Seventy-fourth session
Salvador de Bahia, Brazil, 2 - 3 December 2004
Provisional agenda item 10

WORLD COMMITTEE ON TOURISM ETHICS

Note by the Secretary-General

In this document, the Secretary-General reports on the outcome of the Second Meeting of the World Committee of Tourism Ethics (Madrid, Spain, 4-5 October 2004). The following documents are annexed to the present report: Procedures for consultation and conciliation for the settlement of disputes concerning the application of the Code of Ethics for Tourism (Annex 1); Rules of Procedure of the World Committee on Tourism Ethics (Annex 2); and a list of respondents to the Survey on the Implementation of the Code of Ethics (Annex 3).
WORLD COMMITTEE ON TOURISM ETHICS

1. As he did for the first meeting of the World Committee on Tourism Ethics held in February this year in Rome, Italy, the Secretary-General reports in this document on the outcome of the second meeting of the Committee, which was held at the WTO Headquarters in Madrid, Spain, on 4 and 5 October 2004, under the chairmanship of Mr. Diego Cordovez and with the participation of ten Members of the Committee and three alternate Members, as well as observers from the Holy See, Malta and Spain.

2. In conformity with General Assembly resolution A/RES/439(XV), the main task of the Committee gathered for its second meeting was to review the draft conciliation mechanism for the settlement of disputes, as set out in Part II of the Protocol of Implementation of the Global Code of Ethics for Tourism, and to adopt a new, broadly acceptable instrument to tackle differences of views which may arise in the interpretation and implementation of the Code.

3. At the request of the Committee, the initial draft conciliation scheme had been reviewed by the Chairman who submitted a new proposal, entitled Procedures for Consultation and Conciliation for the Settlement of Disputes concerning the Application of the Global Code of Ethics for Tourism, to Committee Members. After careful consideration and in-depth discussion of the proposed new mechanism, the Committee decided to unanimously approve the consultation and conciliation procedures, as attached in Annex 1.

4. The main features of the approved consultation and conciliation mechanism are summarized as follows:

   (a) two or more “stakeholders in tourism development” (governments, companies, local communities, etc.) can submit a matter of dispute to the Committee;

   (b) individual stakeholders may also seek the Committee’s advice and clarifications on specific aspects of the implementation of the Code;

   (c) a report on the matter and provisional recommendations must be prepared by the WTO Secretary-General in a reasonably short time, in principle within 30 days; and

   (d) the Committee considers the matter, issues recommendations which are communicated to the Parties in the dispute, and decides on further action, including public communication.

5. Moreover, the Committee also adopted the final text of its Rules of Procedure after it decided to include a provision related to the participation of observers in its ordinary meetings. As requested by the Executive Council in its decision CE/DEC/18(LXXIII), the final text of the Rules of Procedure of the Committee is attached in Annex 2, for information.
6. Furthermore, in compliance with Executive Council decision CE/DEC/19(LXXIII), the Secretary-General consulted the World Committee on Tourism Ethics with regard to the proposal of the Brazilian Government for the drafting of an additional Optional Protocol to the Convention of the Rights of the Child on the Protection of Children against Sexual exploitation in Tourism. In this respect, while stressing the importance of specifically applying the principles of the Convention to the tourism sector, the Committee draws the attention of the Executive Council to the several international instruments already containing provisions on closely related matters, as well as to the difficulty of establishing a monitoring mechanism within the WTO. The Committee thus requested the Secretary-General to pursue consultations with the Brazilian Government and other interested bodies. It should be noted that this issue is subject to consideration by the Executive Council as a separate topic under agenda item 11 (document CE/74/11).

7. Under its programme of work, the Committee discussed two issues of importance: (a) the preliminary results of a survey launched on 26 May 2004 by the Secretariat of the Organization to assess the current degree of implementation of the Global Code of Ethics for Tourism, and (b) the preparation of a set of parameters to guide and assist WTO Members with the practical implementation and interpretation of the Code.

8. With regard to the findings of the above survey, the Committee considered that the response rate obtained so far (replies to questionnaire were received from 47 Member States and 15 Affiliate Members) was too low and the information thus collected not sufficiently representative to enable the Secretary-General to submit a comprehensive and exhaustive report to the United Nations General Assembly concerning the current status of implementation of the Code, as requested by UN resolution A/RES/56/212 of 21 December 2001. Hence, the Committee decided to re-launch the survey among those Full, Associate and Affiliate Members having not yet responded. At the same time it invited the six Regional Commissions as well as the WTO Business and Education Councils to follow up on this matter in conjunction with the Committee. The list of respondents as of 4 October 2004 is attached as Annex 3.

