



CAP/CSA/29/8.2_Report_WG_Convention_Tourism Ethics

**UNWTO COMMISSION FOR EAST ASIA AND THE PACIFIC
UNWTO COMMISSION FOR SOUTH ASIA
Twenty-ninth Joint Meeting
Chittagong, Bangladesh
17 May 2017**

Item 8.2 of the Provisional Agenda

TOURISM AND ETHICS

Report of the Working Group on the UNWTO Convention on Tourism Ethics

Note by the Secretary-General

The Secretary-General submits to the Joint Meeting of the two Commissions for Asia and the Pacific a report of the Working Group on the UNWTO Convention on Tourism Ethics

I. Report of the Working Group on the UNWTO Convention on Tourism Ethics

A. Introduction

1. UNWTO is the only UN specialized agency that has not adopted treaties regulating matters within its fields of expertise.
2. In conformity with the General Assembly Resolution 668(XXI), the Secretary-General established a special Working Group to examine the conversion of the Global Code of Ethics for Tourism, UNWTO's main policy document, into an international convention in order to reinforce its effectiveness.
3. The composition of the Working Group was based on the favorable responses received from UNWTO Full and Associate Members to the invitation of the Secretary-General of December 2015.
4. The Working Group, composed by representatives of 36 States has held two meetings since it was created in 2016. During these meetings, the draft text, now entitled **Framework Convention on Tourism Ethics**, has been thoroughly revised (see Annex).

B. Content of the Framework Convention on Tourism Ethics

5. The Framework Convention on Tourism Ethics has been built around the nine core principles of the Global Code of Ethics for Tourism. In order to frame these principles in the classical structure of an international treaty, several provisions have been adapted.
 - The Preamble of the text is inspired by that of the Global Code of Ethics for Tourism, although updated to the current international context and purpose of the proposed Convention.
 - Part I of the Convention includes the General Provisions which contextualise the text by outlining the key terminology, the aim and scope of the provisions of the Convention as well as the means of implementation.
 - Part II is dedicated to the Ethical Principles in Tourism which constitute the backbone of the Convention.
 - Part III on the World Committee on Tourism Ethics refers to the mandate, composition and functioning of this subsidiary organ of the UNWTO General Assembly in the context of the Convention.
 - The two final sections of the Convention contain standard provisions of international treaties, namely Part IV addresses the Conference of States Parties and Part V features the Final Provisions regulating procedures for signature, ratification, acceptance, approval and accession.
 - The Optional Protocol annexed to the Convention is a separate instrument that States Parties to the Convention can decide to ratify or not; it consists of a voluntary conciliation mechanism concerning the interpretation or application of the Convention.

C. Outcomes of the meetings of the Working Group

6. It is recalled that the initial draft text of the proposed Convention was presented to the XXI General Assembly (Medellin, Colombia, 12-17 September 2015) and, as such, this text was used as the basis for the discussions of the Working Group.

7. The main change to the draft Convention on Tourism Ethics, later renamed Framework Convention on Tourism Ethics, refers firstly to the overall structure of the Convention, as detailed under point B above, featuring Preamble, Parts I to V and the Optional Protocol.

8. With regard to the Preamble of the text, it has been updated to make reference to the 2030 Agenda for Sustainable Development and to give due recognition to the Global Code of Ethics for Tourism.

9. For the sake of clarity, a set of definitions have been included in the text, based on the International Recommendations for Tourism Statistics (UN 2008). The obligations for Member States have also been clearly outlined in Article 3 of the text.

10. The members of the Working Group agreed not to make changes to the core principles of the Code of Ethics (except for minor updating of technical terminology) as these were already approved by the General Assembly A/RES/406(XIII) in 1999 and are widely accepted by the international tourism community.

11. Concerning the role of the World Committee on Tourism Ethics - a subsidiary organ of the UNWTO General Assembly - the Working Group decided that the Committee will be responsible for monitoring the implementation of the provisions of both the existing Global Code of Ethics for Tourism and of the Convention on Tourism Ethics, when the latter comes into force. This would avoid unnecessary duplication of structures and functions.

12. As for any international treaty, after the Convention is adopted by the UNWTO General Assembly, it will only have effect for those States that ratify the instrument. By the same token, the Optional Protocol of the Convention, which has been simplified from its original version, provides a voluntary conciliation mechanism open to additional ratification by States Parties to the Convention.

13. In order to ensure internal coherence, the UNWTO Secretariat has harmonized the draft Framework Convention on Tourism Ethics and the draft Convention on the Protection of Tourists and the Rights and Obligations of Tourism Service Providers, in particular as regards the sections on the Conference of States Parties and Final Provisions.

