



2017
INTERNATIONAL YEAR
OF SUSTAINABLE TOURISM
FOR DEVELOPMENT



UNWTO Commission for the Middle East

Forty second meeting
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3. Report of the Secretary-General

Introduction

1. The present report to the 42nd Meeting of the UNWTO Commission for the Middle East addresses the following subjects:
 - A. International Tourism in 2016 and 2017;
 - B. Priorities and Management Vision;
 - C. Mainstreaming Tourism in the Global Agenda;
 - D. UNWTO Conventions;
 - E. Key UNWTO activities in Middle East; and
 - F. Administrative and Financial Matters

A. International Tourism in 2016 and 2017

2. Demand for international tourism remained robust in 2016. International tourist arrivals grew by 3.9% to reach a total of 1,235 million, according to the January 2017 issue of the *UNWTO World Tourism Barometer*. Some 46 million more tourists travelled internationally in 2016 compared to 2015.
3. 2016 was the seventh consecutive year of sustained growth following the 2009 global economic and financial crisis. A comparable sequence of uninterrupted solid growth has not been recorded since the 1960s.
4. By region, Asia and the Pacific (+8%) led growth, fuelled by strong demand from both intra- and interregional source markets. Africa (+8%) enjoyed a strong rebound after two weaker years. In the Americas (+4%) the positive momentum continued. Europe (+2%) showed rather mixed results, with double-digit growth in some destinations offset by decreases in others.
5. The **Middle East** received 54 million international tourist arrivals in 2016. Arrivals decreased an estimated 4% with mixed results among the region's destinations. Results for both Africa and the Middle East should be read with caution as they are based on limited available data.
6. **International tourism receipts** grew at a similar pace in this period (complete 2016 receipts results will be reported in the May issue of the *UNWTO World Tourism Barometer*).

7. As for **outbound tourism as measured by international tourism expenditure**, available data for the first three quarters of 2016 indicates a positive performance in most of the ten leading source markets in the world: China (+14%), Australia (+8%), the USA (+8%), France (+7%) the Republic of Korea (+5%), Germany (+4%) and the UK (+3%). By contrast, expenditure from the Russian Federation (-37%) was weak reflecting the economic constraints and the depreciation of the ruble against virtually all other currencies.
8. Based on current trends, the outlook of the UNWTO Panel of Experts and economic prospects, **UNWTO projects international tourist arrivals worldwide to grow at a rate of 3% to 4% in 2017**.
9. Europe is expected to grow at 2% to 3%, Asia and the Pacific and Africa both at 5% to 6%, the Americas at 4% to 5% and the **Middle East at 2% to 5%**.
10. Considering that this document was prepared in early April 2017, updated information on international tourism results in 2017, particularly on the performance of the Middle East, may be provided verbally to the Commission meeting.

B. Priorities and Management Vision

11. The management priorities for 2016-2017 as approved by the 103rd session of the Executive Council are as follows:
 - (a) **Promoting safe and seamless travel:** Building resilience within the sector requires a full integration of tourism systems within the national and local disaster risk and emergency management structure. It further requires this responsibility to be shared amongst all relevant stakeholders at the local, national and international levels. Simultaneously, current security challenges should not lead to a reverse of the recent advances registered in terms of travel facilitation worldwide, as it is proven that travel facilitation enhances tourism's capacity to create economic growth and jobs. On the contrary, improving security and enabling seamless travel can and should be common objectives. In this regard, UNWTO has continued its advocacy efforts in this area while providing technical assistance and capacity building for Member States. The following events have been focused on this theme:
 - (1) The 2016 UNWTO & WTM Ministers' Summit on 'Tourism and Security: Promoting Safe and Seamless Travel' (World Travel Market, London, UK, 9 November 2016);
 - (2) The UNWTO/UNWTO.Themis Foundation Regional Executive Training on Crisis Communications for Africa (Khartoum, Sudan, 14-18 November 2016); and
 - (3) The UNWTO/European Travel Commission High Level Crisis Communication Seminar (UNWTO Headquarters, Madrid, Spain, 12 December 2016).
 - (4) The 1st Meeting of the UNWTO High Level Task Force on Tourism and Security, created by the 103rd session of the Executive Council, will be held prior to the 105th session on 10 May 2017 in Madrid, Spain.

- (b) **Enhancing the role of technology in tourism:** In this area,
- (1) UNWTO organized, jointly with the Ministry of Energy, Tourism and Digital Agenda of Spain and the Region of Murcia, the 1st World Conference on Smart Destinations in Murcia, Spain on 15-17 February 2017, to advance and shape a tourism model for the 21st century based on innovation, technology, sustainability and accessibility.
 - (2) The Secretariat also presented, during ITB 2017, the preliminary findings of the research on the 'new platform tourism services' (or the so-called sharing economy) at an event with the participation of representatives from local and national destinations (www2.unwto.org/sites/all/files/pdf/unwto_npts_itb_2017_jk2sc_rev.pdf)
 - (3) The Secretariat will nominate a Special Advisor on this issue to prepare an Action Plan for this key area.
- (c) **Placing sustainability at the heart of tourism development and promoting the contribution of tourism to the Sustainable Development Goals (SDGs):** The Secretariat has continued to advance this area through three main pillars:
- (1) **The UNWTO International Network of Observatories of Sustainable Tourism (INSTO):** INSTO is a network of tourism observatories monitoring the economic, environmental and social impact of tourism at the destination level, committed to regular monitoring of tourism in order to better understand destination-wide resource use and foster responsible tourism management. There are currently 18 observatories in operation worldwide.
 - (2) **Measuring Sustainable Tourism Initiative (MST):** UNWTO has made significant progress on the Measuring Sustainable Tourism (MST) initiative which has been highly welcomed and supported by 48th Session of United Nations Statistical Commission, held between 7 and 10 March 2017. The initiative, being implemented in cooperation with the United Nations Statistics Division, aims to develop a new statistical framework for tourism — integrating the various dimensions of sustainable tourism (economic, environmental and social) across relevant levels (global, national and subnational). Measuring Sustainable Tourism (MST) will be the central focus of the 6th International Conference on Tourism Statistics: Measuring Sustainable Tourism, to be held in Manila, the Philippines, 21-24 June 2017.
 - (3) **10-Year Framework of Programmes on Sustainable Consumption and Production (10YFP):** As one of the co-leads of the 10YFP Sustainable Tourism Programme (STP), UNWTO continues to contribute to the progress of the 10-Year Framework of Programmes on Sustainable Consumption and Production (10YFP), a collaborative platform to bring together and scale up existing initiatives and partnerships to accelerate the shift to sustainable consumption and production. In this context, the International Symposium of the Sustainable Tourism Programme of the 10YFP was held in Morocco on the side-lines of the 22nd Session of the UNFCCC Conference of Parties (COP22) on 11-12 November 2016, to increase awareness of tourism's role and commitment to fight climate change.

C. Mainstreaming Tourism in the Global Agenda

12. Promoting tourism's contribution to economic growth, inclusive development and environmental sustainability in the national and international agendas is one of the priorities of the Organization. The support of tourism at the highest level is essential for the development and implementation of policies that support the growth and sustainability of the sector and to ensure that the sector contributes to Sustainable Development Goals (SDGs). With the adoption of the universal SDGs at the end of 2015, the advocacy work of UNWTO has been geared to ensure the support to tourism as an effective tool to contribute to the achievement of the 17 SDGs.
13. The **UNWTO/WTTC Open Letter on Travel and Tourism** campaign continues to advance. Since its inception in 2011, a total of 84 Heads of State and Government have been presented with the Open Letter. The initiative aims to promote the role of the sector at the highest level, foster cross-cutting policy coordination on tourism issues and raise awareness among decision makers of pressing challenges facing the sector. **In the Middle East, a total of seven countries have so far adhered to this initiative** (by date of acceptance: Bahrain, Jordan, Qatar, Oman, Kuwait, Lebanon and Egypt).
14. **The Secretariat continues to work to position tourism in the United Nations (UN) system agenda as well as in the agendas of other relevant international and regional organizations.** In this framework, it is worth highlighting:
15. **The Secretariat continues to work to position tourism in the United Nations (UN) system agenda as well as in the agendas of other relevant international and regional organizations.** In this framework, it is worth highlighting:
 - (a) **Official opening of the UNWTO Geneva Liaison Office:** UNWTO has officially opened its liaison office in Geneva in January 2017. The Office aims to enhance the support to Member States as well as facilitate the coordination with the United Nations and other multilateral organizations in the context of the 2030 Agenda. The Liaison Office is hosted at the International Trade Center (ITC). On the occasion, the Secretary-General briefed the Ambassadors and heads of International Organizations in Geneva on the International Year on Sustainable Tourism 2017, underlining the importance of tourism in the global development and trade agenda.
 - (b) **International Year of Sustainable Tourism for Development 2017:** The United Nations 70th General Assembly has designated 2017 as the International Year of Sustainable Tourism for Development (A/RES/70/193). In the context of the universal 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs), the International Year aims to support a change in policies, business practices and consumer behaviour towards a more sustainable tourism sector than can contribute to the SDGs. The IY2017 will promote tourism's role in the following five key areas:
 - (1) Inclusive and sustainable economic growth
 - (2) Social inclusiveness, employment and poverty reduction
 - (3) Resource efficiency, environmental protection and climate change
 - (4) Cultural values, diversity and heritage
 - (5) Mutual understanding, peace and security.

UNWTO has been mandated to facilitate the organization and implementation of the Year, in collaboration with governments, relevant organizations of the United Nations system, international and regional organizations and other relevant stakeholders.

This is a unique opportunity to raise awareness of the contribution of sustainable tourism to development among public and private sector decision-makers and the public, while mobilizing all stakeholders to work together in making tourism a catalyst for positive change and thus we call upon all Members States to get engaged and make this opportunity a priority (see detailed information in document CME 42/6).

D. UNWTO Conventions

16. Both Working Groups on **UNWTO Conventions on the ‘Protection of Tourists and the Rights and Obligations of Tourism Service Providers’** and the **‘Framework Convention on Tourism Ethics’** have advanced their work (detailed information on the current status and next steps of both draft Conventions is included in Annexes II and III).

17. **On Draft Convention on the ‘Protection of Tourists and the Rights and Obligations of Tourism Service Providers’**, it is important to recall that the Executive Council in its 89th session [CE/DEC/11(LXXXIX)] decided to constitute a working group to carry out a preliminary study on consumer protection and to define the scope and level of a new international legal instrument to remedy the insufficiency of existing binding rules at global level governing the rights and obligations of tourists/consumers and of travel organizers. This decision was subsequently approved by the General Assembly in its 19th session [A/RES/590(XIX)].

On August 2016, a draft Convention text was sent to all Members States for public consultation (the consultation period ended in December 2016). The Working Group continues to advance the text and will report accordingly to the 105th session of the Executive Council with the objective of proposing to the 22nd session of the General Assembly to grant the UNWTO Secretariat a mandate to convene a Diplomatic Treaty Conference for the approval of the Convention.

18. **On the Framework Convention on Tourism Ethics** aimed at converting the Global Code of Ethics for Tourism into a legally binding treaty, the draft text will be presented to the 105th session of the Executive Council for proposal to the 22ⁿ session of the General Assembly. The Council will be followed by a third meeting of the Working Group to which UNWTO Full and Associate Members are invited to participate (afternoon 12 May and morning of 13 May 2017).