9. As the second issue on its programme of work, the Committee examined the first part of a study, prepared by a WTO consultant, on parameters for the implementation of the Code, with a special focus on a selected number of articles and provisions of the Code all related to the areas of trade, safety & security and quality. The Committee considered this first attempt at defining implementation parameters for the Code as a valuable exercise which, once finalized, would represent a framework of reference for both the interpretation of the provisions of the Code and the adequate assessment of its implementation. Moreover, convinced of its significance also in matters of consultation and conciliation for the settlement of disputes, the Committee decided that the study should be completed, elaborated upon and brought up to date on a regular basis.
10. On a related matter, the Committee had the opportunity to consider a proposal by Indonesia concerning the Tri Hita Karana ("three causes of happiness") Tourism Award as a concrete example of implementation of the Code, which had been referred to it for consideration by the Regional Commission of East Asia and the Pacific. In this respect, the Committee agreed to endorse the effort of Indonesia to promote understanding and implementation of the Code through the Tri Hita Karana Tourism Award, and further appealed to other countries and regions to develop similar awards. It also reiterated its request to countries to report on the different steps they have taken to promote the Code.

11. After having adjourned at its first meeting a decision regarding the Italian Government's offer to host its secretariat, the Committee took up the matter at its second meeting. The representative of the Italian Government took the floor to confirm the offer made by his country at the fifteenth session of the General Assembly (A/RES/469(XV) to host the permanent headquarters of the Committee in Rome. Subsequently, he declared his Government's readiness to meet the necessary requirements for its establishment and announced that a bilateral agreement in this regard was to be submitted to the Executive Council at its seventy-fourth session in Salvador de Bahia. The establishment of the Committee's headquarters in Rome does not preclude the possibility of holding Committee meetings either in Madrid or in other Member countries that wish to host them.

12. Finally, the Committee decided to accept the generous offer made by the Tunisian Government at the previous session of the Executive Council in Hyderabad, which it reiterated to the Committee in Madrid, to host the third meeting of the Committee in Tunis at a date to be fixed, in principle, between April and May 2005.
ANNEX 1

Procedures for consultation and conciliation
for the settlement of disputes concerning the application of
the Code of Ethics for Tourism

1. In the event of a dispute concerning the interpretation or application of the Global Code of Ethics for Tourism, two or more stakeholders in tourism development may jointly submit the matter of such a dispute (hereinafter "the matter") to the World Committee on Tourism Ethics ("the Committee") as the body of the World Tourism Organization competent to settle such questions.

2. The Chairman of the Committee shall acknowledge receipt of the matter in a written communication to the parties and request the Secretary-General to conduct consultations with the parties in order to prepare a report to the Committee, which shall be submitted within a period of thirty days, containing all the relevant facts, a summary of the positions taken by the parties and the Secretary-General's suggestions concerning the recommendations that the Committee may wish to approve for the resolution of the various issues involved. If in the process of such consultations, the Secretary-General and the parties have reached understandings as to the measures to be taken in order to settle the matter, the contents of such understandings shall be set out in the report of the Secretary-General for the consideration of the Committee. Upon a request by the Secretary-General, the Committee may extend the period for the submission of the report.

3. The Committee shall examine the report of the Secretary-General at a session following its submission and shall consider and approve recommendations to the parties regarding the settlement of the matter. To that end, the Committee may decide to set up a panel of three members who shall prepare draft recommendations for the approval of the Committee. As a general rule, the panel shall prepare the draft recommendations within the same session of the Committee at which the report of the Secretary-General has been submitted, but if the nature of the matter, and other relevant circumstances and reasons, justify a lengthier discussion of the issues involved, the Committee may authorize the panel to submit the draft recommendations at a subsequent session.

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1 For the purpose of the Code, the term “stakeholders in tourism development” includes: national governments; local governments with specific competence in tourism matters; tourism establishments and tourism enterprises, including their associations; institutions engaged in financing tourism projects; tourism employees, tourism professionals and tourism consultants; trade unions of tourism employees; travelers, including business travelers, and visitors to tourism destinations, sites and attractions; local populations and host communities at tourism destinations through their representatives; 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.
4. A panel set up by the Committee, in preparing draft recommendations, may decide to hold consultations with the parties. Such consultations may also be held by the Committee or the panel at the request of one or both of the parties at any time during the consideration of the matter. The Committee and a panel set up by the Committee may agree by consensus to adopt specific modalities for the consideration of a matter. Subject to the provisions in paragraph 5 below, the proceedings of the Committee and of a panel set up for the consideration of a matter shall be conducted in strict confidence.