D. Next steps

14. Against this backdrop, the draft Framework Convention on Tourism Ethics will be presented to the 105th session of the Executive Council (Madrid, Spain, 10-12 May 2017) together with a set of guidelines explaining the process of examination, amendment, approval and possible adoption of the text by the forthcoming XXII UNWTO General Assembly.

15. To reinforce the preparatory work in view of the XXII General Assembly (Chengdu, China, 4-9 September 2017), a 3rd meeting of the Working Group takes place on 12-13 May at UNWTO Headquarters in Madrid, Spain back-to-back with the Executive Council. Full and Associate Members attending the Executive Council session are invited to take part in this meeting.

16. Shortly after the 3rd meeting of the Working Group, the revised draft text of the Convention will be presented to all UNWTO Member States.

Framework Convention on Tourism Ethics

THE HIGH CONTRACTING PARTIES,

Desiring to develop tourism with a view to contributing to economic development, international understanding, peace, prosperity and universal respect for, and observance of, human rights and freedoms for all without distinction of any kind such as race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that tourism has the potential to contribute directly or indirectly to the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, and in particular with regard to inclusive and sustainable economic growth, sustainable consumption and production and the sustainable use of oceans and marine resources,

Firmly believing that, through the direct, spontaneous and non-mediatized contacts it engenders between men and women of different cultures and lifestyles, tourism represents a vital force for peace and a factor of friendship and understanding among the peoples of the world,

In keeping with the rationale of reconciling environmental protection, economic development and the fight against poverty in a sustainable manner, as formulated by the United Nations in 1992 at the “Earth Summit” of Rio de Janeiro, expressed in Agenda 21, adopted on that occasion, and reiterated by the “Earth Summits” of Johannesburg in 2002 and Rio in 2012 (Rio + 20),

Taking into account the swift and continued growth, both past and foreseeable, of the tourism activity, whether for leisure, business, culture, religious or health purposes and other special interest tourism products and segments, and its powerful effects, both positive and negative, on the environment, the economy and the society of both generating and receiving countries, on local communities and indigenous peoples, as well as on international relations and exchanges,

Aiming to promote responsible, sustainable and universally accessible tourism in the framework of the right of all persons to use their free time for leisure pursuits or travel with respect for the choices of society of all peoples,

Firmly convinced that, provided a number of principles and a certain number of rules are observed, responsible and sustainable tourism is by no means incompatible with the growing liberalization of the conditions governing the provision of goods and services and under whose aegis the enterprises of this sector operate and that it is possible to reconcile, in this context environment and economic development, openness to international trade and protection of social and cultural identities,

Considering that, with such an approach, all the stakeholders in tourism development – national, regional and local administrations, enterprises, business associations, workers in the sector, non-governmental organizations and bodies of all kinds related to the tourism sector, as well as host communities, the media and the tourists themselves, including excursionists – have different albeit interdependent responsibilities in the individual and societal development of tourism and that the formulation of their individual rights and duties will contribute to meeting this aim,

Recalling resolution A/RES/406(XIII) of 1999 adopted by the General Assembly of the World Tourism Organization (hereinafter referred to as “UNWTO”) in which it solemnly adopted the Global Code of Ethics for Tourism,

Recalling resolution A/RES/668(XXI) of 2015 whereby the General Assembly of the UNWTO expressed its wish to convert the Global Code of Ethics for Tourism into a legally binding treaty in order to reinforce its effectiveness at the international and national level,

Considering that the World Committee on Tourism Ethics (hereinafter referred to as “the Committee”) established in 2001 under resolution A/RES/438(XIV) is a subsidiary organ of the UNWTO General Assembly,

Convinced that this Framework Convention (hereinafter referred to as “the Convention”) will enhance the advancement of a more sustainable and ethical tourism as stated in the Global Code of Ethics for Tourism,

Inspired by the resolutions and decisions related to the implementation of the Global Code of Ethics for Tourism, adopted by the UNWTO General Assembly and the Executive Council,

Reaffirming that, as a specialized agency of the United Nations, UNWTO, as well as its Member States, is guided in its activities by the Charter of the United Nations, relevant United Nations resolutions and the generally accepted norms and principles of international law,

Have agreed as follows:

GENERAL PROVISIONS

Article 1

Definitions¹

For the purposes of this Convention and unless otherwise provided in particular provisions, the following definitions shall apply:

- (a) *ethical principles in tourism* means the Principles set out in this Convention in Articles 4 to 12 below.
- (b) *tourism* refers to the activities of visitors, whether tourists or excursionists.
- (c) *tourist* means a person taking a trip which includes an overnight stay to a main destination outside his/her usual environment, for less than a year, for any main purpose (business, leisure or other personal purpose) other than to be employed by a resident entity in the country or place visited.
- (d) *excursionist* means a person taking a trip which does not include an overnight stay to a main destination outside of his/her usual environment. For the purpose of this Convention any reference to tourists constitutes at the same time a reference to excursionists.
- (e) *stakeholders in tourism development* includes:²
 - (i) national governments;
 - (ii) local governments with specific competence in tourism matters;
 - (iii) tourism establishments and tourism enterprises, including their associations;
 - (iv) institutions engaged in financing tourism projects;
 - (v) tourism employees and professionals;
 - (vi) trade unions of tourism employees;
 - (vii) tourists and excursionists;
 - (viii) local populations and host communities at tourism destinations through their representatives; and
 - (ix) 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.
- (f) *tourism resources* means natural and cultural resources, both tangible and intangible, that have the potential to attract tourists.

¹ Definitions from the International Recommendations for Tourism Statistics. United Nations, 2008.

² Based on resolution A/RES/469(XV), Beijing, China, 2003, by which the UNWTO General Assembly adopts the Supplement to the draft Protocol of Implementation relative to the application and interpretation of the Global Code of Ethics for Tourism

Article 2

Aim and scope

(1) The present Convention aims to promote responsible, sustainable and universally accessible tourism through the implementation of the ethical principles in tourism.

(2) The present Convention refers to all stakeholders in tourism development within the meaning of Article 1(e) in the observance of the ethical principles in tourism.

Article 3

Means of implementation

(1) States Parties shall promote responsible and sustainable tourism by formulating policies and adopting laws and regulations that are consistent with the ethical principles in tourism set out in the Convention.

(2) States Parties shall respect and promote the ethical principles in tourism, especially through encouraging tourism enterprises and bodies to reflect these principles in their contractual instruments and make specific reference to them in their codes of conduct or professional rules.

(3) States Parties shall periodically submit a report to the World Committee on Tourism Ethics concerning the adoption and effective implementation of policies, national laws and regulations that are consistent with the ethical principles in tourism.

(4) States Parties, which are also parties to the Optional Protocol to the Framework Convention on Tourism Ethics, shall promote among tourism enterprises and bodies the conciliation mechanism provided for in the Optional Protocol.

ETHICAL PRINCIPLES IN TOURISM

Article 4

Tourism's contribution to mutual understanding and respect between peoples and societies

(1) The understanding and promotion of the ethical values common to humanity, with an attitude of tolerance and respect for the diversity of religious, philosophical and moral beliefs, are both the foundation and the consequence of responsible tourism; stakeholders in tourism development and tourists themselves should observe the social and cultural traditions and practices of all peoples, including those of minorities and indigenous peoples and recognize their worth.

(2) Tourism activities should be conducted in harmony with the attributes and traditions of the host regions and countries and in respect for their laws, practices and customs.

(3) The host communities, on the one hand, and local professionals, on the other, should acquaint themselves with and respect the tourists who visit them and find out about their lifestyles,

tastes and expectations; the education and training imparted to professionals contribute to a hospitable welcome.

(4) It is the task of the public authorities to provide protection for tourists and their belongings; they must pay particular attention to the safety of foreign tourists owing to the particular vulnerability they may have; they should facilitate the introduction of specific means of information, prevention, security, insurance and assistance consistent with their needs; any attacks, assaults, kidnappings or threats against tourists or workers in the tourism industries, as well as the wilful destruction of tourism facilities or of elements of cultural or natural heritage should be severely condemned and punished in accordance with their respective national laws.

(5) When travelling, tourists should not commit any criminal act or any act considered criminal by the laws of the country visited and abstain from any conduct felt to be offensive or injurious by the local populations, or likely to damage the local environment; they should refrain from all trafficking in illicit drugs, arms, antiques, protected species and products and substances that are dangerous or prohibited by national regulations.

(6) Tourists have the responsibility to acquaint themselves, even before their departure, with the characteristics of the countries they are preparing to visit; they must be aware of the health and security risks inherent in any travel outside their usual environment and behave in such a way as to minimize those risks.

Article 5

Tourism as a vehicle for individual and collective fulfilment

(1) Tourism, the activity most frequently associated with rest and relaxation, sport and access to culture and nature, should be planned and practised as a privileged means of individual and collective fulfilment; when practised with a sufficiently open mind, it is an irreplaceable factor of self-education, mutual tolerance and for learning about the legitimate differences between peoples and cultures and their diversity.

