

FOR DECISION

Agenda item 8
**Report on the UNWTO Framework
Convention on Tourism Ethics**

CE/110/8
Madrid, 13 May 2019
Original: English

Executive summary

The English version of the Framework Convention on Tourism Ethics was approved by resolution 707(XXII). The Convention will be presented to the twenty-third session of the UNWTO General Assembly for adoption in all the official languages.

This is the first time that UNWTO intends to adopt an international convention, a landmark for the Organization that remains one of the few UN specialized agencies that has not developed a convention regulating matters within its field of expertise.

The Convention aims to reinforce the effectiveness of the Global Code of Ethics for Tourism, UNWTO's main policy document.

The Code, which is not legally binding, is celebrating the twentieth anniversary of its adoption. Over the past twenty years the tourism industry has changed substantially, hence the need to strengthen this mechanism.

Action by the Executive Council

DRAFT DECISION¹

The Executive Council,

Having examined the report on the UNWTO Framework Convention on Tourism Ethics,

1. *Takes note* of the information provided by the Secretariat of the Organization;
2. *Endorses* the translations of the UNWTO Framework Convention on Tourism Ethics in the official languages of the Organization and their presentation to the upcoming General Assembly;
3. *Expresses its support* for the adoption of the Framework Convention on Tourism Ethics; and
4. *Encourages* Member States to actively engage in the achievement of this milestone for UNWTO during the 23rd General Assembly.

¹ This is a draft decision. For the final decision adopted by the Council, please refer to the Decisions document issued at the end of the session.

I. Introduction

1. The UNWTO Global Code of Ethics for Tourism is a fundamental frame of reference for responsible and sustainable tourism development. Adopted in 1999 by the General Assembly of the World Tourism Organization, the Global Code of Ethics for Tourism has reached its 20th anniversary.
2. In these twenty years, tourism, being one of the fastest growing economic sectors in the world, has experienced continuous growth, doubling the number of tourist arrivals since the time when the Global Code of Ethics was adopted.
3. Having a charter to ensure that growth is dealt with responsibly and that it can be sustained over time is key in the context of an interconnected industry that has a business volume which equals, or even surpasses, that of oil exports, food products or automobiles.
4. In this light, and taking into consideration the voluntary nature of the Code, the World Committee on Tourism Ethics submitted to the 21st General Assembly of the UNWTO (Medellin, Colombia, 2015) a proposal to convert the Global Code of Ethics for Tourism into an international Convention in order to reinforce its effectiveness.
5. This is the first time that UNWTO 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 one of the few UN specialized agencies that has not developed a convention regulating matters within its field of expertise.
6. Coinciding with the mentioned 20th anniversary of the Code, the UNWTO Framework Convention on Tourism Ethics will be presented to the 23rd session of the UNWTO General Assembly (Saint Petersburg, Russian Federation, 2019) for adoption in all UNWTO official languages.

II. Procedure and status update

7. Following the mandate of the General Assembly in its resolution 668 (XXI), the text of the Global Code of Ethics for Tourism was used as a basis to create the Framework Convention.
8. As detailed in previous reports to UNWTO bodies on this subject, the drafting process was led by all interested Member States in close consultation with the World Committee on Tourism Ethics and with the support of the Secretariat.²
9. The English version of the Convention was approved by the twenty-second session of the General Assembly (resolution /707(XXII)) in September 2017.
10. Further, and in accordance with the indications of the aforementioned resolution, the UNWTO Secretariat translated the Convention into all the official languages and shared this with Member States for endorsement and linguistic comments where necessary.
11. All linguistic versions (Arabic, French, Spanish and Russian) have been reviewed by Member States and relevant linguistic comments have been taken into account. The resulting linguistic versions are available for consultation on UNWTO's website: <http://ethicsconventions.unwto.org/content/unwto-framework-convention-tourism-ethics-0>
12. Having accomplished the translation validation process, the UNWTO Framework Convention on Tourism Ethics will be presented to the 23rd session of the UNWTO General Assembly (Saint Petersburg, Russian Federation, 2019) for adoption in all UNWTO official languages.

² List of Full and Associate Members that participated in the Working Group on the Framework Convention on Tourism Ethics: <http://www2.unwto.org/content/ad-hoc-committee-and-working-group>

13. Under international law, the adoption of a Convention is the formal act by which the form and content of a proposed treaty text are established³.
14. The Framework Convention on Tourism Ethics has been negotiated within the framework of the UNWTO. Accordingly, it will be adopted by a resolution of its representative organ⁴, the UNWTO General Assembly.
15. The General Assembly, at its plenary session, will decide on the adoption of the text of the Convention by consensus, or by two-thirds vote, if a Full Member so requires⁵.

III. Implications of the adoption of the Framework Convention on Tourism Ethics

16. Adoption of the text by the General Assembly will not create obligations for the Member States to comply with the provisions of the Convention.
17. The adoption of the Convention will only imply that the text has been authenticated, meaning that the text of the Convention is established as authentic and definitive and that Member States cannot unilaterally change its provisions.
18. Once adopted by the General Assembly in all five UNWTO official languages, the Convention will be open for signature for a period of one year and subsequently subject to ratification, acceptance or approval.
19. As mentioned above, none of these steps is mandatory for Member States. Accordingly, if a text is adopted by the General Assembly, it will be up for any Member State, if it so wishes and in accordance with its own constitutional provisions and practice, to undertake the subsequent legal steps to express its consent to be bound by the Convention at the international level.
20. More information regarding signature, ratification, acceptance, approval or accession and entry into force can be found on the UNWTO website: <http://ethicsconventions.unwto.org/content/frequently-asked-questions>