19. In this regard, the Secretariat will propose the adoption of UNWTO’s first Convention – the Framework Convention on Tourism Ethics - during the 22nd session of the General Assembly. Considering that the rules of procedure of the Assembly do not foresee this type of exercise, the Secretariat has prepared special guidelines for the discussion and eventual approval and adoption of the text of the Convention based on UN treaty-making experience, as follows (see Annex IV).

- Draft text will be presented to all Member States in June 2017;
- Proposals for amendment to the text can be presented by Member States in written thirty days before the opening session of the Assembly; and

- The Assembly will establish an ad hoc committee composed by Member States that will meet in parallel to Assembly sessions, to consider proposals for amendments and prepare a final text to be submitted to the plenary. In this context, Member States should foresee including in their delegation to the Assembly, a representative that could participate in the work of this ad hoc committee.

E. Key UNWTO activities in the Middle East

20. In view of the current and immediate challenges facing tourism development in the Middle East as well as the long-term objective of advancing the development of the sector in the region as a key pillar of sustainable development, the Secretariat has continued to implement the 2017 Programme of Work in the region.
21. A detailed report on the activities carried out by the Organization is included in document CME 42/4. In this framework it is worth highlighting the following regional activities:
- (a) Roundtable on Religious Tourism (Beirut, Lebanon, May 2016)
 - (b) Regional Conference on Investing in Tourism for an Inclusive Future (Petra, Jordan, October 2016)
 - (c) 5th UNWTO City Tourism Summit (Luxor, Egypt, October 2016)
 - (d) A series of training workshops and advisory missions to several countries in the region in the areas of product development, crisis management,

Many other activities are planned for the remaining of 2017 in the region, among which it is worth highlighting:

- (a) World Tourism Day Official Celebration in Qatar on 27 September 2017
- (b) 2nd International Conference on Tourism and Culture in Oman in December 2017

F. Administrative and Financial Matters

F1. Financial Matters

22. The year 2016 closed with contribution income balancing budgetary expenditures and enabling a partial reimbursement of the advance made by the Working Capital Fund in 2015.
23. 2016 UNWTO Financial Report and Audited Financial Statements for the year ended 2016, including the unqualified opinion of the External Auditors, are submitted to the 105th session of the Executive Council.
24. On a separate note, the United Nations Chief Executive Board for Coordination is reviewing a system-wide approach to the large liabilities raised by the After Service Health Insurance scheme of staff. This has proven to be a protracted issue, this review being a necessary step for its addressing. The detailed reports on the current status of financial and administrative matters of the Organization as of early 2017 will be presented to the 105th Executive Council.

25. During 2016, UNWTO continued to focus on accountability and financial management improvements including: (a) online budget and finance information is provided through Athena (UNWTO financial management information system) to managers and staff by programmes/projects thereby enhancing the efficiency and effectiveness of programme implementation; (b) continued the enhancement of Athena (Athena II plan) to develop modules on: (i) purchase management, and (ii) accounts payable. Athena II modules will go live in mid-2017. Enhanced IT systems reduce manual intervention and increase the efficiency of the organizations processes, extending well beyond accounting and finance matters and affecting all operations; (c) publication of the third edition of the UNWTO IPSAS Policy Guidance Manual to provide guidance on the policies and accounting practices established by UNWTO in the application of IPSAS

F2. Human Resources

26. In relation to Human Resources policies and following UN General Assembly Resolutions 70/244 and 71/264, a new compensation package for staff in the professional category and above in the UN common System is being implemented in UNWTO since January 2017, replacing the dual salary scale by a unified scale and providing separate allowances for single parents.
27. Furthermore, the International Civil Service Commission carried out a Place-to-Place survey in Madrid during October 2016 to evaluate expenditure patterns and other characteristics of the households of staff in the professional and higher categories in comparison with the cost-of-living in New York. The outcome of the survey will be announced in the second trimester of 2017.
28. UNWTO has concluded with the UNDP an Agreement concerning the management of the UN wide Junior Professional Officer Programme. Through this framework agreement the UNWTO is able to receive any JPO postings from Member States who wish to place their young professionals in UNWTO for 1-3 years by financing the post.

F3. Review of the Amendment Procedure to the UNWTO Statutes

29. The Secretariat has communicated through Note Verbal that the 22nd Session of the General Assembly will be considering two amendments to the UNWTO Statutes. One of these amendments is particularly relevant to ensure the correct functioning of the Organization: the review of the amendment procedure to the Statutes, established under Article 33.
30. As of this date, the Assembly has approved ten amendments to the Statutes. However, only one (Arabic as an official language) has entered into force, 29 years after it was approved.
31. The main cause for such lengthy process of entry into force is the current amendment procedure to the Statutes, by which amendments need to be approved by 2/3 of the Member States in order to enter into force.
32. Such process does not allow the Organization to adapt to the will of its Organs in a timely manner. Eventually, it even creates impossible situations where amendments of a technical nature are required. Such is the case of the amendments for Spain as Depositary or the Euro as official currency of the Organization, which have not yet entered into force but are being "provisionally applied" since 1981 and 2001, respectively.

33. For this reason, in 2015 the General Assembly requested that a Working Group composed of Member States reviews the amendment procedure established under Article 33 and eventually prepares the text of an amendment thereto, which would be submitted to the 22nd session of the General Assembly in 2017.
34. After several meetings, the Working Group submitted a proposal of amendment to Article 33 to the 103rd session of the Executive Council. The Executive Council approved the proposal and requested it to be submitted to the next session of the General Assembly.
35. In summary, the proposed amendment procedure, which is in line with that of other major UN specialized agencies (such as UNESCO), provides that all amendments to the Statutes adopted by the General Assembly will enter into force automatically unless they involve fundamental alterations in the aims and/or the structure of the Organization, create new obligations for the Member States or affect relevant articles to the Statutes, in which case they will still need to be approved by 2/3 of the Member States in order to be effective.
36. It is very important to note that even if the General Assembly accepts the proposal of the Working Group and adopts the new amendment procedure, this amendment will need to comply with the current procedure and, therefore, it will still need to receive the approval from 2/3 of the Member States in order to be effective.
37. For this reason, the Working Group recommends that all Member States initiate the corresponding domestic proceedings in accordance with their constitutional procedures, so that by the time the General Assembly adopts the amendment to Article 33 in September all Member States may be able to proceed with its approval on a swifter and more efficient manner.
38. There are still nine amendments pending entry into force, some of which are necessary for the functioning of the Organization. Under the current amendment procedure, Member States are simply required to notify the approval of any of the pending amendments to the Ministry of Foreign Affairs of Spain, as Depositary of our Statutes.
39. The detailed Report of the Working Group on the Review of the Amendment Procedure of the Statutes is included in Annex I

ANNEX I**Report of the Working Group on the Review of the Amendment Procedure of the Statutes****II. Background**

(c) The General Assembly, through its resolution 662 (XXI), requested the Secretary-General to constitute a Working Group composed of Member States under the responsibility of the Executive Council in charge of reviewing the current procedure for amending the Statutes and eventually preparing the text of an amendment to Article 33 of the Statutes, in order to submit it to the next session of the General Assembly for its approval.

(d) The Working Group made a proposal of amendment to Article 33 of the Statutes and submitted its draft text to the 103rd session of the Executive Council held in Malaga, Spain. The Executive Council, through Decision 13 (CIII), approved the proposal and endorsed the draft text by the Working Group, requesting the Secretary-General to submit it to the 22nd session of the General Assembly for approval.

(e) The Council also requested the Working Group to analyze the pending amendments to the Statutes (*i.e.* those that have not been approved by two thirds of the member States and are thus not in force) and list those that would be effective upon the entry into force of the new amendment procedure in order to submit a proposal to the 105th session of the Executive Council for its approval and recommendations to the 22nd session of the General Assembly.

III. The new wording of Article 33 submitted to the General Assembly for approval

(f) The wording of Article 33 approved by the 103rd Executive Council and that will be submitted to the 22nd session of the General Assembly reads as follows:

Article 33

1. *Any suggested amendment to the present Statutes and its Annex shall be transmitted to the Secretary-General who shall circulate it to the Full Members at least six months before being submitted to the consideration of the Assembly.*

2. *An amendment shall be voted by the Assembly and adopted by a two-thirds majority of Full Members present and voting.*

3. *An amendment shall come into force for all Members within 3 months after it has been adopted by the Assembly, unless the resolution by which it is adopted provides that the procedure established in paragraph 4 shall be applicable.*

4. *Notwithstanding the provisions of paragraph 3, any amendment to Articles 4, 5, 6, 7, 9, 14, 23, 25, 28, 33 or 35 of the Statutes, or to the Financing Rules, or any amendment involving fundamental alterations in the aims or the structure of the Organization or to the rights and obligations for the member States -so determined by the General Assembly- shall come into force for all Members forthwith when two-thirds of the member States have notified the Depositary Government of their approval of such amendment. The General Assembly may also establish a deadline for member States to notify the approval of such amendment.*

IV. Rationale for the new wording proposed by the Working Group

A. The lengthy process of amendment of the Statutes does not allow the adaptation of the Organization to the actual will of its organs in a timely manner.

(g) The process of approval of amendments to the Statutes and Financing Rules is extremely long: out of ten amendments adopted by the General Assembly only one has come into force and it took 29 years for it to obtain the required 2/3 of Member States' approvals.

(h) The slow pace of approval of amendments does not allow the Organization to adapt to the will of its Members in a timely manner. Further, it has forced the Organization to apply provisionally some of the amendments (*i.e.* the change of currency from United States dollar to euro), being a practice not in line with the Statutes, as otherwise the Organization would have not been operational.

(i) Similar problems have been experienced in other UN Agencies and International Organizations and on several occasions have been examined by the United Nations but nothing more than simple palliatives have been found to resolve them. However, some UN Agencies such as UNESCO, UNIDO and IFAD have adopted a more flexible approach in the procedure of amendment to their constituent treaty, particularly when the changes do not affect new obligations for the Members or other essential pillars of the Organization.

B. A twofold solution that provides flexibility while ensuring legal security and stability in the constitutional development of the Organization

(j) After reviewing the analysis carried out by the Secretariat on the amendment procedure in other International Organizations and Agencies of the United Nations System, the Member States of the Working Group immediately opted for the system followed by UNESCO, where amendments which involve fundamental alterations in the aims of the Organization or new obligations for the member States are the ones requiring a 2/3 of ratifications while all other amendments, except as otherwise provided by the Governing Body, enter into force immediately once adopted.

(k) In the case of UNWTO, the new wording proposed foresees two procedures: a more flexible one where amendments which do not involve fundamental alterations in the aims and/or structure of the Organization or new obligations for the member States enter into force immediately after three months of their adoption by the Assembly (the three months period is conceived to provide with an even greater legal certainty to the process, leaving time to the Depositary to notify the amendments, internal proceedings such as translation of the texts, internal procedures to undertake, when necessary, by Member States, etc.) and a second one that still requires being approved by 2/3 of member States in the case of amendments which involve fundamental alterations in the aims and structure of the Organization or new obligations for the member States.

(l) For the latter procedure, the proposed wording also opens the possibility for the General Assembly to establish a deadline for member States to ratify amendments, taking into consideration both the nature of the amendment and the characteristics of the approval process (including political and social conditions). At the conclusion of the time limit, the corresponding amendment should be considered as having lapsed if it has not reached the 2/3 of approvals.