(2) Tourism activities should respect the equality of men and women; they should promote human rights and, more particularly, the individual rights of the most vulnerable groups, notably children, the elderly, persons with disabilities, ethnic minorities and indigenous peoples.

(3) The exploitation of human beings in any form, particularly sexual, especially when applied to children, conflicts with the fundamental aims of tourism and is the negation of tourism; as such, in accordance with international law, it should be energetically combated with the cooperation of all the States concerned and penalized without concession by the national legislation of both the countries visited and the countries of the perpetrators of these acts, even when they are carried out abroad.

(4) Travel for purposes of religion, health, education and cultural or linguistic exchanges are particularly beneficial and deserve encouragement.

(5) The introduction into curricula of education about the value of tourism exchanges, their economic, social and cultural benefits, and also their risks, should be encouraged.

Article 6

Tourism, a factor of sustainable development

(1) All the stakeholders in tourism development should safeguard the natural environment with a view to achieving sound, continuous and sustainable economic growth geared to satisfying equitably the needs and aspirations of present and future generations.

(2) All forms of tourism development that are conducive to saving rare and precious natural resources, in particular water and energy, as well as avoiding so far as possible waste production, should be given priority and encouraged by national, regional and local public authorities.

(3) The staggering in time and space of tourist flows, particularly those resulting from paid leave and school holidays, and a more even distribution of holidays should be sought so as to reduce the pressure of tourism activity on the environment and enhance its beneficial impact on the tourism industries and the local economy.

(4) Tourism infrastructure should be designed and tourism activities programmed in such a way as to protect the natural heritage composed of ecosystems and biodiversity and to preserve endangered species of wildlife; the stakeholders in tourism development, and especially professionals, should agree to the imposition of limitations or constraints on their activities when these are exercised in particularly sensitive areas: desert, polar or high mountain regions, coastal areas, tropical forests or wetlands, propitious to the creation of nature reserves or protected areas.

(5) Nature tourism and ecotourism are recognized as being particularly conducive to enriching and enhancing the standing of tourism, provided they respect the natural heritage and local populations and are in keeping with the carrying capacity of the sites.

Article 7

Tourism, a user of the cultural heritage of mankind and a contributor to its enhancement

(1) Tourism resources belong to the common heritage of mankind; the communities in whose territories they are situated have particular rights and obligations to them.

(2) Tourism policies and activities should be conducted with respect for the artistic, archaeological and cultural heritage, which they should protect and pass on to future generations; particular care should be devoted to preserving and upgrading monuments, shrines and museums as well as archaeological and historic sites which must be widely open to tourism visits; encouragement should be given to public access to privately-owned cultural property and monuments, with respect for the rights of their owners, as well as to religious buildings, without prejudice to normal needs of worship.

(3) Financial resources derived from visits to cultural sites and monuments should, at least in part, be used for the upkeep, safeguard, development and embellishment of this heritage.

(4) Tourism activity should be planned in such a way as to allow traditional cultural products, crafts and folklore to survive and flourish, rather than causing them to degenerate and become standardized.

Article 8

Tourism, a beneficial activity for host countries and communities

(1) Local populations should be associated with tourism activities and share equitably in the economic, social and cultural benefits they generate, and particularly in the direct and indirect creation of jobs resulting from them.

(2) Tourism policies should be applied in such a way as to help to raise the standard of living of the populations of the regions visited and meet their needs; the planning and architectural approach to and operation of tourism resorts and accommodation should aim to integrate them, to the extent possible, in the local economic and social fabric; where skills are equal, priority should be given to local manpower.

(3) Special attention should be paid to the specific problems of coastal areas and island territories and to vulnerable rural or mountain regions, for which tourism often represents a rare opportunity for development in the face of the decline of traditional economic activities.

(4) Tourism professionals, particularly investors, governed by the regulations laid down by the public authorities, should carry out studies of the impact of their development projects on the environment and natural surroundings; they should also deliver, with the greatest transparency and objectivity, information on their future programmes and their foreseeable repercussions and foster dialogue on their contents with the populations concerned.

Article 9

Obligations of stakeholders in tourism development

(1) Tourism professionals have an obligation to provide tourists with objective and honest information on their places of destination and on the conditions of travel, hospitality and stays; they should ensure that the contractual clauses proposed to their customers are readily understandable as to the nature, price and quality of the services they commit themselves to providing and the financial compensation payable by them in the event of a unilateral breach of contract on their part.

(2) Tourism professionals, insofar as it depends on them, should show concern, in cooperation with the public authorities, for the security and safety, accident prevention, health protection and food safety of those who seek their services; likewise, they should ensure the existence of suitable systems of insurance and assistance; they should accept the reporting obligations prescribed by national regulations and pay fair compensation in the event of failure to observe their contractual obligations.

