

Tourism Legislation and the Millennium Development Goals

A GUIDE TO ANALYSE TOURISM LEGISLATION IN THE CONTEXT OF THE MDG 2015 TARGETS



John Downes

SNV
Connecting People's Capacities

SUSTAINABLE
TOURISM

CRC

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SNV is a Netherlands-based, international development organisation that provides advisory services to nearly 1800 local organisations in over 30 developing countries to support their fight against poverty. SNV is dedicated to a society where all people enjoy the freedom to pursue their own sustainable development. Our advisors contribute to this by strengthening the capacity of local organisations.

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Principal author: John Downes, consultant for SNV Asia Pro-Poor Sustainable Tourism Network. The views expressed in this publication are those of the individual author and do not necessarily represent those of SNV.

Edited on behalf of SNV

Tara Gujadhur

SNV Lao PDR

Paul Rogers

SNV Lao PDR

Edited on behalf of STCRC

Steve Noakes

STCRC, Australia

Sheena Day

STCRC, Australia

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ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations [comprising Brunei-Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.]
CAFTA	Central American Free Trade Agreement [encompassing the United States and the Central American countries of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and the Dominican Republic.]
ECOWAS	Economic Community of West African States [comprising Benin, Burkino Faso, Cape Verde, Gambia, Ghana, Guinea, Guinea Bissau, Ivory Coast, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.]
EIA	Environmental Impact Assessment
EU	European Union [comprising Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, UK and Sweden.]
GATS	General Agreement on Trade in Services
HIPC	Heavily indebted poor countries
IMF	International Monetary Fund
MDGs	Millennium Development Goals
MERCOSUR	Southern Common Market. The acronym is Spanish, meaning “common market of the southern cone”. It is an organisation of South American states creating an economic trading community. It comprises Argentina, Brazil, Paraguay, Venezuela and Uruguay. Chile, Peru, Colombia, Ecuador and Bolivia are associate states.
NAFTA	North American Free Trade Area [comprising Canada, Mexico and the USA.]
NGO	Non-governmental organisation
NTA	National Tourism Authority
NTO	National Tourism Organisation
OECD	Organisation for Economic Cooperation and Development
ODA	Official development assistance
PA	Poverty Alleviation
PATs	Poverty Alleviation Targets
SAARC	South Asian Association for Regional Cooperation [comprising Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka.]
SADC	Southern African Development Community [comprising Angola, Botswana, DR Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.]
SMEs	Small and Medium-sized Enterprises.
SNV	Netherlands Development Organization
STD	Sustainable Tourism Development
TRPAP	Tourism for Rural Poverty Alleviation Programme
UN	United Nations
UNWTO	United Nations World Tourism Organization
WTO-OMC	World Trade Organization

PREFACE

The idea for this publication came from a regional workshop organised by SNV's (Netherlands Development Organization) Asia Tourism Network in the Lao PDR in June 2003. The workshop brought together advisors from SNV's country offices in Bhutan, Nepal, Lao PDR and Vietnam and representatives from our client organisations including: Department of Tourism, Bhutan; Association of Bhutanese Tourism Operators; Nature Conservation Division, Bhutan; Nepal Tourism Board; Lao National Tourism Administration; Luang Prabang, Khammouane and Savannakhet Provincial Tourism Offices, Laos; Vietnam National Administration of Tourism; Tourism School, Hue; and IUCN Vietnam.

An objective of the workshop was to develop new products and management tools to assist our clients in their day-to-day work. Considerable discussion focused upon our clients' interest to develop clearer tourism laws, rules and regulations – indeed in June 2003 the governments of both Bhutan and Vietnam were initiating projects to write new tourism laws. Not surprisingly, discussions centred on the need to develop policies and legislation that would promote more sustainable forms of tourism development – and from these discussions it was recognised that few resources were available to help government technicians link and direct tourism law towards achieving the MDGs.

Following the workshop, and some subsequent research, John Downes – a tourism law expert engaged by SNV and the UNWTO to advise the governments of Bhutan and Vietnam in their tourism law formulation – acknowledged the need and usefulness of a publication that would link tourism law to the MDGs. It was recognised that such a publication, in the form of a reference guide, would be especially helpful to countries that are new to the international tourism industry – which includes many countries in the Americas, Africa and Asia where SNV is active in the tourism sector.

As a result, John Downes was engaged by SNV's Asia Tourism Network to develop this publication. The report was then shared with the Sustainable Tourism CRC to explore opportunities for joint collaboration and determine if there was a market for the publication beyond the countries where SNV is currently working. Recognising the growing interest in tourism and the MDGs, the usefulness of this report to tourism students and other countries in the Asia Pacific, the Sustainable Tourism CRC agreed to provide editorial assistance and promote the report's publication and distribution to a wider audience. SNV is extremely grateful to the Sustainable Tourism CRC for this collaboration and hopes that this first partnership will lead to further cooperation in the future.

On behalf of SNV I would like to thank: Dr Paul Rogers, Senior Tourism Advisor with SNV Lao PDR, for his efforts in leading and coordinating this initiative from its original conception; Tara Gujadhur, Tourism Advisor also with SNV Lao PDR for her editing contribution; and to John Hummel, Senior Advisor SNV Nepal for his supporting role. Steve Noakes was the primary contact point at the Sustainable Tourism CRC.

Finally, I should like to make it clear that both SNV and the Sustainable Tourism CRC would welcome any comments and feedback on this publication, particularly with regard to case studies and practical suggestions that might increase the usefulness and practical application of this report.



Andy Wehkamp
Asia Regional Director
SNV Vietnam

BACKGROUND

The Millennium Development Goals (MDGs) are the most broadly supported, comprehensive, and specific poverty reduction targets the international community has ever established.

Given this broad international commitment, these MDGs are the fulcrum on which development policy should be based. For the billion-plus people living in extreme poverty, they provide a means to a productive life. For everyone on the planet, they can be the linchpin for the quest for a more secure and peaceful world¹.

A key recommendation in the Millennium Project Report is that the governments of developing countries should adopt bold development strategies so as to reach the MDG targets set for 2015.

The MDG-based poverty reduction strategies should be the principal determinant for:

- Public investment;
- Capacity building measures;
- Domestic resource mobilisation; and
- Official development assistance.

They should also provide a framework for:

- Strengthening governance;
- Promoting human rights;
- Engaging civil society; and
- Promoting the private sector.

Governments of developing countries should ensure that sector specific policies, strategies and investments are integrated and aligned with the MDG poverty reduction strategies so they are able to plan and implement sector development activities aimed at poverty reduction and other MDG related targets.

Tourism is one of the fastest growing sectors in developing countries and can make a huge contribution to national and local economies. It can make a major contribution to the attainment of the MDGs, if managed properly and if the sector is integrated in the country's MDG and Poverty Reduction Strategies.

The analytical framework in this document is a methodology to assess existing tourism legislation and policies in the context of the MDGs and to assist developing countries to develop a legal and policy framework for tourism so that it accords with and promotes the MDG targets.

¹ UN Millennium Project, J.D. Sachs, 2005 New York

Chapter 1

THE MILLENNIUM DEVELOPMENT GOALS AND RELATED TARGETS

Introduction

The principle of sustainable development was first set out in the Brundtland Report, *Our Common Future*, in 1987. The report described sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Though the report advocates the wise use and conservation of natural resources, it:

stresses that these resources cannot be preserved without addressing the other interrelated problems of widespread poverty, the mal-distribution of productive resources, inequalities in political representation and power, and the growth of a consumption led society.

The Millennium Declaration was adopted by all member states of the United Nations in September 2000 and was followed by consultations with international agencies, including the World Bank, International Monetary Fund (IMF), Organisation for Economic Co-operation and Development (OECD), and the specialised agencies of the United Nations. The Millennium Development Goals (MDGs) were developed as a result of those consultations and the UN General Assembly adopted them as part of the road map for implementing the Millennium Declaration.

The MDGs and related targets and indicators provide member states with tangible goals for the reduction of poverty in all its forms, i.e.:

- Financial poverty;
- Hunger;
- Illiteracy;
- Poor health;
- Environmental degradation; and
- Discrimination against women.



The target date is 2015.

The first seven goals are mutually reinforcing to achieve poverty reduction. The last goal, a global partnership for development, provides the means to achieve the first seven through institutional measures.

There is no prescribed uniform approach to achieving the goals: the approach must be country and location specific, as are the problems of poverty.

Governments must set their own strategies and, together with the global partners, work to ensure that poor people are included in the benefits of development.

The two main thrusts of the MDGs to be achieved by the year 2015 are encompassed in MDG 1 and are:

- To reduce, by half, the proportion of people living on less than one dollar a day;
- To halve the proportion of people who suffer from hunger.

The other MDGs are in support of this main aim.

The Text of the Millennium Development Goals and Related Targets

MDG 1: Reduce by half the proportion of people living on less than one dollar a day and halve the proportion of people who suffer from hunger.

MDG 2: Achievement of universal primary education, including a general improvement in education levels, particularly the literacy rate of 15 to 24 year olds.

MDG 3: Gender equality, specifically in education, waged employment in the non-agricultural sector, and representation in national politics. Gender equality should also extend to equality in decision-making participation. Enterprises and employment activities that traditionally favour female participation should be encouraged, such as handicrafts.

MDG 4: Reduce child mortality and improve child health.

MDG 5: Improve maternal health, specifically through provision of more health workers.

MDG 6: Reduce the incidence of HIV/AIDS, malaria and other major diseases through education and other disease prevention measures including anti-mosquito measures against malaria; prohibition of the use of prostitutes and promotion of condom usage against sexually-transmitted diseases including HIV/AIDS; and sanitation and water supply improvements against related diseases such as cholera, tuberculosis, and others.

MDG 7: Ensure environmental sustainability. This MDG is separated into three targets, which are designed to measure the overall sustainability of the environment, incorporating environmental, social and cultural resources.

- *Target 9:* Integration of the principles of sustainable development into country policies and programmes and reversal of the loss of environmental resources. The principle of sustainable development calls for the use or enjoyment of environmental resources (lakes, streams, rivers, coasts, coral reefs, mountainous regions, primary and secondary forests), cultural resources (religious, archaeological and other sites of historical or cultural significance), and social resources (traditional lifestyles and livelihoods) for food, fuel, shelter and medicines in a way that is equitable within current generations and maintains the same stock for future generations' use or enjoyment. The strategic zoning of these resources for conservation or preservation, limited use, and wider access should be employed, along with requirements for environmental impact assessment of future developments. This technique assesses the carrying capacity of the environment for future developments; requires active and timely participation of stakeholders, including local communities; assesses alternative locations and projects for development; and effective management and monitoring of both the positive and negative impacts of development projects. The precautionary principle and the "polluter pays" principle should also be employed to ensure minimal damage to all resources.

- *Target 10:* Improvements in sustainable access to safe drinking water and basic sanitation, requiring infrastructure and education improvements.
- *Target 11:* Improvements in basic housing requirements for the poor.

MDG 8: Encompasses the institutional and international approaches required to achieve reductions in poverty in all its forms outlined in MDGs 1 to 7. These comprise the following:

- *Target 12:* Further develop an open, rule-based, predictable, non-discriminatory trading and financial system (including a commitment to good governance, development and poverty reduction – both nationally and internationally). A commitment to good governance, development and poverty reduction comprises a commitment to:
 - Develop basic infrastructure (including roads, electricity, water supply, sanitation and housing);
 - Support domestic production, particularly small and medium sized enterprises (SMEs) and also traditional income generating activities;
 - Monitor industries and all environmental resources and use the resulting data for strategic planning;
 - Maintain security for all citizens, visitors and local people alike;
 - Facilitate and provide training for private sector practitioners;
 - Ensure investment and business operation requirements are transparent, designed with a minimum of administrative burden, are equally applied and open to all legitimate adults, and minimise corruption or elitism;
 - Ensure the ownership of financial and fixed assets of the private sector are protected;
 - Facilitate the fair repatriation of profits of multinational enterprises or foreign investors whilst promoting creative methods of retention of revenue from the industry, including promoting partnerships with local enterprises and taxation of the private sector and transparent utilisation of this revenue for measures to conserve the environmental, social and cultural resources upon which industry is based, in the form of social services, conservation and preservation of sensitive and irreplaceable resources.
- *Target 13:* Address the special needs of the least developed countries (includes tariff- and quota-free access for exports enhanced program of debt relief for heavily indebted poor countries (HIPC) and cancellation of official bilateral debt, and more generous official development assistance (ODA) for countries committed to poverty reduction). Least developed countries' governments, which prove themselves to be committed to poverty reduction, can benefit from additional multilateral and bilateral development assistance to support spending to create social services and safety nets for communities, households and individuals.

