



Roundtable Human Rights in Tourism e.V.
Charlottenburger Str. 51a – 13086 Berlin - Germany

Antje Monshausen
Chairwoman

Roundtable Human Rights
in Tourism

Phone 0049 30 65211 1807
info@humanrights-in-tourism.net

UNWTO World Tourism Organization

Secretary General

Dr. Taleb D. Rifai

Capitán Haya 42

28020 Madrid

Spain

Cc:

Federal Ministry for Economic Affairs and Energy, Germany
Federal Ministry for Economic Cooperation and Development, Germany
State Secretariat for Economic Affairs, Switzerland
Dutch Ministry of Foreign Affairs

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Open Letter: Draft Framework Convention on Tourism Ethics

Dear Mr. Secretary General,

we have noted with high interest UNWTO's Draft Framework Convention on Tourism Ethics. We acknowledge and appreciate this as an important effort to strengthen the former Code of Ethics and bring it into implementation through the creation of duties and obligations for state parties, which would further encourage all stakeholders in tourism to apply to those ethics principles.

Being pioneers in implementing the UN Guiding Principles on Business and Human Rights in the tourism sector with members from the tourism industry, travel trade associations as well as from non-governmental organizations, the international 'Roundtable Human Rights in Tourism'* would like to take the opportunity to comment on the Draft Convention on Tourism Ethics (version June, 19th).

1. We understand the intention to transform the Global Code of Ethics into a convention without any changes in wording, as this would lead to further delays in the process to introduce binding concepts on tourism ethics. However, the 1:1 transformation of the code to a convention appears very hasty to us and is a lost opportunity to review the code in the light of current developments in tourism as well as in the field of international policies and governance. While the UN Guiding Principles on Business and Human Rights (UNGPR) and the 2030 Agenda on Sustainable Development are mentioned in the preamble, they seem not yet fully reflected and integrated in the ethical principles. Even though most of the principles are more relevant than ever before, the



strategies and instruments described in the Global Code of Ethics date back to the 1990s, characterized by a weak focus on the social dimension of sustainability. We strongly recommend a review process, which includes the consultation and participation of small and medium enterprises (SMEs) – the heart of the tourism industry – as well as NGOs and affected communities. We are ready to voluntarily contribute to such a review process, at any time.

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2. The Roundtable Human Rights in Tourism is following a clear rights-based approach. Since 2011, with the adoption of the Guiding Principles on Business and Human Rights, the responsibility of businesses to respect human rights and to act with due diligence, is clearly described. We miss a clear and concrete integration of these important principles in the draft convention. Additionally, we contradict the argumentation that a right to tourism derives from the Universal Declaration of Human Rights. On the contrary, we are concerned that the focus on a right to tourism diverts the attention from other human rights that are still threatened in the context of tourism, such as the right to decent work, the right to housing or the specific rights of children, women and indigenous people, just to mention a few.
3. Our most severe concern lies with the fact that the conciliation mechanism of the convention is planned to be isolated from the convention itself and included in an optional protocol, which member states have to ratify additionally. This is a serious step backwards in the process of the implementation of ethics in tourism and threatens the credibility of the convention.

The conciliation mechanism has the potential to provide an important non-judicial complaint and remediation mechanism as explained as a joint obligation for states and businesses in the UNGP, thus offering a trustworthy basis for an effective and meaningful sector-wide dialogue format accessible to all tourism stakeholders. Finding this mechanism now in an optional protocol is extremely disappointing for companies that are trying to find ways to meet the expectations regarding their obligation to respect human rights described in the UNGP.

Additionally, there is a serious need to advance this mechanism in order to be effective. The UNGP describe in Article 31 effectiveness criteria, amongst others the need for legitimacy, accessibility, accountability and transparency. The proposed optional protocol is lacking on all aspects, due to the fact that both parties – the aggrieved as well as the charged party – have to submit issues for consideration jointly and in person. This is not realistic, taking into account the different power structures between affected communities, nation states or companies.

We would strongly encourage you to review the functioning of the existing conciliation mechanism and advance it in line with the effectiveness criteria. This



conciliation mechanism needs to be included as an integral part of the “Convention on Tourism Ethics”, for example in Article 3 on means of implementation.

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With this letter, we would like to reaffirm our serious commitment to UNWTO to jointly work on the implementation of ethics in tourism. We hope that you open a way for a necessary review and consultation process of the draft convention. We reaffirm our willingness to be a constructive partner in such a process and await your response on this open letter.

Yours sincerely,

Antje Monshausen, Tourism Watch at Bread for the World
Christine Plüss, akte – Working Group on Tourism & Development
Matthias Leisinger, Kuoni Switzerland
Peter-Mario Kubsch, Studiosus Reisen
Petra Thomas, forum anders reisen
Sören Stöber, Travelife for Hotel and Accommodations
Thomas Bohlander, Gebeco

Board Members of the Roundtable Human Rights in Tourism

* The ‘Roundtable Human Rights in Tourism’ is an international alliance of tourism enterprises, tourism associations and non-governmental organisations from Germany, Austria, Switzerland, the Netherlands and the UK who are committed to the respect of human rights in tourism.

Members of the Roundtable Human Rights in Tourism are:

a&e erlebnis:reisen, Germany
akte – Working Group on Tourism & Development, Switzerland
ANVR - Dutch Association of Travel Agents and Tour Operators, The Netherlands
Austrian Travel Association, Austria
BBS 14 vocational school, Germany
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