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INTERNATIONAL YEAR
OF SUSTAINABLE TOURISM
FOR DEVELOPMENT



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Approval of the Guidelines for the adoption of the draft UNWTO Framework Convention on Tourism Ethics and appointment of an ad hoc committee for the preparation of the final draft

I. Background and purpose of the Special Guidelines

1. In accordance with resolution 668(XXI) of the General Assembly concerning the draft Framework Convention on Tourism Ethics, the text of the draft international convention has been prepared by a Working Group composed of all interested member States with the assistance of the Secretariat. As requested by the General Assembly in the above-mentioned resolution, and by the Executive Council at its 105th session (decision 7(CV)), the text of the Convention is to be submitted to its 22nd session for discussion, consideration and possible approval or adoption.
2. This is the first time that the World Tourism Organization intends to adopt an international convention in the framework of its General Assembly, which will be a landmark in the Organization's history as the UNWTO remains the only UN specialized agency that has not developed a convention regulating matters within its field of expertise.
3. In order to successfully complete this effort and following the practice of other UN organizations with a wider treaty-making tradition and experience, it is essential to structure the debate on the draft text of the Convention during the forthcoming session of the General Assembly, and to this effect, establish ad hoc principles and rules to be applied in the process of examination, amendment, approval and adoption of the relevant texts. As they currently read, the Rules of Procedure of the General Assembly are not fully suitable for this purpose as they do not include specific rules that could be applied to this type of debate.
4. Further, the limited time available until the General Assembly and also the short duration of the General Assembly itself—as compared to legislative bodies of other UN organizations that usually meet for two weeks—represent considerable challenges and require that member States be able to consider the text and any amendments proposed in the most effective manner, avoiding as much as possible any unnecessary delay in the discussion of procedural matters.
5. The Executive Council, through decision 7(CV), endorsed the Guidelines attached as an annex to the present document, recommending their approval by the 22nd session of the General Assembly and



also endorsed the recommendation of the Working Group on the Framework Convention on Tourism Ethics to avoid making any change to the text of the Global Code of Ethics which is included in Articles 4 to 12 of the draft text of the Convention.

6. As endorsed by the Council, the Special Guidelines will be followed by the Secretariat until the opening of the 22nd session of the General Assembly and will be submitted to its first plenary sitting for approval.

7. The purpose of the Special Guidelines is twofold: firstly, to provide legal certainty as regards the time schedule and process for the finalization and possible adoption of the text of this international convention, and secondly, to propose a practicable and time-efficient framework for the consideration the General Assembly of any comments and proposals for modifications made by member States to the text of the draft international convention.

II. Scope of the Guidelines

8. The proposed Special Guidelines only refer to the process of discussion of the text of the draft Convention and its possible adoption by the General Assembly and not to the process by which the member States may become legally bound by the Convention. The adoption of a text by the 22nd session of the General Assembly will not imply in any way an immediate obligation for member States to comply with the provisions of the Convention. Accordingly, if a final text is adopted by the General Assembly, it will be up for any member State, if it so wishes and in accordance with its constitutional procedures and practice, to express its consent to be bound by the Convention through the deposit of an instrument of ratification, approval, acceptance or accession to the Secretary-General of the UNWTO.

9. The proposed Special Guidelines also aim to provide the necessary flexibility with regard to the outcome of the discussions which will be held at the forthcoming session of the General Assembly. In particular, and although the ultimate goal is to adopt the text of the Convention in the five authentic languages as provided for therein, the Guidelines also provide for the possibility to submit only the English version for approval by the General Assembly and to adopt the text of the Convention in all the authentic languages during a plenipotentiary conference to be convened by the General Assembly at a later stage if the timely preparation of the text in all five languages were to prove impossible due to time constraints.

10. It is important to note that the Special Guidelines are not intended to deviate from, replace or otherwise amend the Rules of Procedure of the General Assembly in any definite manner but only to propose some exceptional arrangements limited in scope and of temporary application for the specific needs of the 22nd session of the General Assembly in order to facilitate the consideration and possible adoption of the text of the Convention prepared by the Working Group, as explicitly endorsed by the Executive Council and subject to the approval of the General Assembly.

11. Based on the experience and the results obtained at the 22nd session of the General Assembly, the Executive Council may wish to consider the possibility to include the Special Guidelines as an Annex to the Rules of Procedure of the General Assembly for future use in similar legislative exercises that may be conducted within the framework of the UNWTO. Should this be agreeable to the Executive Council, the Special Guidelines could be submitted to the 23rd session of the General Assembly for approval, with any necessary adjustment based on the lessons learned at the forthcoming session of the General Assembly.

III. Actions to be taken by the General Assembly

12. The General Assembly is invited:

- (a) To approve the Guidelines for the adoption of the draft Framework Convention on Tourism Ethics; and
- (b) To establish, in accordance with Article 12(j) of the Statutes, an ad hoc Committee composed of all interested Member States to review and prepare the final text of the Convention for its consideration and possible approval during the Plenary of the twenty-second session of the General Assembly.

Annex: Special Guidelines for the consideration and possible adoption of the Framework Convention on Tourism Ethics by the 22nd session of the General Assembly

1. Scope and aim

(a) These Guidelines relate only to the consideration, approval and possible adoption of the draft Framework Convention on Tourism Ethics (hereinafter also referred to as the "Convention") prepared in conformity with resolution 668(XXI).

(b) The rules and procedures set out in these Guidelines are subject to the Statutes of the Organization and shall exceptionally apply during the 22nd session of the General Assembly.

2. Circulation of proposals and submission of amendments to the draft text of the Framework Convention on Tourism Ethics for consideration at the 22nd session of the General Assembly

(a) Upon recommendation of the Executive Council, the Secretary-General shall circulate the proposed text of the convention in the five official languages to the Members of the Organization at least ninety days before the opening of the 22nd session of the General Assembly.