- *Target 14:* Recognition of the specific needs of landlocked countries. Such needs relate to maximising developing countries' access to the financial benefits of trade and market access. Closely related to Target 12, Target 14 calls for a commitment to facilitate the fair repatriation of profits of multinational enterprises or foreign investors whilst promoting creative methods of retention of revenue from the industry, including promoting partnerships with local enterprises, and taxation of the private sector and transparent utilisation of this revenue for measures to conserve the environmental, social and cultural resources upon which industry is based, in the form of social services, conservation and preservation of sensitive and irreplaceable resources.
- *Target 15:* Focus on the debt problems of developing countries through national and international measures to make debt sustainable in the long term.
- *Target 16:* Provision of decent and productive employment for youth, aged 15 to 24;
- *Target 17:* In partnership with the pharmaceutical companies, provide access to affordable essential drugs; and
- *Target 18:* In cooperation with the private sector, make the benefits of new technologies available, especially information and communications such as telephones, Internet access, and computer usage.

Chapter 2

SUSTAINABLE TOURISM DEVELOPMENT AND THE MILLENNIUM DEVELOPMENT GOALS

Legal Frameworks

According to the United Nations World Tourism Organisation (UNWTO) (2004), multilateral development assistance agencies can have considerable leverage with governments of developing countries. However, before providing assistance, the UNWTO emphasises that they should:

Ensure that national and local tourism strategies and policies that address poverty issues are in place... governments have a key role to play in providing the right conditions for a successful tourism industry that delivers benefits to the poor.

The UNWTO urges the governments of developing countries to include tourism in strategies and action programmes on poverty reduction and sustainable development since:

Tourism is a key component of many countries' service exports and it has the power to deliver significant international earnings that can be directed towards the fundamental world priority of alleviating poverty.

To pursue these goals effectively, the governments of developing countries need to develop an effective and comprehensive legislative framework that encompasses environmental and cultural protection and enhancement; regulation of land use in tourism development; the development of appropriate infrastructure for tourism; management of and investment in tourism; and institutional and other legal mechanisms to provide for the full, active and equitable participation by poor communities in decision-making and enjoyment of the benefits of tourism development.

It is important to enable host tourism countries to develop their own legislative and general legal frameworks to meet the specific requirements of their local socio-economic and environmental situations, whilst maintaining consistency with overall international and regional standards and guidelines.

Economic criteria should not overrule the technical, environmental and socially and culturally equitable criteria for decision-making with regard to location, design, and operation of tourism infrastructures.

There should be coordination of institutional and inter-sectoral activity, adequate personnel training and capacity-building plans for public authorities involved in tourism development; speedy and efficient legal processes for indemnifying the negative impact on the environment and communities, and compensatory provisions to cover any damage to the environment and society as a whole.

Tourism and related legislation should support and encourage the private sector to follow a sustainable and pro-poor approach to tourism. The aims of pro-poor development are summarised in Figure 1.

Pro-poor development is that which:

- Increases demand for the goods and services of the poor;
- Reduces the costs paid by them in meeting their basic needs;
- Increases the asset base of poor people;
- Decreases their exposure to variability and risk; and
- Results in increased government revenues which are used to provide goods and services to the poor.

(from ODI/IIED/CRT: 2001)

Figure 1: Aims of Pro-Poor Development

Global Code of Ethics for Tourism

- The UNWTO created a set of ethical principles for a sustainable tourism industry, which are set out in Appendix A.
- The code sets out ten general principles that attempt to integrate all aspects of sustainable tourism development – ecological-based, pro-poor, and community-based – into a single set of framework guidelines.
- The provisions of the code are summarised in Figure 2.

Article 1: Tourism's contribution to mutual understanding and respect between peoples and societies

Article 2: Tourism as a vehicle for individual and collective fulfilment

Article 3: Tourism, a factor of sustainable development

Article 4: Tourism, a user of the cultural heritage of mankind and contributor to its enhancement

Article 5: Tourism, a beneficial activity for host countries and communities

Article 6: Obligations of stakeholders in tourism development

Article 7: Right to tourism

Article 8: Liberty of tourist movements

Article 9: Rights of the workers and entrepreneurs in the tourism industry

Article 10: Implementation of the principles of the Global Code of Ethics for Tourism

Figure 2: The UNWTO's Global Code of Ethics in Tourism

UNWTO Global Code of Ethics and the MDGs

The following outlines the UNWTO sustainable tourism principles that relate to each MDG.

MDG 1, Targets 1 and 2: Financial poverty and hunger alleviation

Public authorities should promote tourism-related activities that facilitate poor communities' access to the market; create and support new and traditional income generating activities; sustain poor communities' access to environmental resources; and support the traditional methods upon which their lifestyles are based in order to contribute to financial poverty and hunger alleviation.



Public authorities should:

- Promote and plan for different types of tourism where appropriate for local social and cultural conditions and carrying capacities. Such types of tourism should include religious exchange, education, cultural or linguistic exchange, and be community based, where financial benefits are transferred directly to the host communities;
- Ensure private sector activities and developments in the tourism sector are carried out with respect for the conservation of environmental resources, particularly through water supply and sanitation measures and energy saving measures, and such future developments are given priority and actively encouraged;
- Develop destination characteristics that will appeal to a range of tourism markets, to encourage the staggering of tourist arrivals in response to specific seasonality characteristics of the industry; reduce pressure on natural, social and cultural resources at peak times; and promote valuable income for host communities in low seasons;
- Promote and plan for nature-based and eco-tourism where appropriate for local social, cultural and environmental conditions and carrying capacities. Such tourism can actively contribute to promoting national tourism and provide revenue directly to communities;
- Plan, implement and manage tourism activities and developments in conjunction with local communities whose territories are, or will potentially be, encroached by the activities and developments. Communities should not disproportionately experience negative impacts from such developments or activities. The communities should be sufficiently compensated if tourism developments or activities limit the activities upon which their lifestyles are based;
- Plan and require the private sector to respect and sponsor traditional cultural products, crafts and folklore without causing degeneration or homogenisation of this heritage;
- Plan and require that tourism developments and activities provide economic, social and cultural benefits to local populations, particularly in creating and maintaining direct or indirect employment;

- Ensure that tourism developments and activities help to raise the standard of living of local populations through linkages with local enterprises as far as possible; actively consult all relevant community stakeholders in a timely manner; and equitably distribute other benefits such as health, road access, water supply, sanitation and energy supplies infrastructure to local communities;
- Plan and implement tourism developments and activities in isolated or vulnerable areas where the industry could provide a viable economic alternative to declining traditional activities; and
- Ensure barriers to involvement with or ownership of tourism activities or developments with respect to ethnicity, gender, and nationality are removed. Entrepreneurs and investors should be entitled to free access to the tourism sector with a minimum of legal or administrative restrictions, with priority given to SMEs.

MDG 2: Education

The tourism industry is unlikely to contribute to improving primary education through any means other than indirect improvements in the national economy of the host country, and revenue being correctly assigned for such purposes.

Improvements in education, however, might be seen through encouraging the private sector to invest in local communities in which they operate in the form of a development fund. Education about the tourism industry itself should be incorporated into curricula, particularly in secondary and specialised higher education courses.

MDG 3: Gender Equality

To achieve gender equality at all levels of society and particularly in respect of employment, education, representation and decision-making, public authorities should:

- Ensure the public and private sectors respect the equality of men and women, human rights and the rights of vulnerable groups such as children, the elderly, the handicapped, ethnic minorities and indigenous peoples;
- Guarantee the fundamental rights of salaried and self-employed workers without gender bias in tourism and related industries, such as protection and guarantee of ownership of financial and other assets;
- Plan, implement and manage tourism activities and developments in conjunction with local communities whose territories are, or will potentially be, encroached by the activities and developments. Communities, particularly vulnerable groups such as women and children, should not disproportionately experience negative impacts from such developments or activities. The communities should be sufficiently and equitably compensated if tourism developments or activities limit the activities upon which their lifestyles are based;



- Require private sector developers to carry out Environmental Impact Assessment (EIA) prior to tourism developments. From the outset this should include consultations with other stakeholders and fostering dialogue with local communities, actively including women, regarding future scenarios of potential benefits and drawbacks of developments; and
- Ensure barriers to involvement or ownership of tourism activities or developments with respect to ethnicity, gender, and nationality are removed. Entrepreneurs and investors should be entitled to free access to the tourism sector with a minimum of legal or administrative restrictions, with priority given to micro-enterprises and SMEs.

MDGs 4 and 5: Child and Maternal Health

To improve child and maternal health, public authorities should:

- Plan and promote tourism developments and activities that provide economic, social and cultural benefits to local populations, particularly in creating and maintaining direct or indirect employment and sharing of healthcare facilities provided for tourists with local communities, particularly women and children; and
- Ensure tourism developments and activities help to raise the standard of living of local populations through linkages with local enterprises as far as possible; actively consult all relevant community stakeholders and equitably distribute other benefits such as health, road access, water supply, sanitation and energy supplies infrastructure to local communities.



MDG 6: Combat HIV/AIDS, Malaria, and Other Diseases

To combat sexually transmitted and other major diseases, including those related to water supply and sanitation, public authorities should:

- Prohibit sex tourism and penalise offenders with the strictest of measures to reduce HIV/AIDS transmission through interaction with prostitutes; and
- Ensure the private sector takes appropriate measures to safeguard the security, safety, accident prevention, health protection and food safety of those who seek their services and require the private sector to report on their activities on a regular basis. The authorities may implement a rating standard system to denote quality of service.

MDG 7, Target 9: Integrate the principles of sustainable development into country policies and programs and reverse the loss of environmental resources

Public authorities should ensure the tourism industry contributes to sustainable development and reversing the loss of environmental resources and:

- Require private sector stakeholders in tourism development to respect, promote and maintain social and cultural traditions of all, including minorities and indigenous peoples;

- Require private stakeholders in tourism development to conduct activities and developments in harmony with other related laws, practices and customs, including business law and foreign investment laws;
- Prohibit and penalise accordingly any criminal acts or offensive conduct committed by tourists including trafficking in illicit drugs, arms, antiques, protected species and products, and any other dangerous or prohibited substances;
- Plan and require tourism activities and developments to be implemented as a privileged means of individual and collective fulfilment, including respect and cross-cultural learning;
- Incorporate the value of tourist exchanges, economic, social and cultural benefits and risks into existing education curricula at all levels of education, including university degrees and courses;
- Ensure private sector activities and developments in the tourism sector are carried out in respect and conservation of environmental resources, and plan for sustainable maintenance of these resources for future generations;
- Develop destination characteristics that will appeal to a range of tourism markets, to encourage the staggering of tourist arrivals in response to specific seasonality characteristics of the industry; reduce pressure on natural, social and cultural resources at peak times; and promote valuable income for host communities in low seasons;
- Require tourism developments and activities to be planned and implemented to protect natural systems and biodiversity, and to constrain activities of private stakeholders in sensitive areas, particularly in nature reserves or protected areas;
- Recognise and support certification and benchmarking programmes to encourage the private sector to take concrete environmental, safety, and sustainability measures;
- Promote and plan for nature-based and eco-tourism where appropriate for local social, cultural and environmental conditions and carrying capacities. Such tourism can actively contribute to promoting national tourism and provide revenue directly to communities;
- Ensure activities and developments in the tourism sector are carried out in respect and conservation of the artistic, cultural and archaeological heritage, provide full access to these resources for tourists and local communities, and plan and implement for sustainable maintenance and preservation of these resources for future generations; and
- Obtain financial resources from visits to cultural sites and monuments and natural parks. A realistic percentage of this revenue should be utilised to safeguard and develop this heritage.