³ Glossary. UN Treaty Collection

⁴ Glossary. UN Treaty Collection

⁵ Based on Article 9.2 of the Vienna Convention on the Law of Treaties of 1969, which provides: "The adoption of the text or a treaty at an international conference takes place by the vote of two thirds of the States present and voting, unless by the same majority they shall decide to apply a different rule"

Annex: Framework Convention on Tourism Ethics**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, age, 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, full and productive employment and decent work for all, sustainable consumption and production and the sustainable use of oceans and marine resources and the terrestrial ecosystem,

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

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

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

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

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

Emphasizing that, also in the field of tourism, both the State and the enterprises share the responsibility of advancing the protection and respect of human rights in the business context as laid down by the Guiding Principles on Business and Human Rights unanimously adopted by the UN Human Rights Council in its resolution 17/4 of 16 June 2011,

Referring to the Conventions adopted by the International Labour Organization (ILO) covering subjects that are considered as fundamental principles and the rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of forced or compulsory labour; the abolition of child labour; the elimination of discrimination in respect of employment and occupation,

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,

Aiming to supplement the present Framework Convention with an Optional Protocol, which is a separate and independent legal instrument open to the States Parties to this Convention, providing a process for the settlement of disputes that can guide and strengthen the implementation of the ethical principles by all stakeholders concerned,

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

Definitions

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:
 - (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* mean natural and cultural resources 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.

(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, sustainable and universally accessible tourism by formulating policies 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 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 any measures taken or envisaged for the implementation of this Convention.

(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 also for tourists and their belongings; they must pay attention to the safety of foreign tourists; if necessary, they should facilitate the introduction of 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 willful 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, antiquities, 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 fulfillment

(1) Tourism, the activity most frequently associated with rest and relaxation, sport and access to culture and nature, should be planned and practiced as a privileged means of individual and collective fulfillment; when practiced 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 health, education and spiritual, cultural or linguistic exchanges is 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 environmental sustainability

(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 cultural resources and a contributor to their enhancement

(1) Tourism resources are fundamental elements of the civilization and culture of peoples; the inhabitants 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 monuments, worship sites, archaeological and historic sites as well as upgrading museums which must be widely open and accessible to tourism visits; no excessive obstacles should be placed to public access to privately-owned cultural property and monuments, with respect to the rights of their owners, as well as to worship sites, 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 on cultural 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

Responsibilities of stakeholders in tourism development

(1) States Parties should ensure that tourism professionals provide tourists with objective and honest information on their places of destination and on the conditions of travel, hospitality and stays. Tourism professionals 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, and if appropriate, should contribute and allow the cultural and spiritual fulfillment of tourists, during their trip.

(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 any event.

(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 the subject of consultation, where applicable, with the authorities of the host countries; 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 sexual exploitation in 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 right to tourism is a corollary of the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay, in compliance with international treaties.

(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; in case of need, they should benefit from prompt and, easy access to local administrative, legal and health services; they should be free to contact their consular representatives in compliance with the international treaties in force.

(3) Tourists should benefit from the same rights as the citizens of the country visited concerning the protection of the personal data and information that they provide, 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 convertible currencies needed for their travels.

Article 12

Rights of employees and professionals in the tourism sector

(1) The fundamental rights of employees and professionals in the tourism sector 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 sector and related activities should be able to access 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 sector 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 promote local and sustainable consumption and production patterns and 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 on the implementation and interpretation of the Convention that will be transmitted by the Secretary-General of the UNWTO to the General Assembly of the UNWTO and to the Conference of 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, in cooperation with the Conference of States Parties, 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 cooperation with the Conference of States Parties, shall elect the members of the Committee with due regard being paid to gender and age 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. The

expenses necessary to the functioning of the Committee will be entered in the budget of the Organization with the approval of the General Assembly.

(2) The Committee shall adopt its own rules of procedure under the framework of the present Convention. 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 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) The presence of a majority of States Parties shall be necessary to constitute a quorum at meetings of the Conference of States Parties.

(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 taking any other measures it may consider necessary to further the objectives of this Convention; and
- (c) approving the operational guidelines for the implementation and application of the provisions of the Convention prepared upon its request by the World Committee on Tourism Ethics.

(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.

(7) The Conference of the States Parties may establish a fund, if necessary, to cover any expenses for the implementation of the Convention that are not met by UNWTO and determine the contribution to be made by each of the States Parties to the present Convention.

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

The present Convention shall be open for signature by all Member States of the UNWTO and all Member States of the United Nations at [venue], and thereafter at the Headquarters of the UNWTO in Madrid until [date].

Article 19

Ratification, acceptance, approval or accession

The present Convention is subject to ratification, acceptance, approval or accession by States. Instruments of ratification, acceptance, approval and accession shall be deposited with the Secretary-General of the UNWTO.

Article 20

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

Article 21

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 22***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 23***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 24***Authentic texts***

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

Article 25***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 26***Registration***

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

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

DONE at VENUE, on DATE

OPTIONAL PROTOCOL TO THE FRAMEWORK CONVENTION ON TOURISM ETHICS

THE HIGH CONTRACTING PARTIES,

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

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

Aiming to supplement the present Framework Convention with an Optional Protocol, which is a separate and independent legal instrument open to the States Parties of this Convention, providing a process for the settlement of disputes that can guide and strengthen the implementation of the ethical principles by all stakeholders concerned,

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

Have agreed as follows:

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

same obligation, to consider binding the decision of the Committee in any dispute covered by this Protocol on which no settlement has been reached in accordance with paragraph 4.

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

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

11. The present Protocol is open to the ratification, acceptance, approval or accession to the States Parties to the Convention. The rules concerning the amendment and denunciation of the Convention shall apply *mutatis mutandis* to the Protocol. The Protocol shall form an Annex to the Convention for the States having ratified, accepted, approved or acceded to it.

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

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

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

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

DONE at VENUE, on DATE