

WORLD TOURISM ORGANIZATION

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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 Council the summary conclusions of the fifth meeting of the Working Group on the facilitation of tourist travel.

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Conclusions of the fifth meeting

1. The Executive Council, at its last session (decision CE/DEC/12(LXXXIV)), having examined the preliminary draft Declaration on the facilitation of tourist travel prepared by the members of the Working Group at their fourth meeting in September 2008, entrusted the Working Group with preparing a final draft taking into account the comments made by the Members of the Council and those that the Members were called upon to express in writing.
2. In order to organize the work of the Working Group, the Secretariat circulated to the Members a communication requesting them to submit to it any observations their governments might have on the draft Declaration.
3. The Secretariat received 43 responses from Member States, 24 of which stated their agreement with the draft text, 3 approving it with observations and 16 issuing observations.
4. A table containing the different observations received and those made by the Members of the Council in each of the paragraphs concerned of the draft Declaration was prepared for the participants of the fifth meeting that was held at Headquarters on 13 February 2009, under the chairmanship of Croatia, and in which representatives of 28 countries participated.
5. Based on such document prepared by the Secretariat, the members of the Group examined the draft declaration point by point and arrived at a consensus on a new text.
6. The Secretariat sent the new text to each of the participants for submission to their respective authorities before being able to consider it as a final draft. The representatives of 22 countries present at the meeting of the Working Group have notified the Secretariat of their government's agreement regarding the draft text. Two of them, Australia and Colombia, submitted comments. Australia wished the form of the text to be revised. The comments of Colombia are indicated in the annexed text.
7. Regarding point 2, Travel Advisories, Germany requested the inclusion in the report of the meeting the following:

"The German delegation points out that the publication of travel advisories is under the national responsibility of the Federal Ministry of Foreign Affairs and that such advisories are issued with the aim of protecting the interests of German citizens."
8. The new draft text of the Declaration is reproduced in the annex to this document.

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 mission of the World Tourism Organization (UNWTO),

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

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

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

DECLARES THE FOLLOWING:

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

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

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

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

2. Travel Advisories

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

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

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

2.3. The General Assembly calls upon UNWTO Member States issuing travel advisories in respect of third countries to commit to consult as widely as possible with the governments of these countries and destinations, especially on the safety and security aspects of each tourist region in the country, and to update the relevant information at regular intervals¹.

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

3. Visa issuance

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

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

¹ Proposal of Colombia: to add *in fine*: “at least every six months”.

4. Persons with disabilities

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 tourism policies and practices 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 were 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 receptive 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. The General Assembly requests the Secretary-General of UNWTO:

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

5. Persons affected by the HIV virus

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

6. Finally

6.1. While the present Declaration is of a purely recommendatory nature and has no binding force, the General Assembly is convinced² that the facilitation of tourist travel is a continuous process, which should be under periodical review.

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

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

² Proposal of Colombia: to change "convinced" by "conscious".