MDG 7, Target 10: Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation

To facilitate benefits from the tourism industry in water supply and sanitation, public authorities should ensure private sector activities and developments in the tourism sector are carried out in respect and conservation of environmental resources, particularly through water supply and sanitation measures and energy saving measures, and such future developments are given priority and actively encouraged.

MDG 8, Target 12: Further develop an open, rule-based, predictable, non discriminatory trading and financial system (including a commitment to good governance, development, and poverty reduction—both nationally and internationally)

To achieve this target, public authorities should:

- Require private stakeholders in tourism development to conduct activities and developments in harmony with other related laws, practices and customs, including business and foreign investment laws;
- Carry out, and/or require other stakeholders to carry out market research on tourist behaviour, expectations, and satisfaction; utilise the information for tourism development planning and management, and impart the resulting information to all stakeholders to develop a sustainable tourism industry;
- Provide protection and safety to tourists and their belongings through provision of essential and timely information and security measures via prohibition of tourism activities in non-secure areas. Authorities should require security measures to be taken by the private sector for the protection of tourists;
- Prohibit and penalise accordingly any criminal acts or offensive conduct committed by tourists including trafficking in illicit drugs, arms, antiques, protected species and products, and any other dangerous or prohibited substances;
- Obtain financial resources from visits to cultural sites and monuments and natural parks. A realistic percentage of this revenue should be utilised to safeguard and develop this heritage;
- Plan and promote tourism developments and activities that provide economic, social and cultural benefits to local populations, particularly in creating and maintaining direct or indirect employment and sharing of healthcare facilities provided for tourists with local communities, particularly women and children;
- Require the private sector to provide accurate and honest information on tourism products to tourists and penalise breaches of these requirements;
- Ensure the private sector takes appropriate measures to safeguard the security, safety, accident prevention, health protection and food safety of those who use their services and require the private sector to report on their activities on a regular basis;
- Facilitate repatriation of tourists in the event of bankruptcy of tourism businesses;

- Have the responsibility to facilitate equitable open and direct access to natural and cultural resources for all stakeholders, tourists and local populations alike;
- Provide tourists with access to all available forms of communication and access to administrative, health, legal and consular services;
- Ensure border crossing procedures, visas and custom formalities be adapted to facilitate freedom of travel. Specific taxes and levies which penalise the tourism industry so as to undermine its competitiveness should be phased out or corrected;
- Facilitate tourists with access to convertible currencies;
- Guarantee the fundamental rights of salaried and self-employed workers in tourism and related industries, such as protection and guarantee of ownership of financial and other assets;
- Provide appropriate initial and continuous training to professionals in the tourism industry (tour guides, hotel and guesthouse service staff, tour operator staff);
- Promote and facilitate exchange of tourism workers and/or professionals to benefit from study tours or educational exchanges;
- With respect to openness of the tourism sector to investment, ensure mechanisms are in place to prevent financial leakages via tax breaks, or other means of repatriation of financial benefit, or imposition of cultural norms by multinational enterprises. In contrast, multinationals should be encouraged to actively support local community and national development;
- Support partnerships between foreign and national investors, foreign/multinational enterprises and local enterprises, including SMEs, tour operators and development enterprises;
- Monitor and take actions to implement all of these principles, including applications and requests for aid and financial assistance from developed countries and other agencies; and
- Recognise the role of the UNWTO and other international organisations;



MDG 8, Target 14: Address the special needs of landlocked countries

To address the special needs of landlocked countries in terms of trade and market access to tourism benefits, public authorities should:

- Ensure border crossing procedures, visas and custom formalities be adapted to facilitate freedom of travel; and
- Support the development of airport, rail and road travel-related infrastructure to facilitate the movement of tourists in and out of the country.

MDG 8, Target 15: Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term

Public authorities regulating the tourism industry should monitor the industry and its financial benefits and make applications and requests for aid and financial assistance from developed countries and other agencies for the purposes of sustainable development of the industry and related activities such as environmental protection etc.

NB: The following MDGs have not been aligned with the UNWTO Global Code of Ethics:

- **MDG 7, Target 11: basic housing;**
- **MDG 8, Target 13: Address the special needs of the least developed countries (includes tariff-and quota-free access for exports enhanced program of debt relief for HIPC and cancellation of official bilateral debt, and more generous ODA for countries committed to poverty reduction);**
- **MDG 8, Target 16: Youth participation;**
- **MDG 8, Target 17: provide access to affordable medicines in partnership with Pharmaceuticals Companies; and**
- **MDG 8, Target 18: Technology exchange.**

Chapter 3

THE ROLE OF LAW IN THE SUSTAINABLE DEVELOPMENT OF TOURISM AND POVERTY ALLEVIATION

Introduction

Governments of developing countries need to enshrine a policy of pro-poor sustainable tourism development in legislation and, where appropriate, in local regulations.

The legislation should provide for, and underpin, a coherent institutional framework for sustainable tourism development and poverty alleviation.

The objectives of the legislation and supporting regulatory framework should be to:

- Create a legal framework which fosters and underpins the development of sustainable tourism;
- Ensure that it fits within the constitution and legal framework of the country;
- Ensure that the State body responsible for tourism is efficient, dynamic and works within legal norms;
- Enshrine the principles of sustainable tourism development (STD);
- Facilitate poverty alleviation;
- Provide for participation of representatives of the poor and disadvantaged groups in decision-making processes;
- Empower local communities to take advantage of opportunities to benefit from tourism development;
- Provide supportive structures and financial assistance for micro-enterprises and SMEs;
- Create a supportive structure for the private sector;
- Provide a framework for cooperation between the public and private sectors;
- Clearly define the tourism industry and its component parts;
- Streamline legal processes for tourism enterprises;
- Facilitate the development of professional standards;
- Be consistent with the UNWTO's Global Code of Ethics for Tourism;
- Ensure that the country has tourism laws that:



- Reflects international standards;
- Is consistent with international obligations;

- Is consistent with the country's membership, or aspirant membership, of the World Trade Organisation and GATS;

- Reflects best practice; and

- Builds on the country's laws, customs and traditions of hospitality.

The legislation needs to be comprehensive and should cover:

- Scope of legal application: establishing it as the comprehensive legal framework for tourism development and replacing all existing provisions;
- Interpretation of terminology: it is essential to harmonise the country's terminology with the international usage whilst still reflecting usual practice in the country;
- Classification of tourism resources;
- National audit of tourism resources;
- Sustainable development of tourism and poverty alleviation: enshrining these principles in the law itself and making them the basis of all policies, developments, sub laws etc.;
- Principles of tourism resources protection and exploitation: a practical application of the STD principles;
- Responsibility for management of tourism resources;
- Principles of STD planning;
- Preparation and approval of STD plans;
- Content of STD plans;
- Implementation of STD plans;
- Designation of tourist sites and tourist attractions;
- Power to establish tourist sites and tourist attractions;
- Classification of tourist sites and tourist attractions;
- General functions, powers and governance of the national tourism authority (NTA) and/or national tourism organisation (NTO);
- Annual report;
- Provision for inter-ministerial cooperation on tourism-related matters e.g. through establishment of a Higher Council for Tourism;

- Functions and powers of the Higher Council for Tourism: it is essential that these be specified so as to avoid unwarranted intrusion into the internal workings of the NTA/NTO by other ministries;
- Functions and powers of the facilitation committee: a Higher Council comprising of ministers will only meet very occasionally and set out broad policies of cooperation. This committee would comprise of officials of those ministries that can meet to deal with the day-to-day practical issues needing inter-ministerial cooperation;
- Protection and promotion of heritage: this will be in cooperation with other departments, ministries and relevant public bodies;
- Private sector advisory board: the MDGs and STD encourage cooperation between the public and private sectors;
- Role of provincial and local authorities in tourism development;
- Council of provincial and local tourism officers: there should be two-way feedback between central and local government officials responsible for tourism development;
- STD fund: This may be supported by tourist taxes, a levy on the private sector, government funding, NGOs and other international assistance;
- Programmes of financial assistance to sustainable tourism projects: these should include special programmes to assist micro-enterprises, cooperatives and community projects;
- Enforcement and conditions of grants, loans and exemptions: public funds should be managed efficiently and transparently and recipients should be required to account for their usage;
- Powers of Inspection in respect of grants, loans and exemptions;
- Designation of tourism development areas and tourism sites;
- Establishment of tourism development corporations or partnerships or trusts: this will provide mechanisms for public-private cooperation at national, provincial, local and community levels and should ensure that disadvantaged groups and those most affected by projects are represented;
- Tourism enterprise standards and licensing;
- Classification of hotels, other tourist accommodation, restaurants and visitor attractions;
- Registration of tourist accommodation: some accommodation, particularly in poor and rural areas, may not yet be eligible for classification. It should be nonetheless registered. Help can be given to the proprietors of such premises to enhance their facilities and start on the lower run of classification;
- Registration of restaurants: this should be voluntary not compulsory. Too strict regulation may force the proprietors to increase prices and thus put such establishments

beyond the means of the poor. Rather, voluntary registration can be used in the same way as suggested above for accommodation;

- Registration of cultural associations involved in the promotion of tourism: again this should be voluntary. Small local dance troupes, groups of storytellers etc. may be encouraged to register so as to be recommended to tourist groups. They may be assisted to enhance the quality of their performance etc.;
- NTA/NTO approved businesses: again a voluntary scheme which will encourage local businesses to reach certain standards and assist them to do so;
- Power to inspect tourist accommodation, restaurants and other tourism enterprises and to call for information;
- Requirement of businesses to display the business name: this helps tourists in seeking redress of any grievances;
- General obligations on consumer protection;
- Encouragement of trade associations to develop codes of conduct;
- Regulation of tourism professions such as travel clerks, travel experts, tour guides, hotel managers, receptionists etc.: the qualifications should not be so onerous as to exclude disadvantaged groups from membership;
- Continuing professional development;
- Restrictions on the right of refusal to provide a service;
- Travel agents' and tour operators' rights and obligations;
- Regulation of adventure tours;
- Regulation of eco-tours;
- Regulation of cultural tours;
- Regulation of opening hours for tourism establishments: the local community that may be most affected by the noise etc. caused by late opening hours of tourism businesses, bars, cafes, discotheques should have a right of objection enshrined in the law;
- Display of price lists;
- Payment of accounts and refunds: micro-enterprises and SMEs often suffer serious cash flow problems because larger enterprises are slow to pay for their goods and services;
- Financial protection: this protects tourists who pay in advance for tourism services. Again, the mechanisms should not be too onerous as to exclude small businesses or new entrants to the market;



- Reporting duties of tour guides: they should have a legal obligation to report any damage to the physical or cultural heritage or behaviour of tourists that is adversely affecting a local community;
- Hotelkeepers' duty to receive travellers: this is a universal standard and prohibits discrimination;
- The right to refuse accommodation: hotelkeepers should have a right to refuse guests whose behaviour is inappropriate to local norms or who are not in a fit state to be received or are unable or unwilling to provide proof of ability to pay;
- Duty to receive guests' luggage and motor vehicles;
- Registration of guests;
- Duty of care: this relates to obligations relating to safety and security of guests;
- Liability in respect of guests' property;
- Illness of travellers and guests: rules governing notifiable diseases etc., discussed further below;
- Conduct in a hotel: prohibitions against prostitution, gambling, rowdy behaviour etc.;
- Provision of a safe;
- Guests' unpaid debts;
- Right of security over guests' property;
- Right of sale of guests' property;
- Tourist restaurants;
- Duty to provide refreshments;
- Right to refuse to supply refreshments;
- Restauranters' liability in respect of customers' property;
- Illness of restaurant staff;
- Conduct in a restaurant;
- Hotel restaurants;
- Tourist transportation;
- Power of NTA/NTO to issue regulations relating to tourist transportation;
- Other tourism enterprises;
- Handicrafts and souvenir standards;

- Crafts authentication scheme;
- Shopkeepers' liability;
- Shipment of goods;
- Peddlers' permits;
- Establishment of a tourist assistance office;
- Powers of tourist assistance officers;
- Tourist complaints;
- Licensing of tour guides;
- Obligations of tourist guides;
- Prohibition of charging commission;
- Objectives of tourism education;
- Education, training and research;
- Relations with international tourism organisations;
- Facilitation and safety and security of tourists;
- Disputes;
- Evidence and procedure;
- Offences and penalties; and
- Implementation.