(m) Finally, the Members of the Working Group agreed that any amendment should be voted by the Assembly and approved by a two-thirds majority of Full Members present and voting. The Members of the Working Group reasoned that voting requires a higher degree of involvement that could ensure a stronger commitment of Member States and therefore, it constitutes a more appropriate decision making procedure for amendments.

V. Procedure for the approval of the amendment to Article 33 of the Statutes

(n) The twofold amendment procedure contained within the new Article 33 is set to serve as a turning point for the Organization which will allow it to adapt to the will of its organs in a timely manner while ensuring legal security and stability in its statutory framework. For this reason, it is utmost important for the functioning of the Organization to have it enter into force as soon as possible, if adopted by the 22nd session of the General Assembly that will take place in Chengdu, China, as this would also imply the entry into force of certain pending amendments that will be proposed by the Working Group.

(o) By and large, when an amendment is adopted by the General Assembly very few member States initiate forthwith the domestic proceedings to approve it. By not doing so, newly adopted amendments generally lose political momentum, resulting in subsequent efforts by the Secretariat and the Governing Bodies to remind member States to complete the corresponding procedure so that all duly adopted amendments enter into force.

(p) In light of the above, the Working Group requested the Secretary-General to inform all member States well in advance, notably through the Regional Commissions, of the importance of an amendment to the Statutes which is to be considered at the incoming session of the General Assembly. Consequently, member States might also be able to initiate the corresponding domestic proceedings in accordance with their constitutional procedures and practices, so that by the time such amendment is adopted by the Assembly each Member State may proceed with its approval on a swifter and more efficient manner.

(q) The Secretariat wishes to remind that, in accordance with Article 33 of the Statutes, in order for an amendment to enter into force no formal instrument of ratification, acceptance or approval is required but rather member States are simply required to notify the Depositary Government of their approval of such amendment.

Annex I. A. List of amendments to the Statutes and the Financing Rules adopted by the General Assembly that have not yet come to force in accordance with Article 33 of the Statutes

1. The following amendments adopted by the General Assembly since the creation of the UNWTO have not, to date, been approved by two-thirds of the member States and thus have not entered into force in accordance with Article 33 of the Statutes.
2. The amendments are presented following the chronological order of their adoption by the General Assembly. Those that are applied, by decision of the General Assembly, on a provisional basis pending their entry into force are reproduced below in italics:

A. Amendment to Paragraph 12 of the Financing Rules adopted by the General Assembly at its third session, Torremolinos, September 1979 [resolution 61(III)] the application of which is provisional, pending its entry into force:

"The Members of the Organization shall pay their contribution in the first month of the financial year for which it is due. Members shall be notified of the amount of their contribution, as determined by the Assembly, six months before the beginning of financial years in which the General Assembly is held and two months before the beginning of the other financial years. However, the Council may approve justified cases of arrears due to different financial years existing in different countries."

B. Amendment to Paragraph 13 of the Financing Rules adopted by the General Assembly at its fourth session, Rome, September 1981 [resolution 92(IV)]:

"(a) A Member which is one or more years in arrears in the payment of its contributions to the Organization's expenditure may not be elected to the Executive Council or hold offices within the organs of the General Assembly.

(b) A Member which is one or more years in arrears in the payment of its contributions to the Organization's expenditure and which has failed to explain the nature of the circumstances surrounding its failure to pay and to indicate the measures to be taken to settle its arrears shall pay a compensatory amount equal to two per cent of its arrears, in addition to said arrears.

(c) A Member which is in arrears in the payment of its financial contributions to the Organization's expenditure shall be deprived of the privileges enjoyed by the Members in the form of services and the right to vote in the Assembly and the Council if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two financial years. At the request of the Council, the Assembly may, however, permit such a Member to vote and to enjoy the services of the Organization if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

C. Amendment to Article 37 of the Statutes adopted by the General Assembly at its fourth session, Rome, September 1981 [resolution 93(IV)] the application of which is provisional, pending its entry into force:

"1. *These Statutes and any declarations accepting the obligations of membership shall be deposited with the Government of Spain.*

"2. *The Government of Spain shall inform all States so entitled of the receipt of the declarations referred to in paragraph 1 and of the notification in accordance with the provisions of Articles 33 and 35, and of the date of entry into force of amendments to these Statutes."*

- D. Amendment to Article 14 of the Statutes adopted by the General Assembly at its fifth session, New Delhi, October 1983 [resolution 134(V)] modified at the twelfth session, Istanbul, October 1997 [resolution 365(XII)] the application of which is provisional, pending its entry into force:**

"1bis. The host State of the Headquarters of the Organization shall have a permanent additional seat on the Executive Council, which shall be unaffected by the procedure laid down in paragraph 1 above concerning the geographical distribution of Council seats."

- E. Amendment to Article 15 of the Statutes adopted by the General Assembly at its seventh session, Madrid, September-October 1987 [resolution 208(VII)]:**

"1. The term of elected Members shall be four years. Election for one-half of the membership of the Council shall be held every two years.

2. The terms of office of the Members of the Council shall not be immediately renewable upon expiration unless an immediate renewed membership is essential to safeguard a fair and equitable geographical distribution. In such a case, the admissibility of the request for renewal shall be obtained from a majority of Full Members present and voting."

- F. Amendment to Paragraph 4 of the Financing Rules adopted by the General Assembly at its fourteenth session, Seoul / Osaka, 24-29 September 2001 [resolution 422(XIV)] the application of which is provisional, pending its entry into force:**

"The budget shall be formulated in euros. The currency used for payment of contributions shall be the euro or any other currency or combination of currencies stipulated by the Assembly. This shall not preclude acceptance by the Secretary-General, the extent authorized by the Assembly, of other currencies in payment of Members' contributions."

- G. Amendment to Article 1 of the Statutes adopted by the General Assembly at its sixteenth session, Dakar, November-December 2005 [resolution 511(XVI)]:**

"The World Tourism Organization, hereinafter referred to as "the Organization", is hereby established as an international organization of intergovernmental character. It is a specialized agency of the United Nations."

- H. Amendment to Article 4 of the Statutes adopted by the General Assembly at its sixteenth session, Dakar, November-December 2005 [resolution 511(XVI)]:**

"Membership of the Organization shall be open to:

- (a) Full Members
- (b) Associate Members"

- I. Amendment to Article 5 of the Statutes adopted by the General Assembly at its sixteenth session, Dakar, November-December 2005 [resolution 511(XVI)]:**

"1. Full membership of the Organization shall be open to all sovereign States that are members of the United Nations.

2. Such States may become Full Members of the Organization if their candidatures are approved by the General Assembly by a majority of two-thirds of the Full Members present and voting provided that said majority is a majority of the Full Members of the Organization.

3. States that have withdrawn from the Organization in accordance with the provisions of Article 35 shall have the right to become Full Members of the Organization again, without requirement of vote, on formally declaring that they adopt the Statutes of the Organization and accept the obligations of membership.”

J. Amendment to Article 6 of the Statutes adopted by the General Assembly at its sixteenth session, Dakar, November-December 2005 [resolution 511(XVI)]:

“1. Territories already holding associate membership on 24 October 2003 shall maintain the status, rights and obligations belonging to them as at such date. The list of such territories is annexed to these Statutes.

2. Members enjoying the status of Affiliates, up to at the date of entry into force of the Amendments to the present Statutes adopted on 29 November 2005 shall become as of right Associate Members at that date.

3. Associate membership of the Organization shall be open to intergovernmental and non-governmental organizations, tourism bodies without political competence subordinate to territorial entities, professional and labour organizations, academic, educational, vocation training and research institutions and to commercial enterprises and associations whose activities are related to the aims of the Organization or fall within its competence. The participation of Associate Members in the work of the Organization shall be of a technical nature, with decisions and votes being the exclusive prerogative of the Full Member.

4. Such entities may become Associate Members of the Organization provided that their requests for membership are presented in writing to the Secretary-General and that the candidature is approved by the General Assembly by a majority of two-thirds of the Full Members present and voting provided that said majority is a majority of the Full Members of the Organization. Except in the cases of international organizations, the candidatures of the entities mentioned in paragraph 3 above shall be introduced by the United Nations member State on whose territory their headquarters is located.

5. The General Assembly shall abstain from considering the candidature of such entities if their headquarters is located in a territory that is the subject of a dispute, of sovereignty or other, before the United Nations, or if their activity is related to such a territory, unless no Full Member objects to the introduction of the candidature of said entity or to its admission to the Organization.”

K. Amendment to Article 7 of the Statutes adopted by the General Assembly at its sixteenth session, Dakar, November-December 2005 [resolution 511(XVI)]:

“1. A Committee of Associate Members shall be constituted which shall establish its own rules and submit them to the Assembly for approval by a majority of two-thirds of the Full Members present and voting provided that said majority is a majority of the Full Members of the Organization. The Committee may be represented at meetings of the Organization’s organs.

2. The Committee of Associate Members shall be composed of three boards:

- (i) a board of destinations, composed of the tourism bodies, without political competence subordinate to territorial entities;

- (ii) an education board composed of academic, educational, vocational training and research institutions; and
- (iii) a professional board composed of all the other Associate Members.

Intergovernmental and non-governmental organizations may participate in whichever board or boards correspond to their competences.”

L. Amendment to Article 9 of the Statutes adopted by the General Assembly at its sixteenth session, Dakar, November-December 2005 [resolution 511(XVI)]:

“1. The Assembly is the supreme organ of the Organization and shall be composed of delegates representing Full Members.

2. At each session of the Assembly each Full Member shall be represented by not more than five delegates, one of whom shall be designated by the Member as Chief Delegate.

3. Associate Members as of 24 October 2003, the list of which is annexed to the present Statutes, shall be represented by not more than five delegates, one of whom shall be designated as Chief Delegate. These delegates may participate, without the right to vote, in the work of the Assembly. They shall have the right to speak but may not participate in decision-making.

4. The Committee of Associate Members may designate three spokespersons, one representing the board of destinations, one representing the professional board and the other representing the education board, who shall participate in the work of the Assembly, without the right to vote. Each Associate Member may designate one observer, who may attend the deliberations of the Assembly.”

M. Amendment to Article 14 of the Statutes adopted by the General Assembly at its sixteenth session, Dakar, November-December 2005 [resolution 511(XVI)]:

“1. The Council shall consist of Full Members elected by the Assembly in the ratio of one Member for every five Full Members, in accordance with the Rules of Procedure laid down by the Assembly, with a view to achieving a fair and equitable geographical distribution.

2. Associate Members as of 24 October 2003 may have a spokesperson who may participate, without the right to vote, in the work of the Council. Such spokesperson may not participate in decision-making.

3. The three spokespersons of the Committee of Associate Members may participate, without the right to vote, in the work of the Council. Such spokespersons may not participate in decision-making.”

N. Amendment to Paragraph 14 of the Financing Rules adopted by the General Assembly at its sixteenth session, Dakar, October-December 2005 [resolution 511(XVI)]:

“In calculating the assessments of Associate Members, account shall be taken of the different bases of their membership and the limited rights they enjoy within the Organization.”

O. Amendment to Article 22 of the Statutes adopted by the General Assembly at its sixteenth session, Dakar, November-December 2005 [resolution 512(XVI)]:

“The Secretary-General shall be appointed by a two-thirds majority of Full Members present and voting in the Assembly, on the recommendation of the Council, for a term of four years. His appointment shall be renewable only once.”