5. In approving its recommendations to the parties the Committee shall decide upon the period within which the recommendations should be implemented by the parties. The Secretary-General shall report thereon to the Committee. Such a report shall be considered by the Committee, which shall issue a press release on the substance of the settlement if its recommendations have been implemented. If one or more of its recommendations have not been implemented, the Committee shall decide on the action to be taken in the light thereof, including the holding of renewed consultations with the parties and the issuance of a press release containing the conclusions reached by the Committee.

6. The Committee may also consider questions submitted by individual stakeholders or Member States concerning specific aspects of the implementation of the Global Code of Ethics for Tourism. If it deems it appropriate, the Committee may issue clarifications or advisory opinions for future guidance.

7. The Committee shall report to the General Assembly on all the matters of implementation and interpretation submitted to it.

8. The expenses incurred in the process of consultations, and any other expenses concerning the work of the Committee and the Secretariat in the consideration of a matter, shall be borne by the Parties unless the circumstances are considered exceptional by the Committee.

9. These procedures shall be reviewed by the Committee three years after their approval by the General Assembly in the light of the experience gained in their practical application. In that context, the Committee shall examine all the relevant modalities used and required. Having completed the review of the procedures, the Committee shall decide if, and in what terms, the application of the procedures shall be delegated to the regional commissions, bearing in mind the need to ensure consistency and coherence in the application and interpretation of the Global Code of Ethics for Tourism.
ANNEX 2

WORLD COMMITTEE ON TOURISM ETHICS

RULES OF PROCEDURE

Preamble

1. These Rules of Procedure are adopted pursuant to paragraph 3 of resolution A/RES/406/XIII whereby the General Assembly adopted the Global Code of Ethics for Tourism and entrusted the World Committee on Tourism Ethics with preparing the guidelines for application with a view to specifying how the principles set forth in the Code are to be implemented, and provision (d) of the annex to resolution A/RES/438(XIV) stipulating that the World Committee on Tourism Ethics shall establish its own Rules of Procedure.

2. These Rules are subordinate to the Statutes of the World Tourism Organization. In cases where its stipulations are deficient or unclear, such stipulations shall be interpreted in the light of the Rules of Procedure of the General Assembly and those of the Executive Council of the Organization.

3. For the purposes of these Rules, the terms "WTO", "Assembly", "Council", "Committee" and "Protocol" shall mean, respectively, the World Tourism Organization, the General Assembly and Executive Council of the WTO, the World Committee on Tourism Ethics, and the Protocol of Implementation of the Global Code of Ethics for Tourism annexed to resolution A/RES/438(XIV) as modified by resolution A/RES/469(XV).

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Composition of the Committee

Rule 1

1. The Committee shall consist of twelve members and eleven alternates.

2. The members of the Committee and their alternates shall be appointed in accordance with the stipulations of provision (b) of the Protocol. They shall not receive any orders or instructions from those who proposed their nomination or who elected them and shall not be accountable to them.

3. Save for exceptions resulting expressly from these Rules, alternate members shall have the same rights and obligations as full members. Nevertheless, an alternate member may only vote if the full member for whom he/she is the alternate is absent.
4. In the event of a vacancy of a seat, the full member shall be replaced by his/her alternate, it being understood that if the vacancy concerns both the full member and his/her alternate, they shall be replaced in accordance with the provisions applicable to the initial appointment.

Rule 2

1. The Chairperson of the Committee, who should be an eminent person not directly involved in the activities of the WTO but is from a Member State of the Organization, shall be elected by the other members of the Committee, on the proposal of the Secretary-General of WTO, after obtaining the opinion of the Council.

2. If the Chairperson is unable to attend a meeting, the Committee shall elect a session chairperson from among its full members. If such inability is permanent, a new Chairperson shall be elected in accordance with the provisions of paragraph 1.

Rule 3

The presence of two-thirds of the Committee’s full members shall be necessary to constitute a quorum at its meetings. In the event that a full member is unable to attend, he/she may be replaced by his/her alternate.

Rule 4

1. An observer designated by the Executive Council may participate in meetings of the Committee in an advisory capacity. Such observer has no vote but may take part in discussions in the same way as the members.

2. The Secretary-General shall attend ex officio or may arrange to be represented at the meetings of the Committee. The Secretary-General may address the Committee on any point he/she deems appropriate. The Secretary-General may at any time make to the Committee oral or written statements on any matters falling within the competence of the Committee.

3. The Legal Adviser of WTO shall participate, when necessary, and in an advisory capacity, in the Committee meetings and may address the Committee on any point of law he/she deems appropriate.

Meetings of the Committee

Rule 5

1. The Committee shall meet once a year, and for as long as its agenda requires.

2. A second meeting during the same year or, if circumstances so warrant, an extraordinary meeting, may be convened if the Committee so decides, and after consultation with the Secretary-General.
Rule 6

1. The provisional agenda of each meeting shall be drawn up by the Secretary-General in agreement with the Chairperson. It shall include any item the inclusion of which has been requested by the Assembly, by the Council or by the WTO Regional Commissions or, with the authorization of the Council, by the Committee of Affiliate Members. Full Members of the Organization may bring to the Committee’s attention matters or situations that they deem worthy of consideration.