The Nature and Sources of National Legal Systems

It is important to recognise what is meant by "law" and to distinguish it from other rules.

The law may be defined as rules of human conduct imposed and enforced by the State. This distinguishes it from, for example, self-regulation, ethics, religious principles, codes of conduct, custom and traditions.

Furthermore, the vast majority of legal systems make a clear distinction between "civil law" and "criminal law". Both of these are relevant to tourism development.

- Civil law deals with the relations between "persons" whether natural (individuals) or non-natural (e.g. companies, corporations, public entities etc.). It provides the legal

framework for, amongst other things, governing the status of individuals (e.g. married people, parents, employees etc.), corporate governance, daily transactions, commercial affairs, property rights and obligations, contracts, liability for causing death, personal injury or damage to property. The State is not directly involved (except that it may be a party to a commercial transaction, for example and is thus a “person” under the civil law). Parties in dispute can seek redress through the civil courts or through alternative dispute resolution mechanisms (e.g. arbitration or mediation).

- Criminal law deals with wrongdoings i.e. acts or omissions which the State considers to be a crime or an offence; which the State prosecutes and which are punishable on conviction. Most, but not all, States make a distinction between crimes and offences. The former are matters that are considered to be inherently wrong and are likely to have been deemed so for a very long time e.g. murder. They are usually proscribed in the country’s penal code. Offences tend to be matters, though not inherently wrong, that are proscribed, usually in a law or regulation as a matter of State policy on, for example, fair-trading, consumer protection or civic governance. It is not inherently wrong to chop down a tree on your own property but the State might make it an offence to do so without permission as part of a policy of nature conservation.

Some States also have a distinct system of administrative law and have separate administrative courts and tribunals where individuals and corporate entities in dispute with the State or its public agencies can seek redress.

It is essential that those drafting tourism legislation ensure that it fits in with the general legal framework of the State.

Legislation is only one source of law. The sources of law in most States comprise:

- **Constitutional law:** This is the fundamental law of the State to which all other sources are secondary. It defines the nature of the State, its institutions, the rights and obligations of its citizens, and, in many cases, its relationship with other States and international bodies. In the vast majority of countries the constitution is contained in a formal legal document. In some, such as the UK, it is unwritten and based on conventions and long accepted practice. In some countries, the duty of the State to provide for the economically disadvantaged, racial and ethnic minorities, indigenous peoples and children, and to protect women from discrimination and exploitation is set out in the constitution.
- **International treaties, conventions and agreements:** These may be directly applicable in the law of the country or may have been adopted by Government Order or by implementing legislation. There are UN Conventions, for example, against abusive sex tourism, the protection of indigenous peoples, against the illegal trafficking of endangered species and of historical and cultural artefacts etc. Many countries are also bound by WTO-OMC and GATS provisions.
- **Legislation:** This is usually made by the national legislature (parliament, assembly, congress, дума etc.). In some States this power is shared with the Head of State or may be solely vested in him or her. In federal states, provincial assemblies also have power to enact legislation and the dividing line between the power of the national legislature and that of provincial legislatures will be set out in the constitution. Even in non-federal states, provincial assemblies may have some degree of autonomy and may make laws or regulations provided that they do not conflict with national legislation.

- **Delegated legislation:** The legislature may confer powers on ministers or public bodies to make sub laws (e.g. statutory instruments, ministerial orders, bylaws, regulations etc.). These must be consistent with the national legislation and must not go beyond the powers conferred by the legislature.
- **Religious law:** In some countries, the religious law of a particular faith is enshrined in the constitution and is the principal source of law. This is common in some Muslim countries, where the *sharia* is the sole or principal source of law. In other countries, religious precepts are one, perhaps privileged, source of law. Most legal systems have been influenced by religious principles. The civilian and common law traditions are based on Christian principles. Buddhist countries, for example, are influenced by the teachings of the Lord Buddha. The latter manifests itself, for example, in a requirement for disputants to try mediation, before resorting to the courts. The rules governing hospitality in the three biggest monotheist faiths (Judaism, Christianity and Islam) have common roots.
- **Political and philosophical sources:** In most countries these have influenced the development of the legal system rather than being a separate source of law. Confucianism, for example has influenced the development of the legal systems of some East and South East Asia countries. In some countries, in particular in socialist States, political principles are seen as an, albeit extraneous, but nonetheless binding, source of law.
- **Custom and tradition:** Some countries recognise the traditional law and dispute resolution methods of indigenous peoples. These are usually separate from the main system of law and courts and are usually only enforceable inasmuch as a member of that community submits him or herself to it. In most States, though not separate sources of law, custom and tradition have influenced the development of the law itself.

Any Tourism legislation must take into account these sources. Furthermore, they should be examined closely as they often contain provisions protecting the rights of disadvantaged groups and promoting their economic and social well-being.

International Harmonisation and Best Practice

Very few States have a comprehensive tourism law statute. Most have a number of sets of regulations for different sectors of the tourism industry, often out of date and failing to reflect changes in practice brought about by technology and globalisation.

If the governments of developing countries are to take advantage of the potential of their tourism sector to make a major contribution to their realisation of their MDGs and Poverty Alleviation Targets (PATs), they will need to provide a modern institutional and regulatory framework in which the private tourism sector can thrive by ensuring high professional standards and developing quality tourism products.

In doing so, they can draw best practice from relevant experience elsewhere and, given that most are members of, or are aspirant members of, the WTO-OMC and, in preparation for the

implementation of the General Agreement on Trade in Services (GATS), reflect the international harmonisation of travel and tourism law.

Thus, it is important from the outset to set out the role of law in tourism and the international harmonisation that is taking place.

The opportunity for exclusively national regulation will gradually diminish in the context of increasing globalisation. While it is necessary to seek to adhere to national legal norms, the reality is that the optimum response may occur through legal regulation at a regional level.

Regulation at a regional level refers to regulation via legal communities such as the European Union (EU) in Europe, MERCOSUR, CAFTA or NAFTA in the Americas, and in an African context, ECOWAS or SADC. And of course, in this region, ASEAN and SAARC.

ASEAN countries already cooperate in the tourism sector and the SAARC Working Group on Tourism will also produce common policies.

As States are increasingly integrated in emergent regional legal communities, the likelihood is that legal regulation will occur at that level. Such regional legal developments in turn will influence the development of international law.

Worldwide, there is a process of convergence of travel and tourism law. This is a reflection of convergence. "Convergence" has been a popular term in the communications technology context as an explanation of the coming together of hitherto discrete technologies, formerly separated in discrete compartments, but increasingly joined together by technology. In addition to this technological convergence there are the various types of legal convergence.

Globalisation could be seen as a process of convergence. The fact that it is often a process of legal convergence has largely been ignored.

At the same time as there are powerful forces of convergence, harmonisation and standardisation, there is a need for sensitivity to specific regional and national factors.

It would be a mistake to project an EU model wholesale onto the SAARC member states, for example. These states are at a unique stage on the trajectory of institution building. The religious, natural, physical, political, socio-economic and cultural conditions are distinct.

Nevertheless, any legislative developments should take into account the international harmonisation process whilst respecting the heritage, customs and traditions of the developing country concerned.

The Role of Law in Tourism Development

Organisations such as the UNWTO have emphasised the distinct requirements of legal regulation of the travel and tourism industries.

In recent decades, the significance of law itself has often been underestimated. This is a result of the growing momentum associated with disciplines such as economics.

However, the realisation that the post-Washington consensus had focused unduly on abstract economic and fiscal studies, without having focused on institution-building, emerged after the collapse of some economies South-Eastern Asia during the 1990s.

If further corroboration were needed, then the difficulties of establishing a market economy in the former USSR provided it.

Economic and fiscal success can only be built on a sound institutional framework. That framework is dependent on sound legal infrastructures.

Thus it is clear that in the construction of an efficient travel and tourism industry, tourism law which builds a functional, institutional framework is a fundamental aspect of any holistic, facilitative approach.

If the commitment to fulfilling the MDGs and PATs is to be made real and be the driving force in tourism development, it needs to be enshrined in the law.

There is a need for comprehensive national legal regulation but national legal regimes must be consistent with developing international norms.

A developing country's lack of legal synchronicity and harmony creates obstacles that impinge on the free movement of persons, goods, services and capital as is necessary to create a level playing field on which the State's comparative advantage may be exploited.

Those principles of free movement can be tempered by restrictions in furtherance of a policy of STD, provided that these have been negotiated with the WTO-OMC and under GATS, if a member state.

If the country does not have a sound legal infrastructure for travel and tourism, then it will act as a disincentive to investment.

The Need for a Coherent Institutional and Legislative Framework

In many countries there is an unsatisfactory diffusion of organisational and operational responsibility for tourism. Thus, despite its importance to the economics of many States, it is nonetheless described as "the invisible industry".

Few States have a ministry whose sole or principal purpose is responsibility for tourism.

Without a strong tourism ministry or an autonomous NTA or NTO, the industry is often neglected or misunderstood at a national level. It usually lacks a senior government advocate

when dealing with other ministries, most particularly the finance ministry. Often the latter will make generous provision of fiscal incentives to further industrial development but will exclude the travel and tourism industries or indeed impose heavier taxes and duties on them as a fiscal income generator.

Even where there is an NTA or NTO, there will be other ministries and public bodies whose activities impact on, or are affected by, tourism development. Thus, there needs to be harmonisation of organisational involvement in the tourism sector.

The Need for Institutional Capacity Building

If tourism is to be a spearhead economic sector in the drive to achieve the MDGs and PATs, there needs to be an NTA and/or an NTO.

The NTA/NTO needs to be staffed by a commercially aware, financially sophisticated and experienced group of tourism professionals. They must be aware of and committed to the contribution tourism can make to achieving the MDGs and PATs.

The objectives of the organisation should be clear and job descriptions should be linked to those organisational objectives.

The NTA/NTO should have strong leadership with clear statutory powers, authority and responsibility. That leadership should have experience, appetite and credibility.

As fiscal incentives are usually the key issue in encouraging tourism development, the NTA/NTO should have expertise in the management of incentives in order to reassure the (often) sceptical finance ministry.

Staff should be capable of liaising confidently, comfortably and effectively with other national and international bodies. Whilst the NTA/NTO should be independent with a clarity of function and a clear focus of power and authority, that should not preclude it from having a useful synergistic relationship with other independent bodies. Organisationally, there needs to be a clear focus of responsibility for investment promotion in the tourism sector. There also needs to be a real, substantial, transparent, investor-friendly legislative framework.

Institutional Regulation

It is essential that there is a sound institutional framework for the sustainable development of tourism.