(3) Tourism professionals, so far as this depends on them, should contribute to the cultural and spiritual fulfilment of tourists and allow them, during their trip, to practise their religions.

(4) The public authorities of the generating States and the host countries, in cooperation with the professionals concerned and their associations, should ensure that the necessary mechanisms are in place for the repatriation of tourists in the event of the bankruptcy of the enterprise that organized their trip.

(5) 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 sector 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.

(6) The press, and particularly the specialized travel press and the other media, including modern means of electronic communication, should issue honest and balanced information on events and situations that could influence the flow of tourists; they should also provide accurate and reliable information to the consumers of tourism services; the new communication and electronic commerce technologies should also be developed and used for this purpose; as is the case for the media, they should not in any way promote sex tourism.

Article 10

Right to tourism

(1) The prospect of direct and personal access to the discovery and enjoyment of the planet's resources constitutes a right equally open to all the world's inhabitants; the increasingly extensive participation in domestic and international tourism should be regarded as one of the best possible expressions of the sustained growth of free time, and obstacles should not be placed in its way.

(2) The universal right to tourism must be regarded as the corollary of the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay, guaranteed by Article 24 of the Universal Declaration of Human Rights and Article 7.d of the International Covenant on Economic, Social and Cultural Rights.

(3) Social tourism, and in particular associative tourism, which facilitates widespread access to leisure, travel and holidays, should be developed with the support of the public authorities.

(4) Family, youth, student and senior tourism and tourism for persons with disabilities, should be encouraged and facilitated.

Article 11

Liberty of tourist movements

(1) Tourists should benefit, in compliance with international law and national legislation, from the liberty to move within their countries and from one State to another, in accordance with Article 13 of the Universal Declaration of Human Rights; they should have access to places of transit and stay and to tourism and cultural sites without being subject to excessive formalities or discrimination.

(2) Tourists should have access to all available forms of communication, internal or external; they should benefit from prompt and easy access to local administrative, legal and health services; they should be free to contact the consular representatives of their countries of origin in compliance with the diplomatic conventions in force.

(3) Tourists should benefit from the same rights as the citizens of the country visited concerning the confidentiality of the personal data and information concerning them, especially when these are stored electronically.

(4) Administrative procedures relating to border crossings whether they fall within the competence of States or result from international agreements, such as visas or health and customs formalities, should be adapted, so far as possible, so as to facilitate to the maximum freedom of travel and widespread access to international tourism; agreements between groups of countries to harmonize and simplify these procedures should be encouraged; specific taxes and levies penalizing the tourism sector and undermining its competitiveness should be gradually phased out or corrected.

(5) So far as the economic situation of the countries from which they come permits, tourists should have access to allowances of convertible currencies needed for their travels.

Article 12

Rights of the workers and entrepreneurs in the tourism industries

(1) The fundamental rights of workers and entrepreneurs in the tourism industries and related activities should be guaranteed under the supervision of the national and local administrations, both of their States of origin and of the host countries with particular care, given the specific constraints linked in particular to the seasonality of their activity, the global dimension of their industries and the flexibility often required of them by the nature of their work.

(2) Employees and self-employed workers in the tourism industries and related activities have the right and the duty to acquire appropriate initial and continuous training; they should be given adequate social protection; job insecurity should be limited so far as possible; and a specific status, with particular regard to their social welfare, should be offered to seasonal workers in the sector.

(3) Any natural or legal person, provided he, she or it has the necessary abilities and skills, should be entitled to develop a professional activity in the field of tourism under existing national laws; entrepreneurs and investors - especially in the area of small and medium-sized enterprises - should be entitled to free access to the tourism sector with a minimum of legal or administrative restrictions.

(4) Exchanges of experience offered to executives and workers, from different countries, contribute to fostering the development of the world tourism sector; these movements should be facilitated so far as possible in compliance with the applicable national laws and international conventions.

(5) As an irreplaceable factor of solidarity in the development and dynamic growth of international exchanges, multinational enterprises of the tourism industries should not exploit the dominant positions they sometimes occupy; they should avoid becoming the vehicles of cultural and social models artificially imposed on the host communities; in exchange for their freedom to invest and trade which should be fully recognized, they should involve themselves in local development, avoiding, by the excessive repatriation of their profits or their induced imports, a reduction of their contribution to the economies in which they are established.

(6) Partnership and the establishment of balanced relations between enterprises of generating and receiving countries contribute to the sustainable development of tourism and an equitable distribution of the benefits of its growth.