P. Amendment to Article 38 of the Statutes adopted by the General Assembly at its seventeenth session, Cartagena de Indias, November 2007 [resolution 521(XVII)]:

"The official languages of the Organization shall be Arabic, Chinese, English, French, Russian and Spanish."

Annex I.B. List of adopted amendments to the Statutes and the Financing Rules that have not yet come to force and number of ratifications received to date

Resolution	Date of Adoption	Article/Paragraph	Ratified By	Pending	In force
A/RES/61 (III)	September 1979	Paragraph 12 Financing Rules	95	9	Provisional Application
A/RES/92 (IV)	25 September 1981	Paragraph 13 Financing Rules	83	21	No
A/RES/93 (IV)	25 September 1981	Article 37 Statutes	87	17	Provisional Application
A/RES/134 (V)	14 October 1983	Article 14 Statutes	99	5	Provisional Application
A/RES/208 (VII)	1 October 1987	Article 15 Statutes	68	36	No
A/RES/422 (XIV)	29 September 2001	Paragraph 4 Financing Rules	44	60	Provisional Application
A/RES/511 (XVI)	2 December 2005	Article 1 Statutes	20	84	No
		Article 4 Statutes			
		Article 5 Statutes			
		Article 6 Statutes			
		Article 7 Statutes			
		Article 9 Statutes			
		Article 14 Statutes			
A/RES/512 (XVI)		Paragraph 14 Financing Rules			
A/RES/512 (XVI)		Article 22 Statutes	21	83	No
A/RES/521 (XVII)	29 November 2007	Article 38 Statutes	59	45	No

ANNEX II

Report on the draft UNWTO Convention on the Protection of Tourists and the Rights and Obligations of Tourism Service Providers

Introduction

1. This document follows the previous reports made to the 88th, 89th, 90th, 93rd, 94th, 95th, 100th, 103th, and 104th sessions of the Executive Council and to the 19th, 20th and 21st sessions of the General Assembly recalling the insufficiency of existing binding rules at the global level governing the rights and obligations of tourists/consumers and tourism service providers.

2. The General Assembly during its 21th session (Medellin, Colombia 12-17 September 2015) decided to continue with the elaboration of the text of the Convention, to present the final text of the Convention to the next General Assembly for its approval and to inform about any other related matters that may arise in relation to this Convention and/or the protection of tourists and tourism service providers.

3. The present report summarizes the recent activities in this field since the last session of the Executive Council.

I. Activities towards the adoption of an international convention on the protection of tourists and tourism service providers

4. The Secretariat launched a Public Consultation in August 2016 in order to give the opportunity to all UNWTO Member States to participate in the process of discussion of the draft Convention. For this purpose, the Secretariat sent the last version of the draft Convention to all UNWTO Member States inviting them to send their comments and proposals to improve the content of the Convention. In the framework of this Public Consultation opened during 5 months (from August to December 2016), the Secretariat has received the replies of more than 35 Member States and relevant International Organizations such as the European Commission, ICAO and IATA.

5. Subsequently, the working group met several times to continue with the discussions on the content of the Convention taking into account the comments received within the Public Consultation. In this regard, the meeting took place through several teleconference meetings on 26 and 27 January (9th working group meeting), on 28 February, 1 and 14 March (10th working group meeting), and a face-to-face meeting in UNWTO premises on 28 and 29 March 2017 (11th working group meeting).

6. In the meantime, the European Commission, which is a very important member of the working group, requested the Council of the European Union an official mandate for start the negotiations on the Convention with the UNWTO Secretariat. This mandate was finally approved at the end of March 2017 for the negotiations of Annex II (Packages) and Annex III (Accommodation), allowing European Member States the freedom to negotiate by themselves Annex I.

7. 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 to the sections on the Conference of States Parties and Final Provisions.

II. Upcoming activities

8. The working group will continue with the discussions on the content of the Convention and sending proposals to the Secretariat.

9. The Secretariat will organize bilateral and multilateral meetings (mainly through videoconference) in order to achieve a maximum level of consensus regarding key issues of the Convention which are still being debated.

10. Finally, the General Assembly will consider the possibility of granting a mandate to the UNWTO Secretariat to organize a Treaty Conference before the next General Assembly in 2019 for the negotiations and adoption of the Convention.

DRAFT¹²

UNWTO CONVENTION

On the Protection of Tourists and the Rights and Obligations of Tourism Service Providers

Preamble

The States Parties to this Convention,

Noting the development of tourism and its economic, social, cultural and sustainable role,

Having assessed the insufficiency and lack of consistency of existing rules at the global level governing the rights and obligations of tourists and of tourism service providers, particularly in a context of increasing diversification of destinations and generating countries,

Recognizing the need to establish uniform provisions relating to the protection of tourists and the rights and obligations of tourism service providers in order to enhance transparency and increase legal certainty for tourists and tourism service providers,

Desiring the achievement of an appropriate level of protection of tourists, the clarification of the rights and obligations of tourism service providers and the increase of the confidence of tourists, as consumers, in tourism service providers,

Aiming to achieve a fair balance between the interests of tourists and tourism service providers

Mindful of the importance of the assistance and protection of tourists provided by States in emergency situations,

Considering the UN General Assembly resolution A/RES/69/283 of 3 June 2015 endorsing the Sendai Declaration and the Sendai Framework for Disaster Risk Reduction 2015-2030 adopted by the Third United Nations World Conference on Disaster Risk Reduction,

Having examined existing tourist protection measures and practices of the Member States of the World Tourism Organization (hereinafter referred to as “UNWTO”), and other relevant international bodies,

¹ **Important note: This is a draft text (working document) for further comments and consideration by the UNWTO Working Group on the Protection of Tourists and the Rights and Obligations of Tourism Service Providers. It should not be considered as an official UNWTO proposal or document.**

² **This draft version is not updated and does not include the changes made during the 11th working group meeting (28 and 29 March 2017). You may find the last updated version in the documents of the next Executive Council.**

Reasserting the aims set out in Article 3 of the Statutes of the UNWTO and aware of the “*decisive and central*” role of this Organization, as recognized by the General Assembly of the United Nations, in promoting and developing tourism with a view to contributing to economic development, international understanding, peace, prosperity and universal respect for, and observance of, human rights and fundamental 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,

Acknowledging the UNWTO’s competence as stated in Article 12 of its Statutes, regarding the preparation and recommendation of international agreements on any question that falls within the competence of the Organization,

Bearing in mind the Global Code of Ethics for Tourism adopted by the UNWTO General Assembly resolution A/RES/406 (XIII) of 1 October 1999 and endorsed by the UN General Assembly resolution A/RES/56/212 of 21 December 2001,

Recalling the Guidelines for Consumer Protection approved by the 70th United Nations General Assembly resolution A/RES/70/186 of 4 February 2016 and particularly its paragraph 78 on Tourism under section K “Measures relating to specific areas”

Recognizing the 2030 Agenda for Sustainable Development approved by the 70th United Nations General Assembly resolution A/RES/70/1 of 21 October 2015,

Recalling also Resolutions adopted by the General Assembly of the UNWTO concerning the preparation of an international convention on tourist protection and its scope,

Have agreed as follows:

General Provisions

Article 1

Purpose and scope

1. The purpose of this Convention is to set out the policies and measures of States Parties to ensure and promote an appropriate degree of protection of tourists during emergency situations and as consumers by clarifying the rights and obligations of tourism service providers.
2. This Convention applies to States Parties, tourists, tourism service providers and tourism services with the exception of standalone transport services such as air, rail, road, maritime and inland waterway services.

Article 2

General principles

1. States Parties shall take measures to protect the interests of tourists and to ensure that tourism service providers respect the rights of tourists as set out in this Convention.
2. States Parties shall cooperate with each other in the formulation and application of necessary measures for the effective implementation of the Convention.
3. The provisions of this Convention shall not prejudice the tourists' and the tourism service providers' rights and actions against third parties.
- [4. States Parties may grant a higher level of protection to tourists than that set out in this Convention]

Article 3

Definitions

Unless otherwise indicated in the Annexes, for the purposes of this Convention the following definitions shall apply:

(a) **"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.

(b) **"Excursionist"** means a person taking a trip which does not include an overnight stay to a main destination outside his/her usual environment. For the purpose of this Convention any reference to tourists constitutes at the same time a reference to excursionists.

(c) **"Tourism service"** means the provision of any of the following services provided for tourists, in a separate or combined manner, such as:

- (i) Accommodation services;
- (ii) Food and beverage services;

- (iii) Railway, road, water or air passenger transport services;
- (iv) Transport rental services;
- (v) Travel agencies and other reservation services;
- (vi) Cultural, religious or sports events;
- (vii) Other leisure services provided to tourists.

(d) **"Tourism service provider"** means any natural person or any legal person (irrespective of whether privately or publicly owned) who sells, offers to sell, supplies or undertakes to supply a tourism service to the tourist;

(e) **"Standards"** means mandatory minimum requirements for States Parties;

(f) **"Recommended practices"** mean non-mandatory measures the application of which, by States Parties, is desirable;

(g) **"Host country"** means the State Party on the territory of which an unavoidable and extraordinary circumstance or an emergency situation has occurred or has its consequences;

(h) **"Country of origin"** means the State Party of which the tourist has nationality or which at the time of the unavoidable and extraordinary circumstance or the emergency situation the tourist has his or her principal and permanent residence;

Article 4

Acceptance of requirements of the Convention

1. When ratifying, accepting, approving or acceding to this Convention, a State Party shall accept at the minimum one Annex to this Convention to be indicated in the instrument of ratification or in a declaration appended in that instrument. The Secretary-General shall maintain a register of this information and shall make it available to all interested parties.

2. A State Party may at any time extend its acceptance to one or several other Annexes

to the Convention by written notification to the depositary. Such action shall become effective immediately upon receipt of the notification to the depositary.

3. A State Party may at any time withdraw its acceptance of one or several Annexes to the Convention by written notification to the depositary provided it continues to accept at least one Annex. Such withdrawal shall become effective six months after its notification to the depositary.

Article 5

Annexes

The Annexes to this Convention including standards and recommended practices shall form an integral part of this Convention, and, unless expressly stated otherwise, a reference to this Convention constitutes at the same time a reference to any Annexes thereto.

Article 6

Standards

States Parties shall take all necessary measures, in accordance with their national laws and practices, in order to implement the requirements in the standards of this Convention.

Article 7

Recommended practices

1. States Parties shall give due consideration to implementing the recommended practices of this Convention.
2. The Conference of States Parties may amend the recommended practices in this Convention or adopt additional ones by following the procedure established under article 16 of this Convention.
3. The amendment of recommended practices or the adoption of additional ones are not subject to ratification, acceptance, approval or accession.
4. The recommended practices shall be notified by the Secretary-General of the UNWTO to all States Parties not later than thirty days after their adoption or amendment.

Article 8

Conference of States Parties

1. The Conference of States Parties shall be the plenary and supreme 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 the 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.
5. The functions of the Conference of States Parties shall include, *inter alia*:
 - (a) Receiving and examining reports of the States Parties to this Convention transmitted by the Secretary-General of the UNWTO;
 - (b) Considering and adopting amendments to this Convention;
 - (c) Considering issues arising from the interpretation of this Convention;
 - (d) Adopting plans and programmes for the implementation of this Convention; and
 - (e) Taking any measures it may consider necessary to further the objectives of this Convention.

6. The Conference of States Parties can invite observers to its meetings. The admission and participation of observers shall be subject to the Rules of Procedure adopted by the Conference of States Parties.