If the NTA/NTO is to maximise the contribution of tourism toward the achievement of the MDGs and PATs, it must have clear functions and powers enshrined in legislation. These functions should include, amongst others:

- Furthering sustainable tourism development;
- Fostering the provision, maintenance or safeguarding of employment in the tourism industry, particularly in rural or remote areas, areas of urban deprivation and amongst disadvantaged groups;

- Promoting the efficiency and international competitiveness of the tourism industry;
- Fostering the improvement of the physical environment in which the tourism industry operates and furthering and enhancing heritage protection in cooperation with other public bodies.
- General Functions
 - Develop, and submit to the government for approval, the national tourism policy and associated strategies;
 - Implement and promote the national tourism policy and monitor its realisation;
 - Coordinate the tourism service activities of public sector organisations;
 - Cooperate with the State bodies responsible for culture to protect, enhance and promote the culture and heritage of the people;
 - Encourage, develop and improve tourism;
 - Encourage people to visit the country;
 - Promote and provide opportunities for local people, particularly disadvantaged groups (social tourism policy) to enjoy leisure and recreation within the country;
 - Encourage the provision and improvement of tourist, leisure and recreational amenities and facilities;
 - Establish and maintain standards of tourism services;
 - Foster or assist in the provision of finance to persons carrying on, or intending to carry on, tourism undertakings. Programmes should be specifically targeted at the disadvantaged e.g. through grants, soft loans, micro-credit facilities;
 - Otherwise promoting or assisting the establishment, growth, re-organisation, modernisation or development of the tourist industry or any undertaking within that industry;
 - Foster the provision and adaptation of sites and the modernisation or reconstruction of premises for tourism undertakings;
 - Assist in the management of sites and premises for tourism undertakings;
 - Foster the development, redevelopment and improvement of the physical environment in which the tourism industry operates;
 - Foster the preservation and development of heritage sites;



- Promote the revival and development of traditional handicrafts and popular arts, festivals and culture in co-operation with relevant ministries and State bodies;
- Licensing of tourism enterprises;
- Maintain a register of tourist accommodation; and
- Carry out other tasks relating to tourism, heritage protection and cultural development which the Government determines;
- Providing consumer protection: the law should regulate:
 - The role of the parties in tourism transactions;
 - The role of the agent;
 - Formation of the contract;
 - Electronic commerce;
 - False or misleading descriptions;
 - Misleading prices;
 - Hidden charges;
 - Subsequent changes to travel arrangements;
 - Delays;
 - Unforeseen events, i.e. natural disasters, adverse weather etc.;
 - Liability for accidents and illnesses;
 - Lost luggage; and
 - Disappointment and complaints procedures.

Essential Characteristics of a Good Law

The law must be:

- Transparent;
- Certain;
- Just;
- Published;

- Enforceable and enforced; and
- Objective.

It should contain anti-corruption measures.

In drafting that law, the legislative measures can be divided into three categories:

1. Regulatory measures that are imperative, arising from constitutional requirements; international treaty obligations and agreements; commitments on international integration, sustainable tourism development and poverty alleviation; and the needs of public safety and national security.
2. Regulatory measures taken as a matter of policy.
3. Optional measures which are not essential but help to ensure the legislation is comprehensive. These measures may be contained in the law or in regulations or codes of conduct. They may need to have delayed implementation provisions until resources or institutional capacity allow.

Other Legal Issues Impacting on Tourism

Whilst the tourism law should be comprehensive, there will be other areas of law that directly or indirectly impact on tourism and these need to be taken into account. Where these undermine the contribution that tourism can make to reaching the MDGs and the PATs, the NTA/NTO should pursue an advocacy role in getting these changed.

These include the law governing:

- Dispute resolution;
- The governmental framework;
- The socio-political framework;
- Private enterprise;
- Investment regulation and tax;
- Real estate;
- Commercial entities and transactions;
- Licensing and business registration;
- Contracts of employment, apprenticeships, training and labour relations;
- Entry formalities;
- Environmental protection;

- Culture and heritage protection and promotion;
- Handicrafts and souvenirs;
- Tourist transportation;
- Health and safety; and
- Criminal law matters.

In furtherance of the principles of sustainable tourism development, the NTA/NTO should consult as widely as possible as to what should be in the tourism law and what should be the balance between national and local decision making when it comes to tourism development, the provision of facilities and services, monitoring and enforcement.

Micro-Enterprises, SMEs and Human Resource Development

The MDGs emphasise the importance of encouraging more young people to work in the private sector. However, jobs in some parts of the tourism sector are viewed as unattractive because of low pay, poor working conditions and job insecurity. Such jobs frequently lack status.

Governments can address this, in cooperation with the private sector, by pursuing three objectives:

- Create a culture of entrepreneurship;
- Foster a culture of employability; and
- Promote and encourage adaptability.



The first objective can be achieved by providing venture capital, loans and guarantees for micro and small enterprises start-up. An electronic database could be established to help micro and small enterprises' entrepreneurs look for partners elsewhere in the country and beyond. Technical and financial support may also be needed. A project to identify those needs and sources of funding, expertise and training should be set up.

In addition to funding initiatives and technical assistance projects, the NTA/NTO should be aware of the need for a business-friendly regulatory framework

The other two objectives, i.e. employability and adaptability, should be pursued by:

- Better recruitment policies – stressing the personal qualities needed to pursue a career in this service industry;
- Recognition that payment of low wages undermines the objective of providing a quality product;
- Improving the working conditions of staff;
- Providing lifelong personal development programmes;

- Developing career paths and professional recognition in cooperation with training bodies and vocational educational establishments;
- Emphasising the acquisition of transferable skills across the sector;
- Negotiating flexibility, e.g. by annualising working time;
- Reducing staff turnover; and
- Reducing seasonality by extending the season and attracting new categories of tourists.

The NTA/NTO can enhance the value of human resources in and available to the tourism sector by supporting training programmes and developing “best training practices” in the use of information technology, management practices, and languages skills.

Most of these programmes may tend to focus on the hotels and restaurants sectors. The tour operator and travel agency sectors are more difficult to deal with. There is no common agreement on the distinction (or whether one is necessary) between these two kinds of activity. Job titles in tour operations are often used interchangeably. The NTA/NTO needs to address this issue.

Trade Associations and Self-Regulation

One of the distinctive features of commercial law is that it includes the extra-legal usages, customs and codes of behaviour of the business community.

Some States have legislation requiring professions to regulate themselves. This is common for the legal and medical professions, for example.

Countries such as France, Turkey and Jordan have compulsory membership of trade associations and/or chambers of commerce. Even countries that do not have compulsory membership (e.g. UK, Australia, Canada, Benelux and Scandinavian countries) nonetheless encourage trading associations to adopt voluntary codes of ethical practice.

Ethical standards in commercial life cannot be achieved by law alone, which is often too blunt an instrument. The law tends to take a forensic or curative approach rather than a preventative one. It is normally expressed in complex language that even the most conservative theologian might describe as obscurantist. And for many, perhaps most, citizens’ legal redress is prohibitively expensive.

Voluntary codes of ethical conduct can be expressed in plain language, be more immediate and widely known. They can have an educational effect, informing stakeholders about what is generally accepted as good practice. The ends are achieved by education, persuasion and voluntary compliance rather than by State coercion.

Nonetheless, these codes have sanctions to encourage compliance. Perhaps most important in the commercial sphere is the threat of bad publicity which can seriously undermine an expensive marketing campaign. The non-compliant trader can also find themselves subject to disciplinary procedures, suspended or excluded from membership. Other members may refuse to trade with them.

A good code should remove abuses, promote higher standards, clarify areas of doubt and provide machinery for the proper handling of complaints. If the code is to work the professional association responsible for its enforcement must have the will and enthusiasm to be more than a self-protection organisation.

The problem with professional codes in the past has tended to be threefold:

1. Lack of comprehensiveness: either they do not cover all of the activities in which members engage or are not frequently updated to take into consideration new practices.
2. Absence of investigative powers: members will usually resent interference from peers and may fear breach of commercial confidentiality. Thus associations are usually dependent on the public pursuing complaints and an after the fact approach.
3. Ineffective sanctions: there is often a lack of political will to discipline members. Furthermore, a decision to refuse to trade with an errant member may be judged a restrictive practice or breach of anti-trust regulations by the commercial court.

A distinction can be made, however, between a self-regulatory code and one which is devised by a person or body that is not a member of the group whose activities it regulates e.g. the Global Code of Ethics in Tourism.

In devising the code, the drafter should of course be informed of current practice and the trading issues involved. This is best achieved by ongoing consultation and cooperation with the private sector.

This is consistent with STD principles and the MDGs. This approach ensures the establishment of objective standards and is particularly valued when the enforcement mechanism is independent of the group to whom the code applies.

Although tourism law will usually set out a licensing and qualification framework for the sector, the government may also wish to encourage the trade associations, as they develop, to adopt their own ethical standards.

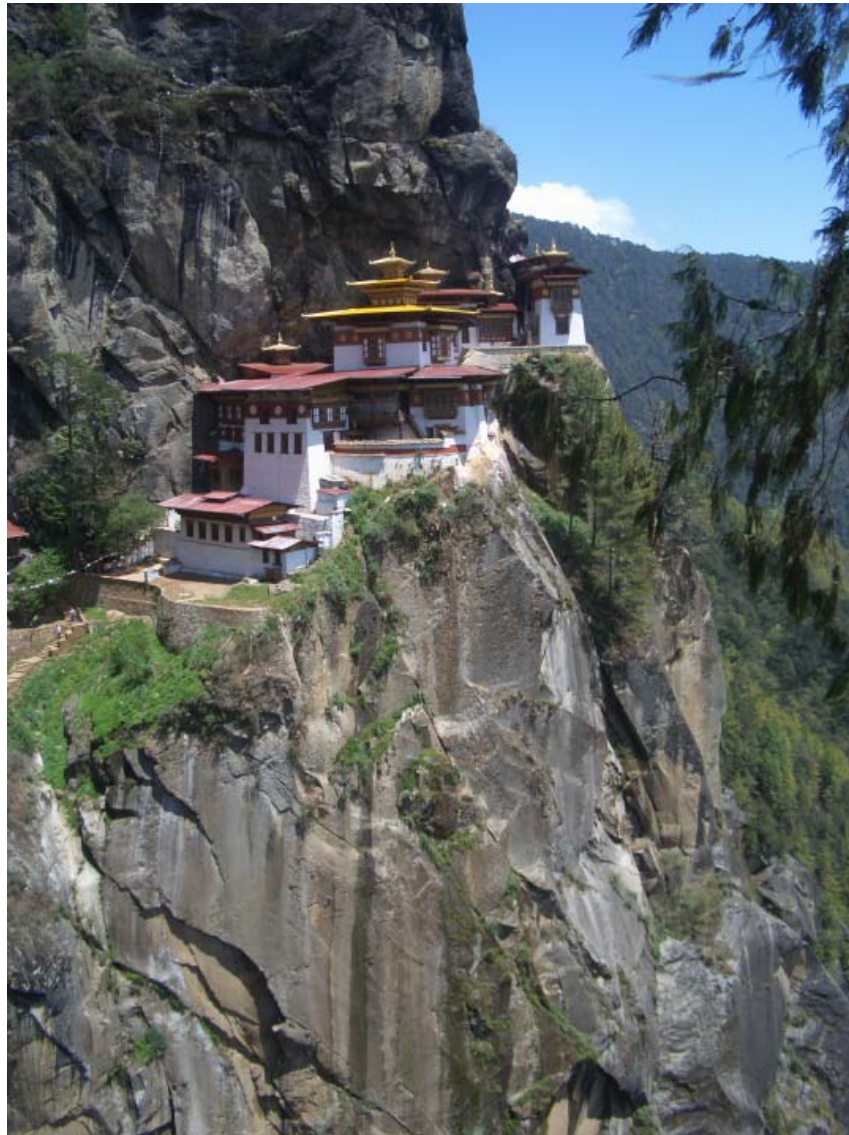
These must be consistent with the tourism law and other general law framework and not result in unfair or anti-competitive practices. Rather they flesh out the requirements of professionalism contained in the law.

Trade associations should be encouraged to include STD principles in their code and to carefully monitor compliance. They may also have schemes of classification and recognition for those members that meet certain targets in relation to the MDGs and STD.