WORLD COMMITTEE ON TOURISM ETHICS

Article 13

Mandate

(1) The World Committee on Tourism Ethics is a subsidiary organ of the UNWTO General Assembly, and notwithstanding the functions performed in relation to the Global Code of Ethics for Tourism, it shall be responsible for monitoring the implementation of the provisions of this Convention and carrying out any other tasks entrusted to it by the Conference of States Parties.

(2) The Committee shall fix the modalities for the submission and examination of the reports of the States Parties.

(3) The Committee shall adopt a biennial report that will be transmitted by the Secretary-General of the UNWTO to the General Assembly of the UNWTO and the States Parties to the present Convention.

(4) The Committee may also act, where applicable, as a conciliation mechanism to the States Parties and other stakeholders in tourism development in accordance with the Optional Protocol annexed to the Framework Convention on Tourism Ethics.

Article 14

Composition

(1) The General Assembly of the UNWTO shall determine the composition of the Committee as well as the modalities for the nomination and appointment of its Members with a view to achieving their independence and impartiality.

(2) The General Assembly of the UNWTO, in consultation with the Conference of States Parties, shall elect the members of the Committee with due regard being paid to gender balance and equitable regional and sectorial representation.

Article 15

Functioning

(1) The Secretary-General of the UNWTO shall place at the Committee's disposal the personnel and financial resources necessary for the performance of its functions.

(2) The Committee shall adopt its own rules of procedure. The text of the rules of procedure shall be transmitted to the Conference of States Parties and to the General Assembly of the UNWTO for their information.

CONFERENCE OF STATES PARTIES

Article 16

Composition and responsibilities

(1) The Conference of States Parties shall be the plenary body of this Convention composed of representatives of all States Parties.

(2) The Conference of State Parties shall meet in ordinary sessions every two years in conjunction with the General Assembly of the UNWTO. It may meet in extraordinary session if it so decides or if the Secretary-General of the UNWTO receives a request to that effect from at least one-third of the States Parties.

(3) Attendance of any session of the Conference of States Parties by delegates representing the majority of the States Parties shall constitute a quorum.

(4) The Conference of States Parties shall adopt its own rules of procedure and amendments thereto.

(5) The Conference of States Parties shall perform, *inter alia*, the following functions:

- (a) *considering and adopting amendments to this Convention and to the Optional Protocol to the Framework Convention on Tourism Ethics where applicable;*
- (b) *adopting plans and programmes for the implementation of this Convention; and*
- (c) *taking any other measures it may consider necessary to further the objectives of this Convention.*

(6) The Conference of the States Parties may invite observers to its meetings. The admission and participation of observers shall be subject to the rules of procedure of the Conference of States Parties.

Article 17

Secretariat

The Secretariat of the UNWTO shall provide administrative support to the Conference of States Parties, as necessary.

FINAL PROVISIONS

Article 18

Signature

(1) The present Convention shall be open for signature by all Member States of the UNWTO and all Member States of the United Nations at the twenty-second session of the General Assembly of the UNWTO, and thereafter at the Headquarters of the UNWTO in Madrid until [date].

(2) The present Convention shall similarly be open for signature by regional economic integration organizations.

Article 19

Ratification, acceptance, approval or accession

(1) The present Convention is subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. Instruments of ratification, acceptance, approval and accession shall be deposited with the Secretary-General of the UNWTO.

(2) No reservations may be made with respect to any of the provisions of this Convention.

Article 20

Participation by regional economic integration organizations

(1) A regional economic integration organization that is constituted by sovereign States and has competence over certain matters governed by this Convention may similarly sign, ratify, accept, approve or accede to this Convention. The regional economic integration organization shall in that case have the rights and obligations of a State Party, to the extent that such an organization has competence over matters governed by this Convention.

(2) The regional economic integration organizations, shall, at the time of signature, ratification, acceptance, approval or accession, make a declaration to the depositary specifying the matters governed by this Convention in respect of which competence has been transferred to that

organization by its Member States. The regional economic integration organization shall promptly notify the depositary of any changes to the distribution of competence, including new transfers of competence, specified in the declaration under this paragraph.

(4) A regional economic integration organization, in matters within its competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of its Member States that are Parties to the present Convention. Such an Organization shall not exercise its right to vote if any of its Member States exercises its right, and vice versa.

(5) Any reference to a "State Party" or "States Parties" in this Convention applies equally to a regional economic integration organization where the context so requires.

Article 21

Entry into force

(1) The present Convention shall enter into force on the thirtieth day following the date of deposit of the tenth instrument of ratification, acceptance, approval or accession.