(b) Amendments to the text of the draft convention which has been circulated in accordance with paragraph (a) above may be submitted by member States to the Secretary-General in writing, in one of the official languages of the Organization, not later than thirty days before the opening of the session. Any proposals submitted after this deadline shall not be considered by the General Assembly. For the purpose of these Guidelines, amendments are proposals for changes, including proposals for deleting, adding, moving or replacing any of the provisions of the draft convention.

(c) In order to be considered, amendments shall clearly specify the article and paragraph they refer to as well as the proposed action, including any alternative text.

(d) Except when an amendment is self-explanatory, it may be accompanied by an explanatory note of not more than 50 words to facilitate better understanding or clarify the scope of the amendment.

(e) The Secretary-General shall transmit any proposed amendments received in accordance with paragraphs (b) and (c) above to all Members in all the official languages not later than ten days before the opening of the session.

(f) The Working Group tasked with the preparation of the text of the draft Convention and composed of all interested member States will conduct all preparatory work as necessary until the opening session of the 22nd General Assembly for the facilitation of the discussion of the text during the Assembly and, in particular, it may adopt reports and submit recommendations on the text and any amendments proposed thereto, as deemed necessary for consideration by the Assembly.

3. Ad hoc Committee for the preparation of the text of the Framework Convention on Tourism Ethics to be submitted to the 22nd General Assembly for adoption

(a) Upon approval of the Special Guidelines at the beginning of the session, the General Assembly may establish, in accordance with Article 12(j) of the Statutes, an ad hoc Committee

composed of member States to revise and prepare the final text of the Convention. All member States may participate in the Committee. All international organizations attending the General Assembly may participate in the Committee as observers, in accordance with Rule 9(2) of the Rules of Procedure of the General Assembly.

(b) The Committee shall elect its Chair from among its members.

(c) The Committee shall examine and revise, if needed, the text of the draft Convention, based on any amendments received in accordance with paragraphs 2(b) and 2(c) above. At the end of its work, the Committee shall submit the text of the Convention in the five languages to the plenary session of the General Assembly for final adoption.

(d) In case the text to be submitted to the plenary session of the General Assembly for final adoption is not available in any linguistic version other than English, only the English version shall be submitted to the General Assembly for approval.

(e) The Committee shall take decisions by consensus, unless a vote is required by one of its members, in which case, decision will be adopted by a simple majority of the members of the Committee present and voting by show of hands.

(f) Members under Article 34 of the Statutes or paragraph 13 of the Financing Rules shall not be entitled to submit amendments or to vote.

4. Consideration of the text of the draft Convention in the Committee and elaboration of the final text to be submitted to the General Assembly for adoption

(a) Amendments duly submitted in accordance with paragraphs 2(b) and 2(c) above shall be considered by the Committee only if they are seconded by a member of the Committee.

(b) For the purposes of these Guidelines, a sub-amendment is a proposed change to an amendment that merely adds to, deletes from or revises part of that amendment.

(c) The Chair of the Committee shall direct the debate on the text of the draft Convention article by article in the English version. No interpretation will be available in the *ad hoc* Committee

(d) In the case of articles having received a proposal for amendment, a representative of the Member State that submitted the amendment may make a brief statement explaining the amendment. The Chair may limit the time to be allowed for such explanations. The Committee shall take a decision on the amendment presented. If the amendment is adopted, the provision under consideration will be considered adopted by the Committee, as amended. If the amendment is rejected, the original draft text will be deemed to have been adopted unchanged.

(e) Amendments and sub-amendments shall have priority over the texts to which they refer and shall be considered before the text itself.

(f) Any amendment or sub-amendment may be withdrawn at any time by the Member State that submitted it, through its representative, unless it has been adopted.

(g) When two or more amendments are submitted on the same provisions or part of provision, the Committee shall consider first the amendment furthest removed in substance from the original proposal. If one or more amendments are adopted, it or they will be embodied in the original text

and the revised text shall then be considered. The same rule will apply to sub-amendments when they relate to the same amendment.

(h) The Chair of the Committee, with the assistance of the Secretariat, shall establish the order in which amendments and sub-amendments shall be considered by the Committee, due regard being had to the need to conduct the debate in a timely fashion.

(i) When the text of the draft Convention has been considered in its entirety in accordance with these Guidelines, the Committee will forward the text in English to the General Assembly for approval or adoption in the five official languages of the Organization for final adoption.

5. Consideration and adoption of the text of the Framework Convention on Tourism Ethics by the General Assembly

(a) The General Assembly, at its plenary session, shall consider the text submitted by the Committee for adoption as a whole in the five official languages of the Organization by consensus, or by a two-thirds majority roll call vote, if a Full Member so requires.

(b) If the draft Convention is not adopted by consensus, or does not obtain the two-thirds majority required under paragraph (a) above, the Assembly may decide to create a Committee composed of Member States to finalize a text that could be adopted either at a subsequent session of the Assembly or at an international plenipotentiary conference convened specifically for this purpose.

(c) If, after consideration of the text by the Committee, only the English version is submitted to the plenary, the text will be considered for approval by the Assembly. If approved, the Assembly shall convene, at a later date to be decided, an international plenipotentiary conference for the adoption of the text in the five official languages.

(d) Two copies of the Convention adopted by the General Assembly shall be authenticated in the five official languages of the Organization by the signature of the President of the General Assembly and the Secretary-General of UNWTO.

(e) A certified copy of the Convention adopted by the General Assembly shall be transmitted by the Secretary-General of UNWTO, as soon as possible, to the member States.