summary records, within the time fixed by the Secretary-General.

3. According to the provisions of Article 6, paragraph 1, of the amended Statutes:

"Territories already holding associate membership on 24 October 2003 shall maintain the status, rights and obligations belonging to them as at such date. The list of such territories is annexed to these Statutes."

4. Consequently, when the amendments come into force, the current Associate Members will retain their present status, as well as the rights and obligations resulting from such status, within the General Assembly and the Executive Council. To avoid difficulties, it would undoubtedly be good to specify this in a provision of the Rules of Procedure of these two organs, which could be worded as follows:

"Territories already holding associate membership on 24 October 2003 shall maintain the rights and obligations belonging to them by virtue of the present Rules prior to this date."

5. This text could be inserted at the end of the Rules of Procedure of the General Assembly and of the Executive Council, as Rule 60 of the Assembly, and Rule 33, paragraph 3, of the Council.