Article 9

UNWTO Secretariat

1. The Conference of States Parties shall be assisted by the Secretariat of the UNWTO.
2. The Secretariat shall prepare the documentation of the Conference of States Parties as well as the agenda of their meetings and shall assist in and report on the implementation of their decisions.

Article 10

Relationship with other international agreements

1. No provision in this Convention shall be construed as preventing the States Parties from engaging in mutual cooperation within the framework of other existing or future international, bilateral, or multilateral agreements, or of any other applicable arrangements or practices.
2. The provisions of the present Convention shall not affect and shall not be interpreted or applied inconsistently with conventions or other international agreements already in force between the States Parties.

Article 11

Report

1. States Parties shall submit every two years a comprehensive report to the Secretary-General of the World Tourism Organization about the implementation of the standards and recommended practices in accordance with their national laws and practices and any other measure implemented by them directly or indirectly related to the purpose of this Convention.
2. The Secretary-General of the UNWTO shall report to each session of the General Assembly of the UNWTO on the operation, implementation or modification of this Convention. A copy of this report shall be communicated to the Conference of the States Parties

Final Provisions

Article 12

Signature

1. This 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 which adopted this Convention in VENUE, on DATE, 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 13

Ratification, acceptance, approval or accession

This Convention is subject to ratification, acceptance, approval or accession by States and by Regional economic integration organizations.

Article 14

Participation by Regional economic integration organizations

1. Regional economic integration organizations that are constituted by sovereign States and have competences over certain matters governed by this Convention may similarly sign, ratify, accept, approve or accede to this Convention. Regional economic integration organizations shall in that case have the rights and obligations of State Parties, to the extent that those organizations have competences over matters governed by this Convention. In such cases, the organization and the Member States shall not be entitled to exercise rights under this Convention concurrently.

2. 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 those organizations by its Member States. Regional economic integration organizations 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.

3. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their Member States that are Parties to the present Convention. Such Organizations shall not exercise its right to vote if any of its Member States exercises its right, and vice versa.

4. 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 15

Entry into force

1. This 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 accessing 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 Article 16, 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 16

Amendment of the Convention

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention and submit them to the Secretary-General of the UNWTO.
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 the States Parties present and voting in the Conference of States Parties 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 six months after the date of their adoption for any State that has ratified this Convention, unless such State has given written notice to the Secretary-General of the UNWTO that it shall not enter into force for that State, or shall only enter into force at a later date upon subsequent written notification.
6. After entry into force of an amendment to this Convention, the Convention may only be ratified in its amended form.

Article 17

Denunciation

1. This 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.
2. Denunciation of the Convention shall involve the immediate denunciation of its Annexes. The denunciation shall take effect one year after the receipt of the instrument of denunciation by the Depository or at a later date specified in the notification of the denunciation.
3. The denunciation shall not affect 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 18

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.

Article 19

Authentic texts

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

Article 20

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 21

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 request of 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

Annexes to the UNWTO Convention

Annex I - Assistance obligation of the States Parties in emergency situations

Article 1. Definition

Article 2. Obligation of assistance cooperation and information in emergency situations

Annex II - Package travel

Article 1. Definitions

Article 2. Pre-contractual information obligations

Article 3. Binding character of pre-contractual information and conclusion of the package travel contract

Article 4. Contractual information obligations

Article 5. Transfer of the package travel contract to another tourist

Article 6. Alteration of the price

Article 7. Alteration of other package travel contract terms

Article 8. Termination of the package travel contract before the start of the package

Article 9. Failure of performance or improper performance

Article 10. Assistance obligation in case of unavoidable and extraordinary circumstances

Article 11. Protection in the event of the insolvency of the organiser

Article 12. Insolvency protection and information requirements for linked travel arrangements

Annex III - Accommodation

Article 1. Definitions

Article 2. Pre-contractual information obligations

Article 3. Contractual information obligations

Article 4. Failure of performance or improper performance

Article 5. Assistance obligation in case of unavoidable and extraordinary circumstances

Annex I

Assistance obligation of the States Parties in emergency situations

Each State Party for which this Annex of the Convention is in force shall act in accordance with the mandatory standards and should give due consideration to the recommendations set out below.

Article 1

Definition

Standard 1. For the purposes of this Annex, the following definitions shall apply:

“Emergency situations” means unusual, extraordinary or unforeseeable circumstances, whether natural or man-made, beyond the control of the host country, that have resulted in the need of assistance on a large scale;

“Repatriation” means the tourist’s return to the place of departure or to another place the States Parties in consultation with the tourists agree upon;

Article 2

Obligation of assistance, cooperation and information in emergency situations

Standard 2.1 In emergency situations, the host country shall make its best endeavours to assist the tourists and facilitate the satisfaction of their primary and basic needs. The assistance shall include – if materially and technically possible – the provision or facilitation of the following:

- (a) Communication services;
- (b) Temporary shelters for accommodation;
- (c) Necessary food and beverage services;
- (d) Visa requirements, and cross-border procedures;
- (e) Transportation; and
- (f) Basic medicines and emergency health care on a temporary basis.

Standard 2.2 In emergency situations, the tourist’s country of origin shall cooperate with the host country especially in facilitating necessary operational measures including repatriation of the tourist.

Standard 2.3 The host country shall transmit, as soon as practicable and feasible, to the diplomatic and consular authorities of the country of origin of the tourist involved in the emergency situation the following information, if available:

- (a) General circumstances of the emergency situation;
- (b) Affected geographical areas;
- (c) Number and nationalities of tourists in the affected area;
- (d) Personal data of the tourist required for assistance purposes;
- (e) Location of the tourist;
- (f) Data of casualties;
- (g) Operational measures taken; and

(h) Other related data.

The country of origin shall also transmit to the diplomatic and consular authorities of the host country, the information stated above, if available, and all the relevant information which may be proportionate for the assistance of the tourists.

Standard 2.4 In emergency situations, the host country shall make its best endeavours to operationally assist and facilitate the entry, stay and freedom of movement in its territory of any official, medical and technical staff and their equipment sent by the tourist's country of origin, by issuing, as rapidly as possible, any prior authorization (including the granting of temporary visas and/or entry requirements, work permits) that may be required in order to provide the necessary assistance to the tourists.

The incoming official, medical and technical staff shall respect the national laws and practices of the host country.

Standard 2.5 In emergency situations, the host country and country of origin shall transmit all available information – in conformity with any applicable law on personal data protection-to the UNWTO as detailed in Standard 2.3 above mentioned.

Standard 2.6 Upon the ratification, acceptance, approval or accession to the Convention, States Parties shall communicate to the Secretariat of the UNWTO the contact details of the related authorities, bodies or organizations at the national level which are responsible and designated for emergency situations. States Parties shall update the contact details annually and inform the Secretariat of the UNWTO about any modification intervening in the meantime.

Standard 2.7 In emergency situations, when the life, health or the personal integrity of the tourists is exposed to direct danger, the host country shall carry out additional necessary operational measures in addition to the measures indicated in Standards 2.1 to 2.6 above mentioned. The operational measures shall include – if materially and technically possible:

- (a) Coordination of evacuation;
- (b) Emergency staff;
- (c) Health and medical services; and
- (d) Security staff.

Standard 2.8 This Convention shall not prejudice the application of general consular laws and practices by the States Parties.

Recommended Practice 2.1 The “*Recommendations on the Use of Georeferences, Date and Time in Travel Advice and Event Information*” adopted by the General Assembly of the UNWTO (A/RES/593(XIX)) should be taken into consideration in the dissemination of the information indicated in Standard 2.3 above mentioned.

Recommended Practice 2.2 States Parties should set up permanent, professional crisis management services in order to facilitate operational measures in emergency situations.

Recommended Practice 2.3 States Parties should carry out local contingency planning that includes sufficient provision for tourists to ensure comprehensive preparedness for emergency situations.

Recommended Practice 2.4 States Parties should take necessary measures to ensure that services are set up in all means of transport terminals capable of assisting tourists in emergency situations. The before mentioned services should be adapted to the size of the transport terminals.

Recommended Practice 2.5 The host country should make immediate contact with the local representative or local agency of tourism service providers, as necessary, in order to assist the tourists. Where such local representatives do not exist, contacts should be made directly with the tourism service providers.

Recommended Practice 2.6 States Parties should consider extending the facilities provided for in Standard 2.4 to the personnel and equipment sent by third states or organizations that offer their assistance in the emergency situation.

Annex II

Package travel

Each State Party for which this Annex of the Convention is in force shall act in accordance with the mandatory standards and should give due consideration to the recommendations set out below.

Article 1

Definitions

Standard 1.1 For the purposes of this Annex, the following definitions shall apply:

(a) **“Trader”** means any natural person or any legal person (irrespective of whether privately or publicly owned) who is acting, including through any other person acting in his name or on his behalf, for purposes relating to his trade, business, craft or profession in relation to contracts covered by this Annex, whether acting in the capacity of organiser, retailer, trader facilitating a linked travel arrangement or as a tourism service provider;

(b) **“Organiser”** means a trader who organizes packages and sells or offers them for sale, whether directly or through another trader, or with another trader or the trader who transmits the traveller's data to another trader in accordance with point (d) (ii) (e)" in order to fully capture the situation in point (d) (ii) (e);

(c) **“Retailer”** means a trader other than the organiser who sells or offers for sale packages combined by an organiser;

(d) **“Package”** means a combination of not fewer than two types of tourism services for the purpose of the same trip or holiday, when the package covers a period of more than twenty-four hours or includes overnight accommodation provided that:

- (i) Those tourism services are combined by one trader, including at the request of or in accordance with the selection of the tourist before a single contract on all services is concluded; or
- (ii) Irrespective of whether separate contracts are concluded with individual tourism service providers, those services are:
 - a. Purchased from a single point of sale and those services have been selected before the tourist agrees to pay;
 - b. Offered, sold or charged at an inclusive or total price;
 - c. Advertised or sold under the term 'package' or under a similar term;
 - d. Combined after the conclusion of a contract by which a trader entitles the tourist to choose among a selection of different types of tourism services; or
 - e. Purchased from separate traders through linked online booking processes where the tourist's name, payment details and e-mail address are transmitted from the trader with whom the first contract is concluded to another trader or traders and a contract with the latter trader or traders is concluded at the latest 24 hours after the confirmation of the booking of the first tourism service.

A combination of tourism services where not more than one type of tourism service as referred to in point (i), (ii) or (iii) of the definition of tourism service is combined with one or more travel services as referred to in point (iv) of that definition is not a package if the latter services:

- (i) do not account for a significant proportion of the value of the combination and are not advertised as and do not otherwise represent an essential feature of the combination; or
- (ii) are selected and purchased only after the performance of a tourism service as referred to in point (i), (ii) or (iii) of the definition of tourism service has started.

(e) **“Tourism service”** means:

- (i) Passenger transport;
- (ii) Accommodation which is not intrinsically part of the passenger transport and is not for residential purposes;
- (iii) Rental of cars or other motor vehicles; and
- (iv) Other tourism services that are not intrinsically part of the tourism service with the meaning of points (i), (ii) or (iii) of this definition.

(f) **“Package travel contract”** means the contract on the package as a whole or, if the package is provided under separate contracts, all contracts covering tourism services included in the package;

(g) **“Unavoidable and extraordinary circumstances”** means a situation beyond the control of the party who invokes such a situation and the consequences of which could not have been avoided even if all reasonable measures had been taken.

