

S1 Microeconomics & Accounting Module

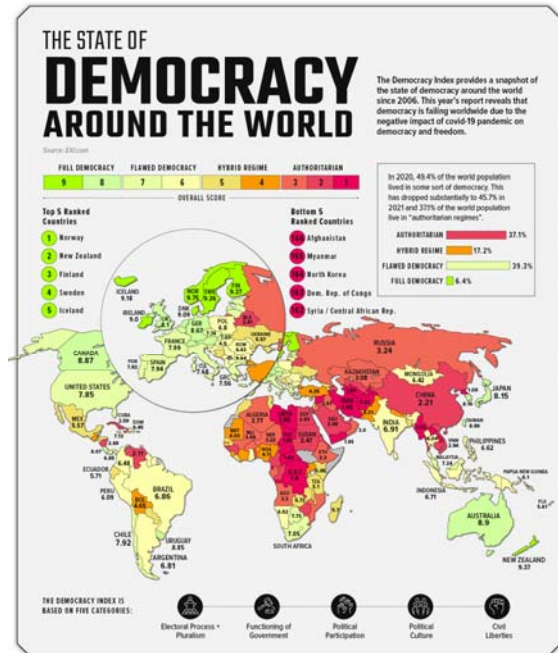


Sociopolitical Part
Course 3

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Menu of the day

Is tourism a right or a duty?
Political coordinates test



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Is tourism a right or a duty?

In Switzerland



For tourists

In the Constitution :

No direct reference to tourism or to the right or freedom to travel in fundamental rights

Only - **Art. 24 Freedom of domicile**

¹ Swiss citizens have the right to establish their domicile anywhere in the country.

² They have the right to leave or to enter Switzerland.



For tourism providers

Wide range of players and activities, cross-cutting sector with no specific federal law on tourism.

Laws and regulations by sector: e.g. commercial law, company law, contract law, employment law, liability law, code of obligations, collective labour agreements, etc.

At different levels:

- Federal law, e.g. law on ski lifts, law on Switzerland Tourism, law on second homes
- cantonal, e.g. in VS and FR law on tourism, law on hotels and catering (LHR)
- local authority, e.g. regulations on tourist taxes or terraces in public spaces



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Is tourism a right or a duty?

At international level



For tourists and tourism service providers

A whole series of legal standards (e.g. for travel formalities, visas, representation abroad, air traffic) but also international standards (ISO) for tourist services or sustainability.

For tourists?



In the Universal Declaration of Human Rights (adopted by the United Nations General Assembly in December 1948):

- Art. 13: (1) Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

- Art. 15: (1) Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality or of the right to change his nationality.

- Art. 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

No specific provisions in the European Convention on Human Rights.



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Is tourism a right or a duty?

At international level

What kind of tourism?

For tourism, as an economic sector and on an international level, integrating the notion of fundamental human rights and ensuring that they are respected is relatively new and still "a major undertaking".¹

- 1990s:
1st concerns about environmental constraints and the social and economic effects of tourism -> notion of "sustainable" or responsible tourism
- 2000s:
United Nations Global Compact -> promoting corporate responsibility in the field of human rights
World Tourism Organisation (UNWTO, www.unwto.org): Global Code of Ethics for Tourism (2001), Framework Convention on Tourism Ethics (2019)
- Private initiatives - associations: e.g. the Roundtable Human Rights in Tourism (www.humanrights-in-tourism.net)



D

Is tourism a right or a duty?

At international level

THE GLOBAL CODE OF ETHICS FOR TOURISM (<https://www.unwto.org/global-code-of-ethics-for-tourism>)

Context

- The desire to provide a reference framework for the responsible and sustainable development of world tourism
- Idea approved by the General Assembly of the World Tourism Organisation (WTO) in 1997, followed by 2 years of drafting.
- Inspired by numerous similar declarations and pre-existing professional codes in the sector + consultation with the private sector, non-governmental organisations and trade unions => collection of comments from +70 Member States and other bodies
- The Code was unanimously approved by the UNWTO General Assembly in 1999.
- The United Nations General Assembly took official note of the document in 2001 and encouraged the UNWTO to promote effective monitoring of the Code's implementation.

