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Provisional agenda item 20

## **DECLARATION ON THE FACILITATION OF TOURIST TRAVEL**

### **Note by the Secretary-General**

In this document, the Secretary-General transmits to the Members, for approval, the draft Declaration on the facilitation of tourist travel prepared by the Working Group constituted for this purpose, and approved by the Council at its eighty-fifth session.

## **DECLARATION ON THE FACILITATION OF TOURIST TRAVEL**

### **Report on the work of the Working Group established by the Council**

1. The Members will recall that by decision CE/DEC/3(LXXIX), the Executive Council created a Working Group to examine the feasibility of an appropriate legal instrument to deal with the facilitation of tourist travel.
2. At their first meeting (Madrid, April 2007), the participants decided that the membership of the Group should remain open while recommending continuity of participation by the interested States, and designated Croatia to chair their Group.
3. The Working Group also asked the Secretariat to draw up a list of all existing international instruments, treaties, decisions or recommendations of international organizations, including regional instruments, adopted by the UNWTO and other institutions, that may have an influence on tourism facilitation and to prepare a summary presentation which could serve as the basis for the work of the Group at its next meeting.
4. In the light of this information, the Working Group undertook to assess the need for a legal instrument on the facilitation of tourist travel and to determine the exact nature such an instrument should have in order to meet that possible need most effectively.
5. At the second meeting of the Working Group, which was held in the context of the seventeenth session of the General Assembly, the participants, among other things, took stock of the existing international legal instruments regarding the matter under the auspices of various institutions and transmitted their report to the General Assembly.
6. The Assembly agreed that further prior study of existing needs should be carried out concerning the possible preparation of an instrument on the matter of facilitation, and that to this end, questionnaires should be sent to member and non-member States of the UNWTO and to interested international organizations in order to determine more precisely the areas in which such instruments would be useful and the form that they should take.
7. At the third meeting of the Group (Madrid, May 2008), a consensus emerged with a view to the preparation of a non-legally binding Declaration of principles. Consequently, the Group asked the Secretariat to prepare a preliminary draft Declaration on the facilitation of tourism travel and to submit it to the Executive Council for transmission to the General Assembly.

8. The Group met for the fourth time in September 2008 prior to the eighty-fourth session of the Council. At this meeting, following intensive exchange of views on the draft Declaration, the Members of the Group arrived at a consensus under the condition that it be submitted to their respective authorities before the draft could be accepted as final. However, it was decided that the draft Declaration would be immediately transmitted to the Executive Council for discussion during its next session and that the Council would be informed of the final positions of the Members of the Group which would be received by the Secretariat in the meantime.

9. At its eighty-fourth session (Madrid, October 2008), the Council, after having taken cognizance of the preliminary draft Declaration on the facilitation of tourist travel prepared by the Members of the Group, requested the Secretariat to once again convene it to prepare a final draft, taking into account the comments made during the that session of the Executive Council and those that the Members were called upon to express in writing, and to submit it to the Council at its next session (CE/DEC/12(LXXXIV)).

10. With a view to organizing this meeting of the Working Group, the Secretariat circulated to the Members of the Group a communication requesting them to submit possible observations of their government on the draft Declaration.

11. A table containing the different observations received and those made by the Members of the Council on each of the paragraphs concerned of the draft Declaration was prepared for the participants of the fifth meeting, which was held at Headquarters on 13 February 2009.

12. Based on such document prepared by the Secretariat, the Members of the Group examined the draft declaration point by point and arrived at a consensus on a new text prepared by the Secretariat for them to submit to their respective authorities before being able to consider it as a final draft. The representatives of 22 countries present at the meeting of the Working Group notified the Secretariat of their government's agreement regarding the draft text, with Colombia putting forward suggestions for revisions of the text itself, and Germany requesting that a footnote be added to the report of the meeting.<sup>1</sup>

13. The last session of the Council (Bamako, May 2009), examined the new draft Declaration revised by the Members of the Group and approved it with the modifications proposed by Colombia, and requesting the Secretariat to revise its form in light of suggestions made by Australia.

14. The Secretary-General transmits to the Members, for approval, the text of the Declaration approved by the Council.

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<sup>1</sup>"The German delegation points out that the publication of travel advisories is under the national responsibility of the Federal Ministry of Foreign Affairs and that such advisories are issued with the aim of protecting the interests of German citizens."

## A N N E X

### DECLARATION ON THE FACILITATION OF TOURIST TRAVEL

The General Assembly of the World Tourism Organization,

*Convinced* that the facilitation of tourist travel contributes to the development of the tourism sector and, beyond that, to international understanding, peace, prosperity, and universal respect for and observance of human liberties, without distinction as to race, gender, language or religion, in accordance with the mission of the World Tourism Organization (UNWTO),

*Considering* that, despite the great strides made in recent decades in facilitating tourist travel, there is still room for considerable progress in this area in the interests of all stakeholders in tourism development,

*Bearing in mind* its earlier resolutions on the facilitation of tourism development, and in particular resolutions 139 (V), 180 (VI) and 243 (VIII), as well as the Global Code of Ethics for Tourism,

*Concerned* about the need to further facilitate tourist movements throughout the world,

#### **DECLARES THE FOLLOWING:**

1.1. Member States of UNWTO and all tourism stakeholders should take all possible measures to facilitate tourist travel.

1.2. To that end, they commit to consider all possible means to eliminate or reduce barriers to tourist travel of a legal, financial, or technical nature that are not strictly indispensable to maintain security, safety, health and public order.