(h) **“Repatriation”** means the tourist's return to the place of departure or to another place the contracting parties agree upon;

(i) **“Linked travel arrangement”** means at least two different types of tourism services which cover a period of more than twenty-four hours or include overnight accommodation purchased for the purpose of the same trip or holiday, not constituting a package, resulting in the conclusion of separate contracts with the individual tourism service providers, if a trader facilitates:

- (a) On the occasion of a single visit or contact with his point of sale, the separate selection and separate payment of each tourism service by tourists; or
- (b) In a targeted manner, the procurement of at least one additional tourism service from another trader where a contract with such other trader is concluded at the latest 24 hours after the confirmation of the booking of the first tourism service.

Where not more than one type of tourism service as referred to in point (i), (ii) or (iii) of the definition of tourism service and one or more tourism services as referred to in point (iv) of the same definition are purchased, they do not constitute a linked travel arrangement if the latter services do not account for a significant proportion of the combined value of the services and are not advertised as, and do not otherwise represent, an essential feature of the trip or holiday;

(j) **“Lack of conformity”** means a failure to perform or improper performance of the tourism services included in a package;

(k) **“Durable medium”** means any instrument which enables the tourist or the trader to store information addressed personally to him in a way accessible for future reference for a period of time adequate for the purposes of the information and which allows the unchanged reproduction of the information stored;

Standard 1.2 A person travelling for purposes related to his/her trade, craft, business or profession (business traveller) is considered as a tourist, unless the package is purchased on the basis of a general agreement for the arrangement of business travel between a trader and another natural or legal person who is acting for purposes relating to his trade, business, craft or profession.

Standard 1.3 This Annex does not apply to packages offered and linked travel arrangements facilitated occasionally and on a not-for-profit basis and only to a limited group of tourists.

Article 2

Pre-contractual information obligations

Standard 2.1 States Parties shall take the necessary measures to ensure that, before the conclusion of the package travel contract, the organiser and, where the package is sold through a retailer, also the retailer provides the tourist, and, where applicable to the package, with adequate information on:

- (a) Travel destination(s), itinerary and periods of stay, with dates and, where accommodation is included, the number of nights included;
- (b) The location, main features and, where applicable, tourists category of the accommodation under the rules of the country of destination;;
- (c) The means, characteristics and categories of passenger transport, the points, dates and time of departure and return, the duration and places of intermediate stops and transport connections;
- (d) The trading name and geographical address of the organiser and, where applicable, of the retailer, as well as their telephone number and, where applicable, e-mail address;
- (e) Meal plan;
- (f) General information on passport and visa requirements and health formalities required;
- (g) Visits, excursion(s) or other services included in the package;
- (h) Total price of the package inclusive of taxes and where applicable all additional fees, charges and other costs or, where those costs cannot reasonably be calculated in advance of the conclusion of the contract, an indication of the type of additional costs which the tourist may still have to bear;
- (i) The arrangements for payment, including the advance payment to be made at the time of booking and the schedule for paying the balance or financial guarantees to be paid or provided by the tourist;
- (j) Information that the tourist may terminate the contract at any time before the start of the package in return for payment of an appropriate termination fee, or, where applicable, the standardized termination fees requested by the organiser; and
- (k) Where it is not apparent from the context, whether any of the tourism services will be provided to the tourist as part of a group and, if so, where possible, the approximate size of the group;

Standard 2.2 The information referred to in Standard 2.1 mentioned above shall be provided in a clear, comprehensible and prominent manner. Where such information is provided in writing, it shall be legible.

Recommended Practice 2.1 States Parties should take the necessary measures to ensure that, before the conclusion of the package travel contract, the organiser and, where the package is sold through a retailer, also the retailer provides the tourist in any appropriate form with additional information on:

- (a) The optional or compulsory conclusion of an insurance policy to cover the cost of cancellation by the tourist or the cost of assistance, including repatriation, in the event of accident or illness;

- (b) Information on the tourist's right to transfer the contract to another tourist and conditions for transferring the package travel contract;
- (c) Whether the trip or holiday is generally suitable for persons with reduced mobility;
- (d) Whether a minimum or maximum number of tourists are required for package travel to take place and the time-limit before the start of the package for the possible termination of the contract if such number is not reached
- (e) Other general terms and conditions applying to the package travel contract; and
- (f) Where the tourist's benefit from other tourism services depends in effective oral communication, the language in which those tourism services will be carried out.

Article 3

Binding character of pre-contractual information and conclusion of the package travel contract

Recommended Practice 3.1 States Parties should ensure that the information provided to the tourist shall form an integral part of the package travel contract and shall not be altered unless the contracting parties expressly agree otherwise. The organiser and, where applicable, the retailer shall communicate all changes to the pre-contractual information to the tourist in a clear, comprehensible and prominent manner before the conclusion of the package travel contract.

Recommended Practice 3.2 States Parties should ensure that if the organiser and, where applicable, the retailer has not complied with the information requirements on additional fees, charges or other costs before the conclusion of the package travel contract, the tourist shall not bear those fees, charges or other costs.

Article 4

Contractual information obligations

Standard 4.1 States Parties shall take the necessary measures to ensure that the package travel contracts are in plain and intelligible language and, insofar as they are in writing, legible. At the conclusion of the package travel contract or without undue delay thereafter, the organiser or retailer shall provide the tourist with a copy or confirmation of the contract on a durable medium. The tourist shall be entitled to request a paper copy if the package travel contract has been concluded in the simultaneous physical presence of the parties.

Standard 4.2 States Parties shall take the necessary measures to ensure that the package travel contract includes all the information referred in Standard 2.1 of the above mentioned Article 2 regarding the standard pre-contractual information and the following elements if relevant and applicable to the particular package:

- (a) The name of the entity in charge of the insolvency protection and its contact details, including its geographical address and, where applicable, the name of the competent authority designated by the States Parties concerned for that purpose and its contact details;
- (b) Information that the organiser is responsible for the proper performance of all tourism services included in the contract and obliged to provide assistance if the tourist is in difficulty;
- (c) Information that the tourist is required to communicate any lack of conformity which he perceives during the performance of the package; and
- (d) Special requirements which the tourist has communicated to the trader when making the booking and which both contracting parties have accepted.

Standard 4.3 States Parties shall take the necessary measures to ensure that the burden of proof regarding compliance with the information requirements laid down in this Annex shall be on the trader.

Recommended Practice 4.1 The package travel contract should include the following additional elements:

- (a) Identification of the tourist (name, address, telephone number and, where applicable, e-mail address);
- (b) Information on the operating permit for the organiser and where applicable the retailer, if relevant;
- (c) General terms and conditions applying to the package travel contract such as conditions for modifying the package travel contract, information on cancellation policy indicating deadlines;
- (d) Information on available complaint procedures and on alternative dispute resolution mechanisms;
- (e) Contact details of the organiser's local representative or local agencies, and where such local representatives do not exist, other facilities available to contact the organiser;
- (f) Where minors, unaccompanied by a parent or another authorized person, travel on the basis of a package travel contract which includes accommodation, information enabling direct contact with the minor or the person responsible for the minor at the minor's place of stay; and
- (g) Other provisions provided for under mutual agreement.

Article 5

Transfer of the package travel contract to another tourist

Recommended Practice 5.1 States Parties should take the necessary measures to ensure that a tourist may, after giving the organiser reasonable notice on a durable medium before the start of the package, transfer the package travel contract to a person who satisfies all the conditions applicable to that contract. States Parties shall decide on the tourist's deadline for giving a reasonable notice.

Recommended Practice 5.2 States Parties should take the necessary measures to ensure that the transferor of the package travel contract and the transferee shall be jointly and severally liable for the payment of the balance due and for any additional fees, charges or other costs arising from the transfer. Those costs shall not be unreasonable and shall not exceed the actual cost incurred by the organiser due to the transfer of the package travel contract.

Recommended Practice 5.3 States Parties should take the necessary measures to ensure that the organiser shall provide the transferor with proof of the additional fees, charges or other costs arising from the transfer of the package travel contract.

Article 6

Alteration of the price

Standard 6.1 States Parties shall ensure that after the conclusion of the package travel contract, prices may be increased only if the contract expressly reserves that possibility and states that the tourist is entitled to a price reduction under Standard 6.4. Price increases shall be possible as a direct consequence of changes in:

- (a) The cost of fuel or other power sources;

- (b) The level of taxes or fees on the tourism services included in the contract imposed by third parties not directly involved in the performance of the package; or
- (c) The exchange rates relevant to the package.

Standard 6.2 States Parties shall take the necessary measures to ensure that after the conclusion of the package travel contract price increases do not exceed a maximum percentage of the total price of the package. This percentage shall be established by each State Party.

Standard 6.3 Irrespective of its extent, a price increase shall be possible only if the organiser notifies the tourist clearly and comprehensibly of it with a justification for that increase and a calculation, on a durable medium at the latest 20 days before the start of the package.

Standard 6.4 If the package travel contract stipulates the possibility of price increases, the tourist shall have the right to a price reduction corresponding to any decrease in the costs referred to in Standard 6.1 above mentioned that occurs after the conclusion of the contract before the start of the package. In the event of a price decrease, the organiser should have the right to deduct actual administrative expenses from the refund owed to the tourist. At the tourist's request, the organiser should provide proof of those administrative expenses.

Article 7

Alteration of other package travel contract terms

Standard 7.1 States Parties shall ensure that, before the start of the package, the organiser may not unilaterally change package travel contract terms other than the price, unless:

- (a) The organiser has reserved that right in the contract;
- (b) The change is insignificant; and
- (c) The organiser informs the tourist of the change in a clear, comprehensible and prominent manner on a durable medium.

Standard 7.2 States Parties shall ensure that, if before the start of the package, the organiser is constrained to alter significantly any of the main characteristics of the tourism service as referred to in Standard 2.1 subparagraphs (a), (b), (c), (e), (g) and (k) of Article 2, or cannot fulfil the special requirements agreed on in the contract as referred to in Standard 4.2 subparagraph (d) of Article 4, or propose to increase the price of the package by more than a maximum percentage of the package's price established by each State Party in accordance with Article 6, the tourist may within a reasonable period specified by the organiser:

- (a) Accept the proposed change; or
- (b) Terminate the contract without paying a termination fee.

If the tourist terminates the package travel contract, the tourist may accept a substitute package where this is offered by the organiser, if possible of an equivalent or a higher quality.

Standard 7.3 The organiser shall without undue delay inform the tourist in a clear, comprehensible and prominent manner on a durable medium of:

- (a) The proposed changes referred to in Standard 7.2 and, where appropriate in accordance with Standard 7.4 mentioned below, their impact on the price of the package;
- (b) A reasonable period within which the tourist has to inform the organiser of his decision pursuant to Standard 7.2;
- (c) The consequences of the tourist's failure to respond within the period referred to point (b), in

- accordance with applicable national law; and
- (d) Where applicable, the offered substitute package and its price.

Standard 7.4 Where the changes to the package travel contract result in a package of lower quality or cost, the tourist shall be entitled to an appropriate price reduction.

Standard 7.5 If the package travel contract is terminated pursuant to paragraph (b) of the above mentioned Standard 7.2 of this Chapter, and the tourist does not accept a substitute package, the organiser shall refund all payments made by or on behalf of the tourist without undue delay.

Article 8

Termination of the package travel contract before the start of the package

Recommended Practice 8.1 States Parties should ensure that the tourist may terminate the package travel contract at any time before the start of the package. The tourist may be required to pay an appropriate and justifiable termination fee to the organiser. The package travel contract may specify reasonable standardised termination fees based on the time of the termination of the contract before the start of the package.