The Code is :

- A set of **10 principles** to guide the key players in tourism development
- For public authorities, travel professionals, local populations and tourists
- The desire to help maximise the beneficial effects of tourism while minimising its negative impact on the environment, cultural heritage and societies around the world.



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At international level

THE GLOBAL CODE OF ETHICS FOR TOURISM


Preamble


- Tourism as an instrument of peace and a factor for friendship and understanding between peoples
- Recognition of the powerful effects of tourism, both positive and negative, on the environment, the economy and society
- Preference for a market economy, private enterprise and free trade
- The conviction that it is possible to reconcile the economy and ecology, the environment and development, openness to international trade and the protection of social and cultural identities.
- All stakeholders (public authorities, businesses, associations, professionals, tourists) have responsibilities, rights and duties.


+ references to a series of international texts, but in particular to the Universal Declaration of Human Rights

What's the point?

The Code is not legally binding. Article 10 provides for a voluntary application mechanism, via the World Committee on Tourism Ethics, which can be consulted by stakeholders on questions relating to the application and interpretation of the document.



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THE GLOBAL CODE OF ETHICS FOR TOURISM


10 principles (articles) covering the economic, social, cultural and environmental components of travel and tourism.

1. Tourism's contribution to mutual understanding and respect between people and societies 
2. Tourism, a vehicle for individual and collective fulfilment 
3. Tourism, a factor in sustainable development 
4. Tourism, a user of humanity's cultural heritage and a contributor to its enrichment 
5. Tourism, a beneficial activity for host countries and communities 





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THE GLOBAL CODE OF ETHICS FOR TOURISM



6. Obligations of those involved in tourism development :



- 6.1 provide objective and sincere information on the destination, and on the conditions of travel, reception and stay; ensure complete transparency of contract clauses (nature, price, quality of services).
- 6.2 be concerned, in cooperation with the public authorities, with safety, accident prevention, health protection and food hygiene; ensure the existence of appropriate insurance and assistance systems; accept the obligation to be accountable and, where appropriate, to pay fair compensation.
- 6.3 Public authorities (home and host countries): ensure that the necessary mechanisms are in place to repatriate tourists.
- 6.4 Governments: right and duty, especially in times of crisis, to inform their citizens of difficult conditions or even dangers (care must be taken to ensure proportionality).
- 6.5 the press + media: provide honest and balanced information on events and situations likely to influence tourist numbers; provide consumers of tourist services with accurate and reliable information.



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THE GLOBAL CODE OF ETHICS FOR TOURISM



7. The right to tourism :



- 7.1 The right of all the world's inhabitants to discover the riches of the planet; the best effect of the continuing growth in free time = participation in tourism; do not stand in the way.
- 7.2 right to tourism for all ⇔ right to rest and leisure (reasonable limitation of working hours and paid holidays).
- 7.3 social tourism (associations) to be developed with the public authorities, as it allows access to leisure, travel and holidays for as many people as possible.
- 7.4 Encourage and facilitate tourism for families, young people and students, the elderly and the disabled.



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8. Freedom to travel for tourism :



- 8.1 Tourists and visitors: freedom of movement within their country and from one State to another, in accordance with international law and national legislation; access to transit and residence areas and to tourist and cultural sites without undue formality or discrimination.
- 8.2 tourists and visitors: the right to use all available means of communication, whether internal or external; to enjoy prompt and easy access to local administrative, judicial and health services; to contact their consular authorities freely.
- 8.3 tourists and visitors: the same rights as citizens of the country visited with regard to the confidentiality of personal data and information.
- 8.4 adapt administrative procedures for crossing borders (visas, health and customs formalities) to facilitate freedom of travel and access to international tourism for as many people as possible.
- 8.5 travellers: to have at their disposal, as far as the economic situation of the countries from which they come permits, the convertible currency allocations necessary for their travel.