2. The provisional agenda of each ordinary meeting, together with the supporting documents, shall be transmitted by the Secretary-General to the members of the Committee and to the observers at least thirty days before the start of the meeting. In the event that an extraordinary meeting is convened, the provisional agenda, together with the supporting documents, shall be transmitted to the members of the Committee as soon as possible and using the most expeditious means.

3. The Committee shall adopt its agenda. If the circumstances so warrant, the Committee may place on its agenda supplementary items proposed by the Executive Council, by the Secretary-General, or by one of its members.

Rule 7

1. The meetings of the Committee shall be private unless the Committee decides otherwise. Nevertheless, the Committee may invite persons whose presence it deems useful to follow its discussions as observers. Members of the WTO staff whose presence is necessary for its proceedings may attend the meetings.

2. The Committee may invite experts or external institutions to contribute to its proceedings.

3. The Committee shall decide on the publicity to be given to its deliberations, whose results it shall communicate to the appropriate recipients.

Rule 8

No one may address the Committee without having previously obtained the permission of the Chairperson.

Rule 9

1. The Committee's working language shall be English. Nevertheless, a second working language may be adopted by the Committee in cases where it is deemed useful for the smooth proceeding of the deliberations of a session of the Committee, within the limits of the available funds.
Rule 10

1. The Committee shall adopt its biennial report, the various decisions it takes (except for those concerning persons), and the recommendations it formulates, preferably by consensus.

2. In the event that all the necessary efforts do not result in a consensus, the decision or recommendation shall be adopted by majority of the members present, with abstentions not being counted in the tally of votes.

3. Voting on decisions concerning persons shall be carried out by secret ballot. In all other cases, the Committee shall vote by a show of hands. In the event of a tie in the voting, the Chairperson shall have the casting vote.

Functions of the Committee

Rule 11

1. The Committee shall perform the functions of evaluating and monitoring the implementation of the Code. To this end, it shall collect information relative to such implementation and shall draw up an inventory of the efforts made by the different stakeholders in tourism to promote and apply the Code, and of the problems encountered in doing so.

2. The Secretary-General shall transmit to the Committee the pertinent information in his/her possession with the support of the Committee of Affiliate Members.

3. The Secretary-General shall place at the Committee's disposal the personnel necessary for the performance of its functions.

Rule 12

1. The Committee shall summarize the information collected and shall include in its biennial report the conclusions drawn from the analysis of such information. Should the need arise, it shall draw up proposals to amend or supplement the Code and to enhance its dissemination and implementation. Separately from its biennial report, the Committee may draw up any recommendations it deems useful.

2. The Secretary-General shall transmit the report and recommendations of the Committee to the Council and to the Regional Commissions, together with his/her observations, for consideration. The Secretary-General shall transmit to the Assembly the recommendations of the Committee together with his/her own observations and, as the case may be, any comments called for by such documents on the part of the Council and the Regional Commissions.
Final provisions

Rule 13

1. These Rules of Procedure shall enter into force on the date of their adoption by the Committee. Its text shall be transmitted to the Council and to the Assembly for their information.

2. It may be amended by the Committee as necessary. Amendments may be proposed by the Assembly, the Council, or the Secretary-General, or by any full member or alternate member of the Committee. The text of proposals for amendments shall be transmitted to the members of the Committee by the Secretary-General at least thirty days before the Committee meeting at which they are to be considered.
## ANNEX 3

SURVEY ON THE IMPLEMENTATION OF THE
GLOBAL CODE OF ETHICS FOR TOURISM
Questionnaire QUEST/GCET/2004

A. Replies of Full and Associate Members by regional breakdown
(as of 04/10/2004)

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B. Replies by Affiliate Members
(as of 04/10/2004)

1. ADM & TEC (Instituto de Administraçao e Tecnologia - Brazil)
2. Bureau international du tourisme social (BITS)
3. Confederação do Turismo Portugues
4. Egyptian Tourism Federation
5. Hong Kong Polytechnic University
6. HVS Argentina
7. International Youth Hostel Federation
8. Kenya Utalii College
9. Sukhothai Thammathirat Open University
10. Tourism Industry Association of Canada (TIAC)
11. Turkish Tourism Investors Association (TYD) (+ trad e-version)
12. UK Federation of Tour Operators (FTO)
13. United Federation of Travel Agents’ Associations (UFTAA)
14. Universidad Anáhuc, México
15. Universidad del Salvador (Argentina)