1.3. Member States of UNWTO, undertake to give priority consideration to measures to facilitate tourist travel and to encourage all tourism stakeholders to do so, especially in the following areas:

- Travel advisories;
- Visa issuance modalities (with the exception of basic conditions for such issuance, which do not fall within the mandate of UNWTO);
- Tourist travel by persons with disabilities;
- Tourist travel by persons affected by the HIV virus.

## 2. Travel Advisories

2.1. *Aware* that travel advisories have an undeniable role to play in providing useful information to protect citizens when travelling abroad, the General Assembly also acknowledges that they can have serious consequences for tourism activity and the economies of countries and destinations.

2.2. The General Assembly therefore reaffirms the provisions of paragraph 5 of Article 6 of the Global Code of Ethics for Tourism:

“Governments have the right – and the duty - especially in a crisis, to inform their nationals of the difficult circumstances, or even the dangers they may encounter during their travels abroad; it is their responsibility however to issue such information without prejudicing in an unjustified or exaggerated manner the tourism industry of the host countries and the interests of their own operators; the contents of travel advisories should therefore be discussed beforehand with the authorities of the host countries and the professionals concerned; recommendations formulated should be strictly proportionate to the gravity of the situations encountered and confined to the geographical areas where the insecurity has arisen; such advisories should be qualified or cancelled as soon as a return to normality permits”.

2.3. UNWTO Member States issuing travel advisories in respect of third countries are called upon to commit to consult as widely as possible with the governments of these countries and destinations, especially on the safety and security aspects of each tourist region in the country, and to update the relevant information at regular intervals, at least every six months.

2.4. The General Assembly also reaffirms the full validity of the guiding principles for official travel advisories attached to its resolution 508 (XVI), adopted during its session in Dakar, Senegal, (2005) and, in addition, calls upon Member States to consider other relevant recommendations issued by other competent organizations.

## 3. Visa issuance

3.1. The General Assembly reaffirms the sovereign right of States to control the access of foreign nationals to their territories—notably by means of visa policies, which they have the authority to determine freely, unilaterally, or in cooperation with other States. The General Assembly recognizes the discretionary authority of States in this regard, yet it considers that improving visa issuance modalities could help facilitate tourist travel significantly.

3.2. *Convinced* that tourist travel could be greatly facilitated by measures that can be implemented easily and without detriment to this discretionary authority, the General Assembly calls upon Member States, whenever possible and taking consideration of the respective legislation, to adopt measures to simplify visa application and processing formalities and to improve the timeliness of visa issuance,

#### 4. Persons with disabilities

4.1. *Deeply convinced* that the facilitation of tourist travel by persons with disabilities is a major element of any responsible tourism development policy.

4.2. *Bearing in mind* the Preamble of the United Nations Convention on the Rights of Persons with Disabilities of 30 March 2007, which recognizes "the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development", the General Assembly recalls that responsible tourism is a necessary component of such strategies and that great efforts should be made to ensure that tourism policies and practices are inclusive of persons with disabilities, the majority of whom live in developing countries.

4.3. The General Assembly furthermore solemnly reaffirms the principles it enunciated at its session in Buenos Aires, Argentina, in 1991 (A/RES/284(IX), entitled "Creating Tourism Opportunities for Handicapped People in the Nineties."), and which were updated at its session in Dakar, Senegal, (in resolution A/RES/492(XVI), entitled "Accessible Tourism for All") and again calls upon all States:

- to make their tourism sites and establishments accessible to persons with disabilities and to offer them special facilities at no additional charge to them;
- to offer special training to the staff of tourism sites and establishments and tourism-related services, preparing them for work with persons with disabilities; and
- to publish clear and detailed information on existing receptive facilities for persons with disabilities as well as the problems they may encounter during their tourist travel.

4.4. It also endorses the general principles enshrined in Article 3 of the Convention on the Rights of Persons with Disabilities and invites all States to implement them. It also draws attention to the work which is being done by the Inter-Agency Support Group for the Convention.

4.5. It requests the Secretary-General of UNWTO:

- to consult with representative non-governmental organizations active in the area of assistance for persons with disabilities in order to determine more precisely what role UNWTO could play in this field and to communicate the results of these consultations to the Executive Council; and
- to arrange for the UNWTO to be represented at meetings of the Committee on the Rights of Persons with Disabilities when it examines the provisions of the *Convention on the Rights of Persons with Disabilities* relevant to the UNWTO's mandate.

## 5. Persons affected by the HIV virus

5.1. *Concerned* by the restrictions on tourist travel by persons affected by the HIV virus, the General Assembly decides to remain seized of the matter, taking into account the recommendations of the World Committee on Tourism Ethics.

## 6. Finally

6.1. While the present Declaration is of a purely recommendatory nature and has no binding force, the General Assembly is conscious that the facilitation of tourist travel is a continuous process, which should be under periodic review.

6.2. To this end, the General Assembly entrusts the Secretary-General of UNWTO to:

- (a) seek advice from the World Committee on Tourism Ethics to further examine ways to facilitate tourist travel;
- (b) promote the principles above, including the use of modern information and communication technologies, in relation with travel advisories and visa facilitation;
- (c) encourage all possibilities of organizing information exchanges, training sessions and other activities beneficial to all Member States and to provide them with technical assistance if they so require;
- (d) advise UNWTO Member States to encourage all stakeholders in tourism to observe and follow the recommendations contained in this Declaration; and
- (e) report to its the next session on the follow up of the present Declaration.