Recommended Practice 8.2 Notwithstanding the above mentioned Recommended Practice 8.1 States Parties should ensure that the tourist may have the right to terminate the package travel contract and receive a full refund of any payments made before the start of the package without paying any termination fee in the event of unavoidable and extraordinary circumstances occurring at the place of destination or its immediate vicinity and significantly affecting the performance of the package, or which significantly affect the passenger transport to the destination. In the event of termination of the package travel contract the tourist should be entitled to a full refund of any payments made for the package but should not be entitled to additional compensation.

Recommended Practice 8.3 The organiser may terminate the package travel contract and provide the tourist with a full refund of any payments made for the package, but shall not be liable for additional compensation, if:

- (a) The number of persons enrolled for the package is smaller than the minimum number stated in the contract and the organiser notifies the tourist of the termination of the contract within the period fixed in the contract or within periods laid down by law; or
- (b) The organiser is prevented from performing the contract because of unavoidable and extraordinary circumstances and notifies the tourist of the termination of the contract without undue delay before the start of the package.

Article 9

Failure of performance or improper performance

Standard 9.1 States Parties shall take the necessary measures to ensure that the organizer is liable to the tourist for the performance of the obligations under the package travel contract irrespective of whether such obligations are to be performed by the organiser or by other tourism service providers. The organiser's liability should be without prejudice to the right to seek redress from third parties, including service providers. States Parties may maintain or introduce in their national law provisions under which the retailer is also responsible for the performance of the package.

Standard 9.2 States Parties shall take the necessary measures to ensure that the tourist informs the organiser without undue delay, taking into account the circumstances of the case, of any lack of conformity which he perceives during the performance of a tourism service included in the package travel contract.

Standard 9.3 If any of the tourism services are not performed in accordance with the package travel contract, the organiser shall remedy the lack of conformity, unless that:

- (a) Is impossible; or
- (b) Entails disproportionate costs, taking into account the extent of the lack of conformity and the value of the tourism services affected.

If the organiser does not remedy the lack of conformity Standards 9.8 and 9.9 mentioned below shall apply.

Standard 9.4 Without prejudice to the exceptions laid down in Standard 9.3, If the organiser does not remedy the lack of conformity within a reasonable period set by the tourist, the tourist may do so himself and request reimbursement of the necessary expenses.

Standard 9.5 Where a significant proportion of the services contracted are not provided as agreed, States Parties shall take the necessary measures to ensure that the organiser offers, at no extra cost to the tourist, suitable alternative arrangements for the continuation of the package, where possible, at an equivalent or higher quality than those specified in the contract, including where the tourists' return to the place of departure is not provided as agreed. Where the proposed alternative arrangements result in a package of lower quality than that specified in the package travel contract, the organiser shall grant the tourist an appropriate price reduction.

The tourist may reject the proposed alternative arrangements only if they are not comparable to what was agreed in the package travel contract or the price reduction granted is inadequate.

Standard 9.6 Where a lack of conformity substantially affects the performance of the package and the organiser has failed to remedy it within a reasonable period set by the tourist, the tourist may terminate the package travel contract without paying a termination fee and, where appropriate, request price reduction and/or compensation for damages.

If it is impossible to make alternative arrangements or the tourist rejects the proposed alternative arrangements, in accordance with the second paragraph of Standard 9.5, the tourist is, where appropriate, entitled to price reduction and/or compensation for damages without terminating the package travel contract.

If the package includes passenger transport, the organiser shall also provide repatriation of the tourist with equivalent passenger transport without undue delay and at no extra cost to the tourist.

Standard 9.7 States Parties shall take the necessary measures to ensure that the tourist is entitled to an appropriate price reduction for any period during which there was lack of conformity unless the organizer proves that the lack of conformity is attributable to the tourist.

Standard 9.8 States Parties shall take the necessary measures to ensure that the tourist is entitled to receive appropriate compensation from the organiser for any damage which the tourist sustains as a result of any lack of conformity, unless the lack of conformity is:

- (a) Attributable to the tourist;

- (b) Attributable to a third party unconnected with the services contracted, and is unforeseeable or unavoidable; or
- (c) Due to unavoidable and extraordinary circumstances;

Recommended Practice 9.1 In case of damages arising from the non-performance or improper performance of the services included in the package, States Parties should allow compensation to be limited in accordance with the international conventions governing such services.

Recommended Practice 9.2 In case of damages other than personal injury or damage caused intentionally or with negligence resulting from the non-performance or improper performance of the services included in the package, States Parties should allow compensation to be limited under the package travel contract. Such limitation should not be unreasonable.

Recommended Practice 9.3 States Parties should ensure that the tourist may address messages, requests or complaints in relation to the performance of the package directly to the retailer through which it was purchased. The retailer should forward those messages, requests or complaints to the organiser without undue delay.

For the purpose of compliance with time-limits or limitation periods, receipt of the messages, requests or complaints by the retailer shall be considered as receipt by the organiser.

Recommended Practice 9.4 States Parties should take the necessary measures to ensure that the tourist informs the local tourism service provider, without undue delay, of any lack of conformity which he perceives during the performance of a tourism service included in the package travel.

Article 10

Obligation to provide assistance

Standard 10.1 States Parties shall take the necessary measures to ensure that the organiser gives appropriate assistance without undue delay to the tourist in difficulty, including in unavoidable and extraordinary circumstances, in particular by:

- (a) Providing appropriate information on health services, local authorities and consular assistance; and
- (b) Assisting the tourist to make distance communications and helping the tourist to find alternative travel arrangements.

The organizer shall be able to charge a reasonable fee for such assistance if the difficulty is caused intentionally by the tourist or through the tourist's negligence. The fee shall not in any event exceed the actual costs incurred by the organizer.

Recommended Practice 10.1 States Parties should promote insurance schemes and guarantee systems which aim to cover the extra costs resulting from the unavoidable and extraordinary circumstances.

Recommended Practice 10.2 As long as it is impossible to ensure the traveller's return as agreed in the package travel contract because of unavoidable and extraordinary circumstances, the organiser should bear the cost of necessary accommodation, if possible of equivalent category. Each State Party should establish the maximum number of nights of accommodation which shall be borne by the organiser.

Article 11

Protection in the event of the insolvency of the organiser

Standard 11.1 States Parties shall take the necessary measures to ensure that the organiser established in their territory provides sufficient evidence of financial security for the refund of all payments made by or on behalf of tourists insofar as the relevant services are not performed as a consequence of the organiser's insolvency.

Standard 11.2 States Parties shall take the necessary measures to ensure that organisers not established in a State Party which sell or offer for sale packages in a State Party, or which by any means direct such activities to a State Party, shall be obliged to provide the financial security in accordance with the law of that State Party.

Standard 11.3 States Parties shall take the necessary measures to ensure that when the performance of the package is affected by the organizer's insolvency and passenger transport is part of the package travel contract, the security shall be available free of charge to ensure repatriations and, if necessary, the financing of accommodation prior to the repatriation.

Standard 11.4 An organiser's insolvency protection shall benefit tourists regardless of their place of residence, the place of departure or where the package is sold and irrespective of the State Party where the entity in charge of the insolvency protection is located.

Standard 11.5 For tourism services that have not been performed, refunds shall be provided without undue delay after the tourist's request.

Recommended Practice 11.1 States Parties should designate central contact points to facilitate the administrative cooperation and supervision of organisers operating in different State Parties and should grant access to any available inventory list of organisers which are in compliance with their insolvency protection obligations and to all necessary information on their national insolvency protection requirements, which should be publicly accessible, including online, to other States Parties and to the UNWTO.

Article 12

Insolvency protection and information requirements for linked travel arrangements

Recommended Practice 12.1 States Parties should ensure that traders facilitating linked travel arrangements should provide security for the refund of all payments they receive from tourists insofar as a tourism service which is part of a linked travel arrangement is not performed as a consequence of their insolvency. If such traders are the party responsible for the passenger transport, the security shall also cover the tourist's repatriation.

Recommended Practice 12.2 Before the tourist is bound by any contract leading to the creation of a linked travel arrangement or any corresponding offer, the trader facilitating linked travel arrangements, including where the trader is not established in a State Party but, by any means, directs such activities to a State Party, should state in a clear, comprehensible and prominent manner that the tourist:

- (a) Will not benefit from any of the rights applying exclusively to packages under this Convention or under the relevant rules of a State Party and that each service provider will be solely responsible for the proper contractual performance of his service; and
- (b) Will benefit from insolvency protection in accordance with the above mentioned Recommended Practice 12.1.

Recommended Practice 12.3 Where a linked travel arrangement is the result of the conclusion of a contract between a tourist and a trader who does not facilitate the linked travel arrangement, that trader should inform the trader facilitating the linked travel arrangement of the conclusion of the relevant contract.

Annex III

Accommodation

Each State Party for which this Annex of the Convention is in force shall act in accordance with the mandatory standards and should give due consideration to the recommendations set out below.

Article 1

Definitions

Standard 1.1 For the purposes of this Annex, the following definitions shall apply:

(a) **“Accommodation service”** means the provision of accommodation against remuneration, typically on a daily or weekly basis, principally for short stay of tourists provided by different types of establishments.

(b) **“Accommodation service provider”** means the tourism service provider or the natural or legal person who sells or supplies standalone accommodation services; For the purpose of Articles 2, 3 and 5 of this Annex, intermediaries facilitating the provision of standalone accommodation services are considered accommodation services providers.

(c) **“Contract”** means the agreement linking the tourist to the accommodation service provider for the provision of a standalone accommodation service;

(d) **“Unavoidable and extraordinary circumstances”** means a situation beyond the control of the party who invokes such a situation and the consequences of which could not have been avoided even if all reasonable measures had been taken;

(e) **“Emergency situations”** means unusual, extraordinary or unforeseeable circumstances, whether natural or man-made, beyond the control of the host country, that have resulted in the need of assistance on a large scale;

Standard 1.2 A person travelling for purposes related to his/her trade, craft, business or profession (business traveller) is not considered as a tourist. Nevertheless, States Parties are entitled to apply the provisions stated in this Annex to business travellers.

Standard 1.3 This Annex exclusively applies to standalone accommodation services.

Article 2

Pre-contractual information obligations

Standard 2.1 States Parties shall take the necessary measures to ensure that, before the conclusion of the contract, the accommodation service provider provides the tourist in a clear and comprehensible manner with adequate information on:

- (a) The identity of the accommodation service provider, such as his trading name;
- (b) The geographical address at which it is established and its telephone number, and in the case of distance contracts, the fax number and the e-mail address, where available, to enable the tourists to contact the accommodation service provider quickly and efficiently and, where applicable, the geographical address and the identity of the accommodation service provider on whose behalf it is acting;
- (c) In the case of distance contracts, if different from the address provided in accordance with point (b) of this paragraph, the geographical address of the place of business of the accommodation service provider, and, where applicable, that of the accommodation service provider on whose behalf it is acting, where the tourist can address any complaints;
- (d) The main characteristics of the accommodation services to the extent appropriate medium;
- (e) Total price of the accommodation service inclusive of taxes, or when such taxes/charges cannot reasonably be calculated in advance, the fact that such taxes/charges may be payable;
- (f) The arrangements for payment, performance and the period during which the accommodation service provider undertakes to perform the service,
- (g) The complaint handling policy; and
- (h) Where the accommodation service provider grants a right of withdrawal, the conditions, time limit and procedures for exercising that right;

Recommended Practice 2.1 States Parties should take the necessary measures to ensure that, before the conclusion of contract, the accommodation service provider provides the tourist in any appropriate form with the following additional information:

- (a) The policy for the cancellation of the booking
- (b) In the case of distance contracts, where applicable, the existence and the conditions of deposits or other financial guarantees to be paid or provided by the tourist at the request of the accommodation service provider;
- (c) In the case of distance contracts, where applicable, the possibility of having recourse to an out-of-court complaint and redress mechanism, to which the accommodation service provider is subject, and the methods for having access to it;
- (d) Where applicable, the official classification of the accommodation; and
- (e) Upon request, information on any limitation to accessibility for people with reduced mobility.

