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**REPORT OF THE WORKING GROUP ENTRUSTED TO STUDY THE**  
**FEASIBILITY OF A LEGAL INSTRUMENT TO DEAL WITH THE**  
**FACILITATION OF TOURIST TRAVEL**

**Note by the Secretary-General**

In this document, the Secretary-General presents to the Members of the Executive Council the conclusions of the fourth meeting of the Working Group on facilitation of tourist travel. The Secretary-General draws the attention of the Members to points 2 and 4 of the attached conclusions for decision.

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**Conclusions of the fourth meeting**

1. In conformity with the decision CE/DEC/16(LXXXIII), of 14 June 2008, of the Executive Council, the Working Group on the Facilitation of Tourist Travel met for a fourth meeting in Madrid on 24 September 2008. It was seized of a Note introducing a Draft Declaration on the facilitation of tourist travel prepared by the Legal Adviser on the basis of three dossiers prepared by Mr. Bruno Azria, an intern at the Organization, at the request and under the supervision of the Legal Adviser respectively on:

- travel advisories;
- procedures for the issuance of visas, and
- travel by disabled persons.

and of a compilation of the main pertinent instruments of the UNWTO relating to the facilitation of tourist travel by Dr. Dorottya Gyenizse, Legal Adviser of the Department of Tourism of the Ministry of Local Administration of Hungary, working under contract with the UNWTO. The Group also had the benefit of a Note prepared by Ambassador Noel Campbell (Australia) on the practice followed by Australia with regard to the facilitation of the issuance of visas (*Tourist Visa Facilitation*).

2. The Working Group was also seized of a recommendation by the third meeting held in Madrid last 24-26 June, of the International Task Team on HIV-Related Travel Restrictions, that the Working Group include in its agenda the subject of restrictions on tourism travel by HIV-affected persons.

3. During the fourth meeting of the Working Group, chaired by the Representative of Croatia, the Members of the Group had intensive exchange of views on the Draft Declaration and could adopt it by consensus under the formal condition that it be submitted to their respective authorities before the draft could be accepted as final. However, it has been 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.

4. The Working Group also recommends that the issue of the responsibility of tour operators, which was evoked by the representative of the Secretary-General at the opening of the meeting, be transmitted to the World Committee on Tourism Ethics.

## ANNEX

### **DRAFT 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 objectives assigned to the World Tourism Organization (UNWTO) by its Statutes,

*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 proceed pragmatically and gradually in view to identifying the best practice, and giving initial priority to measures which would facilitate tourist travel in certain specific areas where progress should be relatively easy,

#### **PROCLAIMS THE FOLLOWING DECLARATION ON THE FACILITATION OF TOURIST TRAVEL:**

1.1. Member States of UNWTO and all other stakeholders in tourism development are taking all possible measures to facilitate tourist travel.

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

1.3. All stakeholders in tourism development, and in particular the Member States of UNWTO, undertake to give priority consideration to measures that could be taken to facilitate tourist travel in the following four 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; and
- Restrictions on tourist travel by persons affected by the HIV virus.

2.1. With respect to *travel advisories*, the General Assembly is fully aware that, while they have an undeniable role to play in providing useful information to protect citizens, travel advisories can also have serious consequences for tourism activity in certain countries and destinations.

2.2. The General Assembly therefore solemnly 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. 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, (28 November - 2 December 2005). In addition, the Assembly endorses the recommendation adopted during the twelfth Session of the Facilitation Division (FAL) of ICAO, held in Cairo, Egypt, (22 March to 2 April 2005).

2.4. The General Assembly calls upon the Member States of the UNWTO to implement the principles embodied in these texts.

2.5. *By way of concrete measures*, the General Assembly requests the Secretary-General of the UNWTO:

- to establish an easy-to-use Internet WEBSITE providing links to all national sites relating to travel advisories issued by the competent national authorities;
- to include in this website appropriate information emanating from relevant international organizations (WHO, ICAO, FAO, etc.) and to consult with those organizations with a view to coordinating the actions of the UNWTO and of said organizations in that regard;
- to ensure that the availability of this information on the UNWTO website is widely publicized; and
- to study the possibility of organizing information exchange and training sessions on travel advisories for tourism stakeholders –in particular for the administrations and travel agencies of developing countries- and of providing them with technical assistance in this area.

3.1. With respect to *visa issuance modalities*, UNWTO will refrain from intervening in respect of the conditions for visa issuance. The General Assembly nonetheless considers that improving visa issuance modalities could help facilitate tourist travel significantly.

3.2. 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.

3.3. 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 on States to adopt measures to simplify visa application and processing formalities and to improve the timeliness of visa issuance.

3.4. *By way of concrete measures* the General Assembly requests the Secretary-General of the UNWTO:

- to establish an easy-to-use Internet website providing links to all national sites relating to visa issuance by the competent national authorities;
- to ensure that the availability of this information on the UNWTO website is widely publicized, and
- to study the possibility of providing technical assistance to developing countries for the purpose of implementing the above actions.

4.1. The General Assembly is 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 *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 such strategies are inclusive of persons with disabilities, the majority of whom live in developing countries.

4.3. The General Assembly 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 it updated at its session in Dakar, Senegal, (in resolution A/RES/492(XVI), entitled "Accessible Tourism for All"). It 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 reception facilities for persons with disabilities as well as the problems they may encounter during their tourist travel.

4.4. The General Assembly also endorses the general principles enshrined in Article 3 of the *Convention on the Rights of Persons with Disabilities* and invites the Member States of UNWTO 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. *By way of concrete measures*, the General Assembly requests the Secretary-General of UNWTO:

- to consult with representative nongovernmental organizations active in the area of assistance for persons with disabilities to determine more precisely what role UNWTO could play in this field and to communicate the results of these consultations to the Consultative Group on the facilitation of tourist travel; 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. Concerned by *the restrictions on tourist travel by persons affected by the HIV virus*, the General Assembly decides to remain seized of the matter and requests the Secretary-General to present a detailed report on the subject at its next session, based on the recommendations of the World Committee on Tourism Ethics.

## **6. FOLLOW-UP MECHANISM**

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

6.2. To this end, the World Committee on Tourism Ethics should be vested with the competence to advise the Secretary-General in this regard, to prepare reports at his request on particular problems, and suggest improvements and useful additions to the Declaration.