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THE GLOBAL CODE OF ETHICS FOR TOURISM



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



- 9.1 guarantee the fundamental rights of employees and self-employed workers in the tourism industry (attention to seasonal constraints, flexibility).
- 9.2 The right and duty to acquire appropriate initial and further training for employees and self-employed workers; adequate social protection to be provided (seasonal workers).
- 9.3 the right to develop a professional activity in the field of tourism, within the framework of national legislation in force, for any person; free access to the tourism sector with minimum legal or administrative restrictions for entrepreneurs and investors.
- 9.4 facilitate exchanges of experience between managers and workers from different countries (contribute to the development of the global tourism industry).
- 9.5 Multinational companies: not to abuse their dominant position; to avoid becoming the vehicle for cultural and social models artificially imposed on host communities; in exchange for the freedom to invest and operate commercially that must be fully recognised, a duty to become involved in local development (to avoid repatriating profits or reducing their contribution to local economies).
- 9.6 Establish balanced relations between businesses in generating and receiving countries => sustainable development of tourism and fair distribution of the benefits of its growth.



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THE GLOBAL CODE OF ETHICS FOR TOURISM



10. Implementation of the Code's principles :



- 10.1 cooperation between public and private players to implement and monitor effective application.
- 10.2 the recognised role of international institutions, in particular the UNWTO, and non-governmental organisations.
- 10.3 disputes relating to the application or interpretation of the Code submitted to the World Committee on Tourism Ethics (impartial third party, made up of independent elected persons, representing neither state nor administration; 1 chairman + 8 members + 3 deputies).

For the future

To make the Code of Ethics more effective, the Committee has decided to convert into a **legally binding** international treaty; preparatory work between 2015 and 2017. Framework Convention adopted in Sept 2019 by UNWTO GA.
 -> UN and UNWTO member states are invited to sign this convention;
 -> it has not yet come into force (10 states need to sign it...)



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COUNTERPOINT TO ART. 7 RIGHT TO TOURISM

It is impossible to deduce a right to tourism from the "right to rest and leisure" and the "right to freedom of movement" (see p.4):

- leisure ≠ travel and tourism
- freedom of movement ≠ right to enter another country

- > Where is the participation of civil society in UNWTO structures and procedures?
- > Are the perceptions of the people affected by tourism in the destinations really taken into account?
- > Individual responsibility of tourists, travel choices taking into account the "human rights" aspect?



Practical tips for responsible travel (2017)

Derived from the Global Code of Ethics for Tourism and published by the UNWTO, a brochure to help travellers adopt even more responsible behaviour; revised in 2020 with the addition of advice on travel safety and security.

<https://webunwto.s3.eu-west-1.amazonaws.com/s3fs-public/2020-07/Tips-for-Responsible-Traveller-WCTE-EN.pdf>



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DUTY TO PROTECT TOURISTS

COVID-19 crisis:

- absence of an international legal framework for assistance to international tourists in emergency situations
- lack of international uniformity of consumer protection rights in tourism

A draft convention has been under discussion at the UNWTO since 2017 -> it was time to move up a gear! **International Code for the Protection of Tourists (ICPT)**, adopted by the UNWTO General Assembly in December 2021.

States are free to sign up to the code, which is not legally binding; private stakeholders are encouraged to commit to respecting it.

In order to support the recovery of the tourism sector, the ICPT was created with a view to restoring tourist confidence by developing and harmonizing minimum international standards, and providing sufficient guarantees for the protection of international tourists in the post COVID-19 world.

THE ICPT

The ICPT comprises five chapters relating respectively and including recommendations on:

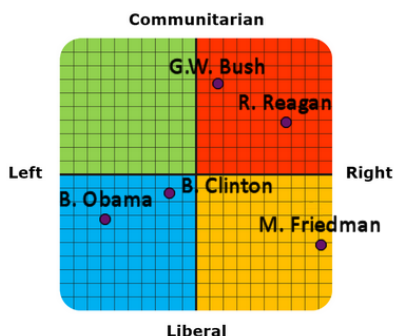
- i. **CHAPTER ONE: Definitions and Clarifications**
- ii. **CHAPTER TWO: Assistance to International Tourists in Emergency Situations**
- iii. **CHAPTER THREE: Tourists' Protection in Contracts**
- iv. **CHAPTER FOUR: International Settlement of Travel and Tourism Disputes via Alternative Means of Dispute Resolution**
- v. **CHAPTER FIVE: Mechanisms for Adherence to and the Application of the Recommendations of the International Code for the Protection of Tourists**



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Political coordinates test

Take the test at: <https://www.idrlabs.com/political-coordinates/test.php>



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