Article 3

Contractual information obligations

Standard 3.1 States Parties shall take the necessary measures to ensure that the information referred to in the above mentioned Standard 2.1 of Article 2 shall form an integral part of the contract and shall not be altered unless the contracting parties expressly agree otherwise.

Recommended Practice 3.1 The contract should include, in addition to elements referred to in Standard 3.1 above, the following additional elements:

- (a) The identity of the accommodation service provider and the tourist;
- (b) Times for the check-in and check-out;
- (c) General terms and conditions;
- (d) The cancellation policy
- (e) Upon request, ancillary services; and
- (f) Other provisions provided for under mutual agreement.

Article 4

Failure of performance or improper performance

Standard 4.1 States Parties shall take the necessary measures to ensure that the accommodation service provider is liable to the tourist for the proper performance of the obligations under the contract.

Standard 4.2 Where prior to the arrival of the tourist the accommodation service provider is aware that it will be unable to fulfil its obligations under the contract, the tourist shall be informed of this situation without delay and of any right to cancellation without penalty. The financial consequences of such failure on the contract with the tourist, in particular on possible compensations, shall be determined by the national contract law of the State Parties applicable in each case.

Recommended Practice 4.1 Where at the arrival of the tourist the accommodation service provider is not able to provide the services contracted, States Parties should take the necessary measures to ensure that the accommodation service provider provides the tourist, at no extra cost, with at least equivalent level of accommodation together with the means of transport to the new accommodation. The financial consequences of such failure on the contract with the tourist, in particular on possible compensations, should be determined by the national contract law applicable in each case.

Recommended Practice 4.2 States Parties should take the necessary measures to ensure that a commercial practice shall be regarded as misleading, and therefore prohibited if it contains false information and is therefore untruthful or in any way, including overall presentation, deceives or is likely to deceive the average tourist and causes or is likely to cause him to take a transactional decision that he would not have taken otherwise.

Article 5

Assistance obligation in case of unavoidable and extraordinary circumstances or emergency situations

Recommended Practice 5.1 States Parties should take the necessary measures to ensure that in case of unavoidable and extraordinary circumstances or emergency situations the accommodation service provider cooperates with the relevant authorities of the tourists' country of origin and of the host country, providing whenever possible:

- (a) Information concerning the tourist's identity and location;
- (b) The consequences of the unavoidable and extraordinary circumstances or the emergency situation on the provision of accommodation service by the provider;
- (c) Information of how aid might be offered;
- (d) Information on state of health and well-being of the tourists; and
- (e) Information on how tourists might be contacted and removed from danger and repatriated.

Recommended Practice 5.2 States Parties should take the necessary measures to ensure that in case of unavoidable and extraordinary circumstances or emergency situations, the accommodation service provider displays fair and ethical behaviour and should not increase the room rates for the sole reason of the unavoidable and extraordinary circumstances or the emergency situation for the extra nights spent by the tourists.

Recommended Practice 5.3 States Parties should take the necessary measures to ensure that in case of unavoidable and extraordinary circumstances or emergency situations jeopardising the performance of the contract, either by preventing the tourist from physically reaching the place where the accommodation service is to be provided, or by preventing the accommodation service provider from fulfilling its contractual obligations, the accommodation service provider does not request cancellation fees.

Recommended Practice 5.4 The possible consequences of unavoidable and extraordinary circumstances on the contract with the tourist, in particular on reimbursement or cancellation, should be determined by the national contract law applicable in each case.

ANNEX III

Tourism and Ethics

Establishment of National Tourism Ethics Committees

Introduction

1. The World Committee on Tourism Ethics (WCTE) is the body responsible for interpreting, applying and evaluating the provisions of the UNWTO Global Code of Ethics for Tourism.
2. Throughout the past two years, the WCTE discussed the need to improve the visibility and enhance the promotion of the Global Code of Ethics for Tourism. In this context, Mr. Eugenio Yunis, Member of the WCTE, proposed the creation of multi-stakeholder National Tourism Ethics Committees (NTEC), with a view to foster the application of the Code's principles at national level.
3. National Committees would become even more essential when the current Global Code of Ethics for Tourism becomes an international convention, as was agreed, in principle, by the XXI UNWTO General Assembly in September 2015.
4. The initiative of Mr. Yunis was examined by all members of the Committee, who subsequently decided to submit the proposal to the UNWTO Secretariat and its Regional Directors for comments. The latter, although supporting the initiative of NTEC, agreed to refer the proposal to the upcoming Regional Commissions, for consideration and decision.
5. The present document outlines the proposed structure and functioning of the National Tourism Ethics Committees (NTEC).

Proposed National Tourism Ethics Committees

Functions and tasks

6. The functions envisaged for these National Committees would include: (i) widely disseminating the Global Code of Ethics for Tourism in their respective countries; (ii) promoting its implementation at the national level among all tourism stakeholders; (iii) incentivizing, collecting and communicating implementation practices; (iv) campaigning for the inclusion of the Code in relevant national legislation; (v) coordinating with relevant organizations that can advise on specific tools for monitoring ethical aspects; and (vi) as far as legislation permits, acting as counselor in conflicts with ethical connotations affecting tourism stakeholders.
7. Each National Committee would decide on the detailed tasks it will perform and the specific instruments it will use in order to fulfill its mission. The NTEC will also identify possible domestic and/or international sources for funding the activities it will perform in promoting the Code, but ensuring that the origin of such funds will not affect its independence and objectivity.

Composition

8. The National Committees should be composed of representatives and/or persons from both the public and private sector including the Ministry of Tourism (or National Tourism Administration where appropriate); tourism trade associations or associations of the different tourism industries; tourism workers associations and consumer associations.
9. Where needed, other Ministries with competences relevant to the implementation of the Code of Ethics could also be represented in the National Committees (i.e. labour, education, environment, social protection).
10. The NTEC, once constituted, could also consider the inclusion of representatives from NGOs, academic institutions and ecumenical or religious institutions where necessary.
11. Upon its constitution, the representatives of the National Committees should establish its renewal procedures; in any case, representatives should remain in office for a minimum of four years and shall not be remunerated.

Outreach

12. National Committees should be in a position to reach out to all relevant stakeholders at national level and within local destinations including tourists, national, regional and local destination civil servants, managers and workers of tourism companies and operators, and media as well as academics and students of the sector.

Monitoring and reporting

13. The NTEC should define a monitoring mechanism and a set of suitable indicators to evaluate progress in the advancement of ethics in tourism within their country, including measurable indicators for at least those ethics-related aspects most sensitive in the national context.
14. The National Committees should report about their work and results to their respective National Tourism Authority, at least once a year. The Tourism Authority should in turn convey these reports to the World Committee on Tourism Ethics.
15. The World Committee on Tourism Ethics will define a standard reporting format for all NTECs and may decide to publicize the results of its global evaluation. The WCTE will stand ready to assist UNWTO Member States in the process.

Examples of National Committees

16. Two models of National Committees have been piloted in Indonesia and Jordan:

a) Indonesia

17. In Indonesia, the dissemination of the Code and the intention to establish a NCTE started in 2008 following the lead of Mr. I Gede Ardika, Member of the World Committee on Tourism Ethics. As a result, a National Committee was established in 2014 under the name *National Working Group on Sustainable Tourism Development*. This is a government-led initiative which is included in the programme and budget of the Government in order to avoid lengthy bureaucratic procedures.
18. Functions and tasks: The focus of this National Committee is the dissemination and implementation of the Global Code of Ethics for Tourism, with particular emphasis on the socialization of the principles of the Code to main tourism stakeholders.

19. Composition: The National Committee is composed of a Chairperson, a Steering Committee (which includes representatives from the Tourism Ministry and other relevant authorities such as the Ministry of Environment, Marine Resources or Entrepreneurship) and a Secretariat in charge of the operations and budget. Ad hoc experts can be engaged by the Secretariat when needed.
20. Achievements: The range of activities carried out by this group vary from the creation of “Sustainable Tourism Destination” in 30 districts where the Head of the district has signed a specific commitment, the establishment of Sustainable Tourism Observatories in five tourism destinations and the adoption of a certification system based on Global Sustainable Tourism Council indicators. Each of these programmes has been enabled through a series of training sessions, workshops and inter-agency cooperation activities.

b) Jordan

21. Led by the National Tourism Council, two subsidiary Committees that aim to implement the Global Code of Ethics at local level were created in 2015 in Jordan. Dr. Suzy Hatough, Alternate Member of the World Committee on Tourism Ethics, was invited to collaborate in this activity.
22. Functions and tasks: The work of the subsidiary Committees undertook two fundamental tasks: revising and developing laws and regulations of tourism in accordance with the principles of the Code; and including the Code’s provisions in the National Tourism Development Strategy (2016-2021). Therewith, several working groups which are still ongoing have been organized to develop these objectives.
23. Composition: Jordan’s National Tourism Council is led by the Minister of Tourism and Antiquities and composed of representatives of thirteen institutions related to governmental sectors such as the Ministry of Interior, Environment, Planning & International Relations, Health, the Greater Amman Municipality, the Municipals Affairs, Islamic affairs, Civil Aviation Commission, Aqaba Special Economic Zone Authority and Petra Regional Authority, Tourism Development Company and six national tourism associations from, hotels, restaurants, handicrafts, tour guides, travel agencies, and transportations. The composition and outcomes of this national council are ratified by the Parliament.
24. Achievements: So far, the subsidiary Committee for Legislation and Regulations has revised the regulations of travel agencies and tour operators associations, restaurant associations and tourism guides associations to align them with the principles of the Global Code of Ethics for Tourism.
25. The other Committee, for National Strategy for Tourism Development 2016-2021, has conducted 14 workshops in consultation with stakeholders in 9 tourism governorates in the country and recognized inclusive development in relation to the Global Code of Ethics in Tourism as a strategic approach to enhance employment in local communities. The final national strategy document has not been published at the time of writing the report.

Introduction

26. UNWTO is the only UN specialized agency that has not adopted treaties regulating matters within its fields of expertise.
27. 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.
28. 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.
29. 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
30. 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.

Outcomes of the meetings of the Working Group

31. 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.

32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. 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 to the sections on the Conference of States Parties and Final Provisions.

Next steps

39. 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.
40. To reinforce the preparatory work in view of the XXII General Assembly (Chengdu, China, 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.
41. Shortly after the 3rd meeting of the Working Group, the revised draft text of the Convention will be presented to all UNWTO Member States.

ANNEX III A

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-mediatised 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

Definitions³

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:⁴
 - (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.

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.

³ Definitions from the International Recommendations for Tourism Statistics. United Nations, 2008.

⁴ 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

(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, acceptance, 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

ANNEX IV

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.