In order for codes of ethics, custom and practice to be accepted by the NTA/NTO they should satisfy five criteria. They must:

1. Be fair and reasonable: the rights and obligations of the parties should be equitably distributed;
2. Be clear: the code or custom and practice should be precise. It should be clear what it is that you are required to do in order to comply;

3. Be known: the code or custom and practice should be widely disseminated and commonly understood;
4. Not be in breach of an express rule of law: natural justice and existing State regulations take precedence; and
5. Not be designed or enforced in such a way as to discourage new entrants to the trade or profession or in such a way that disadvantaged groups would find it particularly difficult to comply, e.g. unnecessary minimum capital requirements.



Chapter 4

LEGISLATIVE MECHANISMS TO FURTHER THE MILLENNIUM DEVELOPMENT GOALS AND POVERTY ALLEVIATION TARGETS

Goal 1: Eradicate extreme poverty and hunger

Target 1 Halve, between 1999 and 2015, the proportion of people whose income is less than \$1 a day

Target 2 Halve, between 1990 and 2015, the proportion of people who suffer from hunger



This is a matter of policy and strategy rather than law, but it should be reflected in the regulatory framework.

The government should promote and plan for different types of tourism where appropriate for local social and cultural conditions and carrying capacities. Such types of tourism should include religious exchange, education, cultural or linguistic exchange and be community-based, where financial benefits are transferred directly to the host.

The law should provide mechanisms for the support of micro-enterprises, e.g. sole traders, partnerships, cooperatives, trusts and community-based tourism development corporations. Standard legal formats should be created, avoiding complex technical language, where possible. Where it is not possible, because of the nature of the legal system, easy-to-read guides should be prepared to make clear to individuals and communities what their rights and obligations are.

The State, NGOs or local authorities should provide pump-priming financial mechanisms and micro-credit schemes to help micro-enterprises start up and grow. A partnership mechanism could be used whereby the donor and the recipient jointly own the funds and other assets. This allows the donor to mentor the recipient in the early stages and to ensure the efficient use of the resources given. The partnership agreement should provide for the full transfer of the business and its assets to the recipient once a certain target is reached. At this stage, the sum invested by the donor can be converted to a soft loan (with little or no interest) which is repayable. These sums can then be reinvested in another micro-business start-up. A standard partnership agreement should be drafted.

The inclusion of the STD and PA principles in tourism law should be linked to the terms and conditions applicable to tourism enterprise licenses. In addition, such enterprises should be subject to the provisions of the national environmental law. Breach of these provisions should be grounds for suspension or cancellation of a license.

The government should ensure that private sector activities and developments in the tourism sector are carried out with the respect for the conservation of environmental resources and plan for sustainable maintenance of these resources for future generations.

Fiscal incentives should be given for water conservation. Encouragement should be given to the use of water meters. Hotel guestrooms should have notices encouraging guests to conserve water. The import of sanitation hardware should be exempt from customs duties unless such products are made within the country.

Goal 2: Achieve universal primary education

Target 3 Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.



Tourism enterprises employing more than a certain number of staff may be required by law to provide crèches, nurseries, kindergartens and/or other educational facilities to encourage the early development of literacy skills amongst the staff's children. They may be required to do this individually or in concert with other employers.

Goal 3: Promote gender equality and empower women

Target 4 Eliminate gender disparity in primary and secondary education preferably by 2005 and in all levels of education no later than 2015

This provision may be found in the Constitution and/or in specific legislation dealing with gender equality in general and, more specifically, in the employment context. Whether or not this is the case, these goals can be achieved by express provision in the Tourism Law:

- Prohibiting discrimination in recruitment, training, terms and conditions of employment, remuneration, and promotion or in the provision of grants, loans, goods or services;
- Establishing programmes aimed at helping woman, individually and collectively, to establish businesses to service the tourism sector. This may be in the form of financial support and technical know-how assistance for micro-enterprises, cooperatives and other types of business entity;
- Express provisions requiring the make up of any board, council, committee, panel etc., provided for in the law to comprise a minimum number of female members; and
- Positive discrimination measures to provide training programmes aimed at women to make up for under-representation in senior roles in the public and private sectors.

Goal 4: Reduce child mortality

Target 5 Reduce by two-thirds, between 1990 and 2015, the under-five mortality ratio

This is a matter of policy and strategy.

Goal 5: Improve maternal health

Target 6 Reduce by three-quarters, between 1990 and 2015, the maternal mortality ratio

General employment legislation or specific provisions for the tourism sector could provide pregnant employees with:

- Time off to attend ante-natal care clinics;
- A reduction in working hours during later stages of pregnancy; and
- Alternative, more sedentary work, where appropriate.

Goal 6: Combat HIV/AIDS, malaria, and other diseases

Target 7 Have halted by 2015 and begun to reverse the spread of HIV/AIDS

Target 8 Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases

Though mostly issues of health policy and strategy, the following legal measures might be adopted:

- Making it a strict offence for a hotelkeeper, bartender or nightclub owner to allow his premises to be frequented by prostitutes or drug dealers.
- Require nightclubs and bars to provide a health information display and free condom distribution (provided by the health ministry).
- Stricter hygiene provisions for staff accommodation,
- Requiring staff in cafes, restaurants and bars be provided with hygiene training and have a hygiene certificate.
- Requiring restaurant bars and cafes to provide sanitary facilities for customers (and separate ones for staff) with hot and cold running water and appropriate drying facilities. Exemptions may have to be made for areas where these facilities are difficult to provide but priority should be given in programmes of financial assistance to businesses in those areas to meet these requirements.
- Provide the health ministry and/or NTA/NTO with strict powers of inspection and enforcement, including closure orders.
- Strict provisions in health law or in regulations governing cafes, restaurants and bars, requiring staff to report if they are suffering from a notifiable disease (these should be listed by the health ministry) and they should be suspended from work on full or partial pay.
- Making it illegal to discriminate against persons who are HIV Positive.

- Requiring hotelkeepers to fumigate rooms where the guest has been suffering from a notifiable disease.

Goal 7: Ensure environmental sustainability

Target 9 Integrate the principle of sustainable development into country policies and programs and reverse the loss of environmental resources

Target 10 Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation

Target 11 Have achieved, by 2015, a significant improvement in the lives of at least 100 million slum dwellers



Incorporate the following principles in the law:

- Tourism planning, organisation and implementation at the local level shall be an integral part of the sustainable development of tourism at the national level.
- Involvement of different public institutions, private sector, environmental protection associations and the local population in the planning process.
- Tourism planning and management in keeping with the protection of the environmental and human resources.
- Equitable distribution of advantages and costs among tourism promoters and the population in host areas.
- Information, education, motivation and involvement of the local population in the process of tourist facility development.
- Preliminary assessment of tourist facility projects and their possible impact after implementation.
- Involvement of the local population in the formulation of collaborative programmes designed to optimise tourism implementation.

These are based on the UN and UNWTO principles on sustainable tourism development and on the UNWTO Global Code of Ethics in Tourism.

In furtherance of these provisions government and its agencies should:

- Ensure the rational use of tourism resources and the promotion of environmental conservation and protection measures in accordance with annual tourism development programmes, approved by the government;
- Where appropriate, promote State interests in the area of tourism and determine the methods of State property management in the sector;

- Contribute to the development of the tourism industry through direct investment in general and tourism infrastructure in particular;
- Support tourism at the local level through the creation of adequate conditions for the development of tourism infrastructure;
- Ensure the security, protects the rights, interests and property, of tourists;
- Collaborate with other States and international organisations in the field of tourism through the adoption and implementation of international treaties;
- Create a favourable entry visa regime for foreign tourists coming to the country whilst maintaining vigilance on matters of national security; and
- Contribute to the provision of necessary tourists facilities at border-crossing points.

There may also be a legal requirement for employers to provide employees with access to safe drinking water during working hours.

Goal 8: Develop a global partnership for development

- Target 12 Develop further open, rule-based, predictable, non discriminatory trading and financial systems (including a commitment to good governance, development, and poverty reduction – both nationally and internationally)
- Target 13 Address the special needs of the least developed countries (includes tariff- and quota-free access for exports enhanced program of debt relief for HIPC and cancellation of official bilateral debt, and more generous ODA for countries committed to poverty reduction)
- Target 14 Address the special needs of landlocked countries and small island developing states (through the Program of Action for the Sustainable Development of Small Island Developing States and 22nd General Assembly Provisions)
- Target 15 Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term
- Target 16 In cooperation with developing countries, develop and implement strategies for decent and productive work for youth
- Target 17 In cooperation with pharmaceutical companies, provide access to affordable, essential drugs in developing countries
- Target 18 In cooperation with the private sector, make available the benefits for new technologies, especially information and communications.

Any person whose establishment is to be the subject of a classification, licensing, registration, certification or grade should be entitled to make representations to the NTA/NTO or

appropriate authority before any classification etc. is accorded to the establishment and before it is altered or cancelled. There should also be a transparent appeals procedure. This is not only a matter of natural justice, but ensures that the system has a positive nature rather than a negative one, i.e. it encourages the sector to aspire to higher standard.

Where licences or certification are required for the setting up of any business or engaging in any trade or profession:

- The system should be transparent and widely accessible as possible;
- The authority should take a positive approach to administering the system, i.e. helping applicants to meet the requirements rather than zealously seeking to exclude them;
- Rather than reject applications outright, use should be made of “minded to refuse” notices, indicating what needs to be done to succeed with the application;
- Where there are local languages or dialects, information should be provided in that form;
- All licensing and certification requirements should be closely scrutinised to ensure that they do not contain unnecessary provisions that effectively exclude disadvantaged groups from applying; and
- A system of probationary licences and certificates should be introduced for disadvantaged persons unable to meet the full criteria. They can be mentored during that period to help them achieve full licensed or certificated status.

Tourism law should reduce as far as possible all forms of bureaucratic discretion and should have strict anti-corruption provisions.

Special employment law provisions should be made to promote and protect youth employment. These should include:

- Training and education that includes social and life skills;
- Training programmes that develop transferable skills; and
- Mechanisms that encourage those with few or no formal qualifications to develop a document setting out a portfolio of demonstrated skills so as to help them find future employment.



Development of a good Corporate Governance Code containing the principles of corporate social responsibility. There are a number of models for this already being followed in some developed countries. Businesses adopting these codes should be eligible for tax allowances and other privileges. These should be forfeit and, where applicable, repayable where there is evidence of material breach of the code.

Financial institutions may be required by law to operate micro-credit schemes. Alternatively, a voluntary code should be established to encourage such provision and to enable them to write off bad debts against profits for tax purposes.

Tourism law should require all tourism enterprises to provide statistical information to the NTO/NTA and to submit an annual environmental audit report. The NTA/NTO should establish a standard format that permits the respondent to state “no change” where appropriate so as to minimise the bureaucratic burden. It should be an offence to provide false or misleading information.

Tourism law and the general legal framework should protect the legitimate interests of the private sector and should:

- Follow the guidance provided in the World Bank for creating a business-friendly institutional and legal environment;
- Protect intellectual property including the knowledge of indigenous people, for example in relation to traditional medicines;
- Respect the commercial sensitivity of information it collects from private stakeholders;
- Prohibit the unjust seizure of private assets and provide adequate compensation where private property is compulsorily purchased by the State in the public interest. There should be an independent arbitration system where the value of such property is in dispute; and
- Foreign investors should be able to repatriate profits, though incentives should be created to encourage them to reinvest.

The interior ministry should have a legal duty to take all measures necessary, and within its competence, in co-operation with the NTA/NTO to ensure the safety and security of tourists.

Consideration should be given to the designation of a section of the police force as “tourist police” with special training and appropriate powers.

There should be a legal duty on the part of tourists to respect local customs and traditions. There may be a special offence created of “causing public offence”. This will need to be backed up by the provision of information to tourists as to what is and what is not considered appropriate behaviour. Tour guides should be trained to provide advice on this.

Tourism law may provide for a training levy or allocation of funds from any tourist tax.

Priority should be given to the training of underrepresented groups in the sector.

Continuing professional development should be a required part of the contract of employment.

Entry requirements for jobs in the tourism sector should not be confined to those with formal qualifications but should recognise prior experience.