(2) For each State Party ratifying, accepting, approving or acceding to the Convention after the deposit of the tenth instrument of ratification acceptance, approval or accession, the Convention shall enter into force on the thirtieth day following deposit by such State Party of its instrument of ratification, acceptance, approval or accession.

(3) For the purpose of this article and of Article 22, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by Member States of that organization.

Article 22

Amendment of the Convention

(1) Any State Party may propose amendments to the present Convention.

(2) The text of any proposed amendment shall be communicated by the Secretary-General of the UNWTO to all States Parties at least ninety days before the opening of the session of the Conference of States Parties.

(3) Amendments shall be adopted by a two-thirds majority vote of States Parties present and voting and shall be transmitted by the Secretary-General of the UNWTO to the States Parties for ratification, acceptance, approval or accession.

(4) Instruments of ratification, acceptance, approval or accession to the amendments shall be deposited with the Secretary-General of the UNWTO.

(5) Amendments adopted in accordance with paragraph 3 shall enter into force for those States Parties having ratified, accepted, approved or acceded to such amendments on the thirtieth day following the date of receipt by the Secretary-General of the UNWTO of the instruments of ratification,

acceptation, approval or accession of at least five of the States Parties to this Convention. Thereafter the amendments shall enter into force for any other State Party on the thirtieth day after the date on which that State Party deposits its instrument.

(6) After entry into force of an amendment to this Convention, any new State Party to the Convention shall become a State Party to the Convention as amended.

Article 23

Denunciation

(1) The present Convention shall remain in force indefinitely, but any State Party may denounce it at any time by written notification. The instrument of denunciation shall be deposited with the Secretary-General of the UNWTO. After one year from the date of deposit of the instrument of denunciation, the Convention shall no longer be in force for the denouncing State Party, but shall remain in force for the other States Parties.

(2) The denunciation shall not affect the possible remaining financial obligation of the denouncing State Party, any requests for information or assistance made, or procedure for the peaceful settlement of disputes commenced during the time the Convention is in force for the denouncing State Party.

Article 24

Dispute settlement

Any dispute that may arise between States Parties as to the application or interpretation of this Convention shall be resolved through diplomatic channels or, failing which, by any other means of peaceful settlement decided upon by the States Parties involved, including, where applicable, the conciliation mechanism provided for in the Optional Protocol.

Article 25

Authentic texts

The Arabic, English, French, Russian and Spanish texts of this Convention shall be regarded as equally authentic.

Article 26

Depositary

(1) The Secretary-General of the UNWTO shall be the depositary of this Convention.

(2) The Secretary-General of the UNWTO shall transmit certified copies to each of the signatory States Parties.

(3) The Secretary-General of the UNWTO shall notify the States Parties of the signatures, of the deposits of instruments of ratification, acceptance, approval and accession, amendments and denunciation.

Article 27

Registration

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretary-General of the United Nations by the Secretary-General of the UNWTO.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at VENUE, on DATE

Optional Protocol to the Framework Convention on Tourism Ethics

regarding a conciliation mechanism

THE HIGH CONTRACTING PARTIES,

Having concluded the Framework Convention on Tourism Ethics (hereinafter referred to as “the Convention”) as a fundamental frame of reference for the development of responsible, sustainable and universally accessible tourism,

Recognizing that disputes in the tourism sector may sometimes seriously disrupt the positive impacts of the sector towards a harmonious socio-cultural and economic development and the advancement of peace and prosperity,

Aiming to supplement the Convention with a process for the settlement of disputes that can guide and strengthen the implementation of the ethical principles by all stakeholders concerned,

Encouraging all parties to try to resolve all disputes in a peaceful manner before resorting to litigation,

Have agreed as follows:

1. The World Committee on Tourism Ethics (hereinafter referred to as “the Committee”) shall act as an independent and voluntary conciliation mechanism for any dispute that may arise among States Parties to the present Protocol, or stakeholders in tourism development within the limits set out in paragraph 2 below, concerning the interpretation or application of the Convention.
2. Any dispute between two or several States Parties to the present Protocol, or a State Party and one or more stakeholders bearing the nationality of a State Party may be referred to the Committee.
3. In so far as the Parties agree to submit the dispute to the Committee, they shall present written statements, accompanied by all documents and other evidence as deemed necessary to the Chairperson of the Committee who shall appoint a sub-committee of three members responsible for examining the dispute and for formulating recommendations suitable to form the basis of a settlement.
4. In order to adopt relevant recommendations, the sub-committee may ask the Parties for additional information and, if deemed useful, may hear them at their request; the necessary expenses incurred by the conciliation procedure shall be borne by the Parties in dispute. The failure of one of the Parties to appear even though it has been given a reasonable opportunity to participate shall not prevent the sub-committee from adopting its recommendations.
5. Unless otherwise agreed by the Parties in dispute, the Committee shall announce recommendations of the sub-committee within three months from the date on which the dispute was referred to it. The Parties in dispute shall inform the Chairperson of the Committee of any settlement reached on the basis of the recommendations and of any action taken to implement such settlement.
6. If within a period of two months after notification of the recommendations the Parties in dispute have failed to agree on the terms of a final settlement, the Parties may separately or jointly refer the dispute to a plenary session of the Committee.

