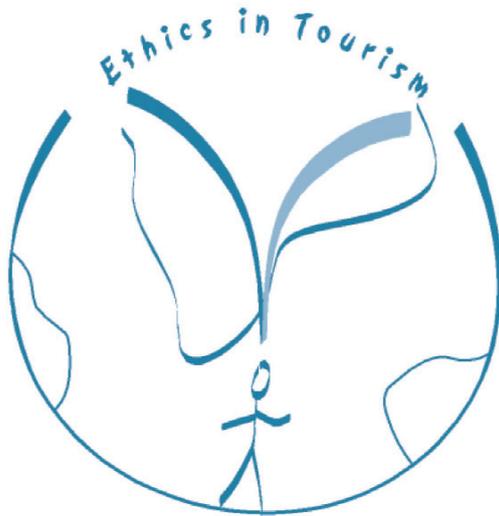


Procedures for consultation and conciliation



**for the settlement of disputes
concerning the application
of the Global Code of Ethics
for Tourism**



INTRODUCTION

The Global Code of Ethics for Tourism was adopted by the General Assembly of the World Tourism Organization (WTO) in resolution 406(XIII) on 1 October 1999, in Santiago, Chile.

In the resolution, the Assembly also subscribed to the principle of a Protocol for implementing the Global Code of Ethics based on:

- A) the creation of a flexible mechanism for monitoring and evaluating the implementation of the Code, and
- B) the establishment of a conciliation instrument to which States and other stakeholders may have recourse by consensus and on a voluntary basis.

Article 10 of the Code itself also sets out these two guidelines, which have been implemented in practice through the creation of the World Committee on Tourism Ethics in June 2003 (CE/DEC/12(LXX)) and through the approval by the Ethics Committee of the *Procedures for consultation and conciliation for the settlement of disputes concerning the application of the Global Code of Ethics for Tourism*, in October 2004 (WCTE/DEC/4(II)).

The aforementioned procedures, whose text is reproduced in the following pages, will be ratified at the next WTO General Assembly, to be held in Dakar, Senegal, from 25 November to 2 December 2005.

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1. In the event of a dispute concerning the interpretation or application of the Global Code of Ethics for Tourism, two or more stakeholders in tourism development¹ may jointly submit the matter of such a dispute (hereinafter “the matter”) to the World Committee on Tourism Ethics (“the Committee”) as the body of the World Tourism Organization competent to settle such questions.

2. The Chairman of the Committee shall acknowledge receipt of the matter in a written communication to the parties and request the Secretary-General to conduct consultations with the parties in order to prepare a report to the Committee, which shall be submitted within a period of thirty days, containing all the relevant facts, a summary of the positions taken by the parties and the Secretary-General’s suggestions concerning the recommendations that the Committee may wish to approve for the resolution of the various issues involved. If in the process of such consultations, the Secretary-General and the parties have reached understandings as to the measures to be taken in order to settle the matter, the contents of such understandings shall be set out in the report of the Secretary-General for the consideration of the Committee. Upon a request by the Secretary-General, the Committee may extend the period for the submission of the report.

3. The Committee shall examine the report of the Secretary-General at a session following its submission and shall consider and approve recommendations to the parties regarding the settlement of the matter. To that end, the Committee may decide to set up a panel of three members who shall prepare draft recommendations for the approval of the Committee. As a general rule, the panel shall prepare the draft recommendations within the same session of the Committee at which the report of the Secretary-General has been submitted, but if the nature of the matter, and other relevant circumstances and reasons,



justify a lengthier discussion of the issues involved, the Committee may authorize the panel to submit the draft recommendations at a subsequent session.

4. A panel set up by the Committee, in preparing draft recommendations, may decide to hold consultations with the parties. Such consultations may also be held by the Committee or the panel at the request of any of the parties at any time during the consideration of the matter. The Committee and a panel set up by the Committee may agree by consensus to adopt specific modalities for the consideration of a matter. Subject to the provisions in paragraph 5 below, the proceedings of the Committee and of a panel set up for the consideration of a matter shall be conducted in strict confidence.

5. In approving its recommendations to the parties the Committee shall decide upon the period within which the recommendations should be implemented by the parties. The Secretary-General shall report thereon to the Committee. Such a report shall be considered by the Committee, which shall issue a press release on the substance of the settlement if its recommendations have been implemented. If one or more of its recommendations have not been implemented, the Committee shall decide on the action to be taken in the light thereof, including the holding of renewed consultations with the parties and the issuance of a press release containing the conclusions reached by the Committee.

6. The Committee may also consider questions submitted by individual stakeholders or Member States concerning specific aspects of the implementation of the Global Code of Ethics for Tourism. If it deems it appropriate, the Committee may issue clarifications or advisory opinions for future guidance.



7. The Committee shall report to the General Assembly on all the matters of implementation and interpretation submitted to it.
8. The expenses incurred in the process of consultations, and any other expenses concerning the work of the Committee and the Secretariat in the consideration of a matter, shall be borne by the Parties unless the circumstances are considered exceptional by the Committee.
9. These procedures shall be reviewed by the Committee three years after their approval by the General Assembly in the light of the experience gained in their practical application. In that context, the Committee shall examine all the relevant modalities used and required. Having completed the review of the procedures, the Committee shall decide if, and in what terms, the application of the procedures shall be delegated to the regional commissions, bearing in mind the need to ensure consistency and coherence in the application and interpretation of the Global Code of Ethics for Tourism.

¹ For the purpose of the Code, the term “stakeholders in tourism development” includes: national governments; local governments with specific competence in tourism matters; tourism establishments and tourism enterprises, including their associations; institutions engaged in financing tourism projects; tourism employees, tourism professionals and tourism consultants; trade unions of tourism employees; travelers, including business travelers, and visitors to tourism destinations, sites and attractions; local populations and host communities at tourism destinations through their representatives; other juridical and natural persons having stakes in tourism development including non-governmental organizations specializing in tourism and directly involved in tourism projects and the supply of tourism services.



WORLD TOURISM ORGANIZATION
ORGANISATION MONDIALE DU TOURISME
ORGANIZACION MUNDIAL DEL TURISMO
ВСЕМИРНАЯ ТУРИСТСКАЯ ОРГАНИЗАЦИЯ
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