Employers should be encouraged to permit staff (and their children) to have limited and monitored access to the Internet for personal purposes. This might be achieved in conjunction with other employers, e.g. through the provision of a common tourism workers' social club.

Landlocked countries and other disadvantaged States should seek exemptions from some of the WTO-OMC and GATS requirements.



Chapter 5

SUSTAINABLE TOURISM DEVELOPMENT POLICY AND THE MILLENNIUM DEVELOPMENT GOALS

Goal 1: Eradication of extreme poverty and hunger

The staggering in time and space of tourist and visitor flows should be sought so as to reduce the pressure of tourism activity on the environment and enhance its beneficial impact on the tourism industry and the local economy.

Tour operators should be encouraged to offer tourism products at all times of the year and to a range of sites, and to utilise local labour. Their schedules should actively enable tourists to interact with and purchase from legitimate local enterprises and handicrafts producers.

Tourism infrastructure developers should equitably distribute the positive and negative impacts of tourism over time and space.

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 homogenised.

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.



Where skills are equal, priority should be given to local manpower.

Any tours that incorporate cultural shows or visits to traditional events should ensure that the shows/events are not altered in any way to cater for tourists.

Visitor groups should be kept to a minimum in keeping with the carrying capacities of the sites and tours should provide tourists with all necessary information on traditional cultural products, crafts and folklore.

Tour guides should ensure that tourists understand all aspects of traditional cultural products, crafts and folklore, including fair prices, history and quality. Training of guides should be tailored accordingly to reflect this. Guides should ensure that tourists behave appropriately when visiting local cultural shows or traditional events.

Hotels and guesthouses should be encouraged to use local handicrafts and artwork or local products for interior decorations and furnishing etc. where available.

Tour operators, tour guides and hotels and guesthouses should all give preferment to the hire of local workers and train them accordingly, particularly where local skills are favoured, such as ability to communicate in local languages and/or knowledge of local areas.

Tour guides should be classified according to their education level and their abilities in foreign language ability, local knowledge, environmental awareness and ability to guide

tourists for ecotourism and/or community-based tourism. This enables local guides potentially with lower education to attain a guiding classification.

For hotels and guesthouses, tourism Infrastructure developers should utilise local enterprises and labour as a priority over imported substitutes, e.g. for structural changes to premises or supply of products and services to hotel and guesthouses. Long-term linkages with local enterprises should be prioritised.

Goal 2: Achieve universal primary education

Tourism should be incorporated into the general national education framework for all ages, particularly in secondary school and higher education



Goal 3: Promote gender equality and empower woman

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, the handicapped, ethnic minorities and indigenous peoples.

Employment and training policies should not exclude ethnic minorities or women, but should efficiently utilise and develop their specific skills.

Tourism resources belong to the common heritage of mankind. The communities in whose territories they are situated have particular rights and obligations in relation to them and the tourism industry should not alter the gender balance of access to, and utilisation of these resources. Gender studies should be incorporated into all impact assessment studies.

Developments should not negatively alter the gender balance of access to the resources upon which local livelihoods are based (land/water) for local communities. Gender impacts should be incorporated into EIAs prior to developments in sensitive areas and mitigation measures planned and implemented.

Note: www.tourismgender.com is a global knowledge e-network providing an online resource for those interested in sustainable tourism as a tool to promote gender equity and the empowerment of women. The site is coordinated by STCRC and has contributions from SNV.

Goal 6: Combat HIV/AIDS, malaria, and other diseases

Tourists should be provided with information to protect themselves against health risks from malaria and other major diseases including HIV/AIDS. Protection and education of tourists will also ensure local communities do not experience any increased risk to such health risks.

For hotels and guesthouses, the following should be implemented:

- Prohibition of prostitutes on premises;
- Provision of condoms in rooms;

- Provision of anti-malaria measures on the premises;
- Communication of rules, regulations and guidelines to tourists using notices;
- Maintenance of general hygiene standards; and
- Reporting of tourists who violate rules and regulations.

Tour guides should ensure they discourage tourists from using prostitutes.

Goal 7: Ensure environmental sustainability

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 recognise their worth.

Tour operators and tour guides should draw tourists' attention to the provisions of relevant laws, rules and regulations and should ensure that all tours are conducted in a manner that is sensitive to the social and cultural traditions of all ethnic groups of the country.

Tourism should be planned and practised as a privileged means of individual and collective learning about the legitimate differences between peoples, cultures and their diversity, providing fulfilment both for tourists and particularly the host country whose communities have particular rights to tourism resources.



Tourism activities should be conducted in harmony with the attributes and traditions of the host regions and countries and with respect for their laws, practices and customs, and should also respect and follow international standards particularly in business, protection of human rights, the environment or health.

Tour operators should provide tours that respect do not adversely impact upon local communities' livelihoods and lifestyles.

Tourists should be permitted access to, and travel within, the destination country in as liberated a way as is suitable and feasible given security, environmental and social concerns.

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, to facilitate the maximum freedom of travel and widespread access to international tourism.

Tour operators should ensure that tours are suitably planned to facilitate tourists to experience a balance between personal freedom and personal security and safety whilst respecting the protection and maintenance of tourism resources.

Family, youth, student and senior tourism and tourism for people with disabilities should be encouraged and facilitated.

Access and facilities for disabled and older tourists should be incorporated into overall design, planning and implementation with respect to tourist accommodation and other tourist facilities.

Travel for purposes of religion, health, education and cultural or linguistic exchanges are particularly beneficial forms of tourism, and should be encouraged.

Tour guides should be educated in the religion, history and culture of the destination country and be able to communicate this knowledge to foreign tourists.

The value of tourist exchanges, their economic, social and cultural benefits, should be encouraged as part of education curricula.

All stakeholders in tourism development should safeguard the natural environment with a view to achieving sound, continuous and sustainable economic growth geared to equitably satisfying the needs and aspirations of present and future generations.

EIA should be required where development is in a sensitive or protected area. Planning of developments should incorporate energy-saving and water-saving techniques and installations, waste minimisation and recycling, and environmental pollution (inc. noise, dust and odour) reduction plans. Developments should not remove access to environmental resources for local communities without equitable compensation.

Tourism infrastructure should be developed sensitive to varying carrying capacities of tourism sites and planning should distribute equitably the positive and negative impacts of tourism over time and space. EIA and strategic assessment (SEA) of tourism developments should be carried out to negate this.

Tourism infrastructure should be designed and tourism activities programmed to protect the natural heritage composed of ecosystems and biodiversity and to preserve endangered species of wildlife.

Any extension/refurbishment of hotels and guesthouses should not remove access to environmental resources for local communities without equitable compensation.

Tour guides should ensure that tourists do not cause any damage to environmental resources

All forms of tourism development that are conducive to saving rare and precious 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.

Hotels and guesthouses premises should incorporate energy-saving and water-saving techniques and installations, waste minimisation, recycling and environmental pollution (inc. noise, dust and odour) reduction plans. These could include notices to guests to save water and electricity; turning off lights and air conditioning when not using rooms; ensuring that taps are fully turned off when not in use, etc.

The staggering in time and space of tourist and visitor flows should be sought so as to reduce the pressure of tourism activity on the environment and enhance its beneficial impact on the tourism industry and the local economy.

Tour operators should be encouraged to offer tourism products at all times of the year and to a range of sites, whilst being sensitive to varying carrying capacities of such sites

Stakeholders in tourism development, especially tourism professionals, should agree to the imposition of limitations or constraints on their activities when these are exercised in particularly sensitive areas.

Special attention should be paid to the specific problems of coastal areas and island territories and to vulnerable rural or mountain regions.



Studies of the impact of development projects on the environment and natural surroundings should be carried out and practitioners should also be required to 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.

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 that should be widely open to tourist visits.

Encouragement should be given to enable 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.

Financial resources derived from visits to cultural sites and monuments and natural heritage should, at least in part, be used for the upkeep, safeguard, development and embellishment of this heritage.

Goal 8: Develop a global partnership for development

Tourists and visitors 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 and they should be free to contact the consular representatives of their countries of origin in compliance with the diplomatic conventions in force.

Tourists and visitors 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.

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 penalised 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.

Multinational enterprises in the tourism industry should not exploit the dominant positions they may occupy and in particular:

- 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; and
- 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. Joint ventures and equitable working relationships should be facilitated and encouraged.

Exchanges of experience offered to executives and workers, whether salaried or not, from different countries, contribute to foster the development of the world tourism industry. These movements should be facilitated so far as possible in compliance with the applicable national laws and international conventions.

Staff from tour operators and tour guides should be encouraged to train abroad where possible to gain essential hospitality and international relations skills. There should not be restrictions on nationality for staff, particularly for positions where international expertise is beneficial to tourism; however local hires should be prioritised.



APPENDIX A: UNWTO GLOBAL CODE OF ETHICS FOR TOURISM



ARTICLE 1

Tourism's contribution to mutual understanding and respect between peoples and societies

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 to recognise their worth.

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.

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.

It is the task of the public authorities to provide protection for tourists and visitors 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 industry, 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.

When travelling, tourists and visitors 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.

Tourists and visitors 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 2

Tourism as a vehicle for individual and collective fulfilment

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.

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, the handicapped, ethnic minorities and indigenous peoples.

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 penalised 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.

Travel for purposes of religion, health, education and cultural or linguistic exchanges are particularly beneficial forms of tourism, which deserve encouragement.

The introduction into curricula of education about the value of tourist exchanges, their economic, social and cultural benefits, and also their risks, should be encouraged.



ARTICLE 3

Tourism, a factor of sustainable development

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.

All forms of tourism development that are conducive to saving rare and precious 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.

The staggering in time and space of tourist and visitor 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 industry and the local economy.

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.

Nature tourism and ecotourism are recognised 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 4

Tourism, a user of the cultural heritage of mankind and contributor to its enhancement

Tourism resources belong to the common heritage of mankind. The communities in whose territories they are situated have particular rights and obligations to them.

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 tourist 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.

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.

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 standardised.



ARTICLE 5

Tourism, a beneficial activity for host countries and communities

Local populations should be associated with tourism activities and share equitably in the economic, social and cultural benefits they generate, and particularly in the creation of direct and indirect jobs resulting from them.

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.

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.

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 6

Obligations of stakeholders in tourism development

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.

Tourism professionals, insofar as it depends on them, should show concern, in co-operation with the public authorities, for the security, 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.

Tourism professionals, so far as this depends on them, should contribute to the cultural and spiritual fulfilment of tourists and allow them, during their travels, to practise their religions.

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 organised their travel.

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

The press, and particularly the specialised 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 7

Right to tourism

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 national 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.

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.

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.

Family, youth, student and senior tourism and tourism for people with disabilities, should be encouraged and facilitated.



ARTICLE 8

Liberty of tourist movements

Tourists and visitors 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.

Tourists and visitors 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.

Tourists and visitors 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.

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, to facilitate maximum freedom of travel and widespread access to international tourism. Agreements between groups of countries to harmonise and simplify these procedures should be encouraged. Specific taxes and levies penalising the tourism industry and undermining its competitiveness should be gradually phased out or corrected.

So far as the economic situation of the countries from which they come permits, travellers should have access to allowances of convertible currencies needed for their travels.



ARTICLE 9

Rights of the workers and entrepreneurs in the tourism industry

The fundamental rights of salaried and self-employed workers in the tourism industry 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 industry and the flexibility often required of them by the nature of their work.

Salaried and self-employed workers in the tourism industry 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.

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 SMEs – should be entitled to free access to the tourism sector with a minimum of legal or administrative restrictions.

Exchanges of experience offered to executives and workers, whether salaried or not, from different countries, contributes to foster the development of the world tourism industry. These movements should be facilitated so far as possible in compliance with the applicable national laws and international conventions.

As an irreplaceable factor of solidarity in the development and dynamic growth of international exchanges, multinational enterprises of the tourism industry 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 recognised, 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.

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.