7. The plenary session of the Committee shall adopt a decision that shall be notified to the Parties in dispute and, if the Parties in dispute agree so, made public. If the Parties in dispute agree with the decision, they will be requested to apply it at the earliest possible opportunity and they shall provide information in due course to the Chairperson of the Committee on the actions they have taken to implement the abovementioned decision.

8. A State Party may, at the time of ratification, acceptance, approval or accession, or any subsequent date, declare that it agrees with respect to any other State Party assuming the same obligation, to consider binding the decision of the Committee in any dispute covered by this Protocol on which no settlement has been reached in accordance with paragraph 4.

9. Tourism establishments and tourism enterprises, as well as their associations, may include in their contractual documents a provision making the decisions of the Committee binding in their relations with their contracting parties.

10. Except in cases where new elements have been submitted to it, the Committee shall not consider matters it has already dealt with (*ne bis in idem*) and will inform the Parties in dispute accordingly.

11. The present Protocol is open to the ratification, acceptance, approval or accession to the States Parties to the Convention. The rules concerning the amendment and denunciation of the Convention shall apply *mutatis mutandis* to the Protocol. The provisions included in Article 19(2) of the Convention shall not apply to this Protocol. The Protocol shall form an Annex to the Convention for the States having ratified, accepted, approved or acceded to it.

12. Denunciation of the Convention shall involve the immediate denunciation of this Protocol. The denunciation shall take effect one year after the receipt of the instrument of denunciation. However, States Parties denouncing the Protocol shall remain bound by its provisions in respect of any dispute which may have been referred to the Committee before the end of the one-year period provided for above.

13. The Protocol shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification, acceptance, approval or accession.

14. For each State Party ratifying, accepting, approving or acceding to the Protocol after the deposit of the second instrument of ratification, acceptance, approval or accession, the Protocol shall enter into force on the thirtieth day following the deposit by such State Party of its instrument of ratification, acceptance, approval or accession. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by Member States of that organization.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed the present Protocol.

DONE at VENUE, on DATE

Annex: Guidelines for the adoption of the draft UNWTO conventions by the General Assembly

I. Background and purpose of the Special Guidelines

1. In accordance with resolutions 654(XXI) and 668(XXI) of the General Assembly concerning the draft Convention on the Protection of Tourists and the Rights and Obligations of Tourism Service Providers and the draft Framework Convention on Tourism Ethics respectively, the texts of the two draft international conventions have been prepared by two ad hoc working groups composed of all interested member States with the assistance of the Secretariat. As requested by the General Assembly in the above-mentioned resolutions, the texts of the Conventions are to be submitted to its 22nd session for discussion, consideration and possible approval or adoption.

2. This is the first time that the UN 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 texts of the Conventions 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. In light of the above considerations and taking as a basis the practice of other UN organizations, the Secretariat has prepared the Special Guidelines below for the consideration of the Executive Council. If 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.

6. 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 texts of international conventions, and secondly, to propose a practicable and time-efficient framework for the consideration by the General Assembly of any comments and proposals for modifications made by member States to the texts of draft international conventions.

II. Scope of the Guidelines

1. The proposed Special Guidelines only refer to the process of discussion of the texts of draft Conventions and their 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 corresponding 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 a Convention through the deposit of an instrument of ratification, approval, acceptance or accession to the Secretary-General of the UNWTO.

2. 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 each 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 texts of the Conventions 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.

3. 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 texts of the Conventions prepared by the Working Groups, subject to the explicit endorsement of the Executive Council and the approval of the General Assembly.

4. 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. Special Guidelines for the consideration and possible adoption of international conventions 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 either or both draft international conventions prepared in conformity with resolutions 654(XXI) and 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 draft texts of international conventions 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 an international 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 a 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 a 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 a 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 texts of international conventions 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 texts of Conventions. 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 a 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 a 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 a draft Convention article by article in the English version.

(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 a 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 final adoption.

5. Consideration and adoption of the text of international conventions 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 a 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 a 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 any Convention adopted by the General Assembly shall be transmitted by the Secretary-General of UNWTO, as soon as possible, to the member States.