ARTICLE 10

Implementation of the principles of the Global Code of Ethics for Tourism

The public and private stakeholders in tourism development should cooperate in the implementation of these principles and monitor their effective application.

The stakeholders in tourism development should recognise the role of international institutions, among which the World Tourism Organization ranks first, and non-governmental organisations with competence in the field of tourism promotion and development, the protection of human rights, the environment or health, with due respect for the general principles of international law.

The same stakeholders should demonstrate their intention to refer any disputes concerning the application or interpretation of the Global Code of Ethics for Tourism for conciliation to an impartial third body known as the World Committee on Tourism Ethics.



WORLD TOURISM ORGANIZATION
ORGANISATION MONDIALE DU TOURISME
ORGANIZACION MUNDIAL DEL TURISMO
ВСЕМИРНАЯ ТУРИСТСКАЯ ОРГАНИЗАЦИЯ
منظمة السياحة العالمية

DECLARATION

“Harnessing Tourism for the Millennium Development Goals”

A representative group of government, industry, UN specialized agencies and civil society leaders met in New York, at the invitation of the World Tourism Organization in its capacity as Specialized Agency of the United Nations, on the eve of the Special United Nations General Assembly, on 13 September 2005, and adopted the following declaration:

Noting:

The growing socioeconomic importance of tourism all over the world, and especially in many developing countries;

The effective contribution of tourism to the achievement of several Millennium Development Goals, as already recognised by the WSSD in Johannesburg and the Brussels Programme of Action, especially those relating to poverty alleviation, environmental conservation and creation of employment opportunities for women, indigenous communities and young people;

The role that tourism plays in most developing, least developed and small island states, as the main - and sometimes the only - means of economic and social development on a sustainable basis, with meaningful linkages to other productive sectors, such as agriculture and handicrafts;

That the increase in mobility is essential to achieve the goal of creating more jobs and eliminating poverty through tourism but that in recent years mobility has been limited by factors such as the lack of security and the rise in the price of fuel affecting air transport.

Noting as well that:

Tourism has not yet been given sufficient recognition by many governments and international development assistance agencies, particularly in view of its enormous potential to generate economic, environmental and social benefits.

Convinced that:

The tourism sector can therefore make a substantially greater contribution to poverty alleviation, economic growth, sustainable development, environmental conservation, inter-cultural understanding and peace among nations.

WE CALL ON the United Nations General Assembly and URGE governments, international and bilateral development assistance agencies, financial institutions, private corporations, NGOs and other interested parties to:

1. Fully recognize tourism, when sustainably developed and managed, as an effective tool to realize the Millennium Development Goals - especially poverty alleviation;
2. Integrate tourism in national development programmes and poverty reduction strategies to contribute to the achievement of the Millennium Development Goals;
3. Encourage good governance, ensuring that all stakeholders, especially at the local level, are duly consulted and responsibilities are clearly defined;
4. Mobilize further domestic resources, in cooperation with financial institutions, micro credit entities, business service providers and encourage the further development of the local private sector to facilitate community driven tourism programmes, and small and medium size tourism enterprise programmes;
5. Encourage large national and multinational companies operating in developing and least developed countries to act in the most sustainable manner, in the context of the tourism sector, adopting strong social responsibility measures towards local communities, and taking specific measures to increase the level of employment of poor people and the supply of goods and services by the poor;
6. Pay increased attention to the social and cultural dimensions of tourism, to further implement the Global Code of Ethics for Tourism, and to continue the fight against exploitation of children in the tourism industry;
7. Encourage cooperation between the public and private sectors to ensure that the necessary infrastructure to facilitate tourism development is in place, as well as to ensure that the necessary conditions of political stability, peace and governance of public affairs are conducive to tourism development;
8. Give higher priority to tourism in development assistance programmes, including ODAs, especially

those focused on planning, infrastructure development, capacity building, technology transfer, and access to markets as well as safety and security, and facilitation of travel;

WE FURTHER INVITE the consideration of all stakeholders to:

9. Follow the UN Secretary General's advice and give support to the activities undertaken by the World Tourism Organization in favor of developing and least developed countries, and to its Sustainable Tourism – Eliminating Poverty (ST-EP) programme and provide funding to the ST-EP Foundation and, where appropriate, to the ST-EP Trust Fund, with a view to creating a large number of sustainable SMEs in areas such as ecotourism, community-based tourism, rural tourism, and sport-related tourism forms;
 10. Draw the attention of governments and other interested parties concerning:
 - a) The crucial role that tourism can play in Small Island Developing States and other tourism-dependent developing economies given the linkages it can forge with other economic activities;
 - b) The fact that such linkages are often limited by the leakage resulting from imports of inputs and financial remittances. In this respect, we recommend governments:
 - Measure such economic linkages and leakages by putting in place Tourism Satellite Accounts according to the methodology adopted by the UN Statistical Commission in 2000 following an initiative of the World Tourism Organization and,
 - Establish programmes to reduce the leakages and generate positive linkages with other economic activities in their countries (such as agriculture, construction, manufacturing industries or handicrafts production).
 11. Underscore the interrelation existing between tourism and air transport, particularly in the case of the poorest countries, emphasize the need to offer development support for infrastructure, capacity building and technology that will enhance safety, security and facilitation of air transport, and ensure that, in so doing, all states fully comply with the International Civil Aviation Organization (ICAO) safety standards, recommended practices and oversight mechanisms;
 12. Endorse in principle the UN Secretary General's initiatives aimed at putting in place innovative financial support mechanisms for development, in addition to the Monterrey consensus on public aid, but recommend that any proposal, such as the voluntary solidarity tax for air
- passengers does not negatively affect tourism flows to the developing and least developed countries;
 13. Integrate tourism in current and future actions regarding climate change, especially in light of the forthcoming conference convened by the World Meteorological Organization and taking into account the Djerba Declaration on Climate Change and Tourism (2003);
 14. Harness the human resource potential of poor people in the delivery of quality services through the tourism value chain. There is a pressing need for capacity building at the local destination level, including a) improved employment policies; b) expanded education and training opportunities at the general education, vocational and professional levels; and c) dissemination of know how and good practices through enhanced knowledge management systems;
 15. Facilitate access to Global Environmental Facility (GEF) funding for those tourism development projects, including ecotourism, that contribute to biodiversity conservation, protection of coastal areas, oceans and seas, and similar environmental objectives;
 16. Integrate tourism into current debates concerning water resources, since in many cases the needs of tourism development compete with those of host communities, while in many others it is tourism that permits the funding of large water supply or water treatment infrastructure projects;
 17. Facilitate access of LDCs to trade in tourism services, following UNCTAD's Sao Paulo Conference in 2004, especially in the post-Doha negotiations and in preparation of the forthcoming negotiations and debates on trade in services to be held at the Summit of the World Trade Organization in Hong Kong.

In conclusion, we encourage the World Tourism Organization to actively participate in the Global Partnership for Development, including the achievement of the goals contained in the Millennium Declaration, the Brussels Programme of Action and the Monterrey Consensus. We strongly reiterate our determination to contribute to the timely and full realization of the development goals and objectives that have emerged from major United Nations Conferences and Summits, especially the Millennium Development Goals, which have galvanized unprecedented efforts towards helping the world's poorest people overcome poverty.



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Printer-friendly version **OFFICE OF THE SECRETARY-GENERAL OF UNCTAD**E-9042
Palais des Nations
8-14, Av. de la Paix
1211 Geneva 10
SwitzerlandT: +41 22 917 5634
T: +41 22 917 5806
F: +41 22 917 0042
E: sgo@unctad.org*Statements by Supachai Panitchpakdi, Secretary-General of UNCTAD***The World Tourism Organization side event on *Harnessing tourism for the Millennium Development Goals*
2005 World Summit
New York
13 September 2005**Excellencies,
Ladies and Gentlemen,

In most developing countries, the task of diversifying the economy away from traditional commodity sectors remains a very difficult one. Even the traditional comparative advantage of poor countries - low labour costs - is an asset of less importance today, as most investors attaching greater value to the availability of local technical skills and efficient services than to cheap labour.

In this context, developing countries will still have to rely on two types of assets present in many parts of the world: environmental beauty, and cultural wealth. Both of them offer great potential for development gains, if harnessed for tourism in a sustainable and wise manner. Even those countries not blessed with such winning geographical features as sandy, sunny beaches or white mountain ranges can often develop specialized sectors and fill niche markets. The United Nations can help these countries identify the tourism niche best suited to their national characteristics, based on the nature of their physical and cultural assets, in the light of evolving trends in the international tourism market.

Attracting tourists alone, however, is not enough. Effectively harnessing tourism for development, and making it a tool for poverty reduction, requires the creation of linkages with the local economy. The greater the local input to the tourism industry, especially in the form of local labour and local supplies of goods and services, the greater the proportion of tourist expenditure that filters through to the local economy. The challenge for policy makers wishing to develop a tourism industry is thus also to encourage competitive, steady local supplies to the hospitality industry (and supplies of food and beverages in particular). Encouraging local employment in the tourism industry is another important avenue to poverty reduction. It can be a catalyst for the tourism-farming linkage, as local employees in the hospitality industry are natural advocates of providing local supplies to the industry. Local employment can also be a first step towards local ownership.

The need to create linkages is crucial. It is also the only response to the concern with "leakages" in the industry - leakages that occur through repatriation of profits, remittances sent abroad by expatriate workers, and imports of goods and services in the absence of an adequate supply of local inputs in the host country. Foreign partners are often indispensable at the beginning of the process, but local counterparts must be encouraged, motivated and supported in parallel, from the very start. This implies a need for national awareness, but also for an appropriate policy framework.

It is further necessary to ensure the sustainability of the tourism industry. Countries must prevent their environmental beauty and

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cultural wealth from being damaged by tourism, in the same way as many primary commodities continue to be depleted by extractive industries. This is necessary not only to make tourism a lasting source of income, but also to prevent the loss of unique and irreplaceable parts of world heritage.

Many developing countries have now begun to encourage deeper involvement by local economic actors in the development of the tourism product. This implies efforts to develop relevant human resources and encourage tourism-specific entrepreneurship through awareness-raising and financial and technical support, particularly for small enterprise development, which can have a significant local socio-economic impact. In addition, many developing countries are beginning to make greater use of the Internet for marketing purposes. For small tourism enterprises, "e-tourism" marketing and branding tools - such as those being developed by UNCTAD - are often the only avenue for reaching the international market at little cost.

Developing an appropriate policy framework can be facilitated and supported through tailor-made technical assistance, in particular through a range of capacity-building, awareness-raising and training activities relevant to enterprise development in the tourism sector and to negotiations in the multilateral trading system (GATS schedules) and with foreign companies (investors, tour operators, etc.).

International efforts to build sustainable, locally rooted tourism industries should be supported, since they can play a crucial role in achieving the Millennium Development Goals and in building sustainable sources of income for the vulnerable countries of our global community.

UNCTAD will continue to support the sustainable development of tourism in developing countries, and particularly the LDCs, with a view to broadening the range of available economic opportunities.

Thank you for your attention.

Quick Links: | [UNCTAD's E-Tourism Initiative](#) |

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SUSTAINABLE
TOURISM



CRC

SNV

Connecting People's Capacities

Tourism Legislation and the Millennium Development Goals

The Millennium Development Goals (MDGs) are the most broadly supported, comprehensive, and specific poverty reduction targets the international community has ever established.

Given this broad international commitment, these MDGs are the fulcrum on which development policy should be based. For the billion-plus people living in extreme poverty, they provide a means to a productive life. For everyone on the planet, they can be the linchpin for the quest for a more secure and peaceful world.

Tourism is one of the fastest growing sectors in developing countries and can make a huge contribution to national and local economies. It can make a major contribution to the attainment of the MDGs, if managed properly and if the sector is integrated in the country's MDGs and poverty reduction strategies.

The analytical framework in this document is a methodology to assess existing tourism legislation and policies in the context of the MDGs and to assist developing countries to develop a legal and policy framework for tourism so that it accords with and promotes the MDGs targets.