

UNWTO-Civil Society Participation

Why it is time for the UNWTO to open its doors

A Briefing for UNWTO Member States prepared by Tourism Concern on behalf of TEN members and ECOT

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Introduction

Under its mandate as a UN organisation, the UNWTO is required to be transparent and accountable to all tourism stakeholders. However, its current levels of civil society engagement are insufficient and unrepresentative of the multi-stakeholder approaches commonly practiced by the majority of UN agencies. Meaningful civil society engagement, including with organisations challenging unsustainable tourism development practices and associated human rights violations, is essential for eradicating exploitation within the global tourism industry and for promoting a more ethical industry, as espoused in the UNWTO's Global Code of Ethics.

This document follows a meeting with the UNWTO Secretary General and Tourism Concern and Tourism Watch on behalf of the European Tourism Network (TEN) and the Ecumenical Coalition on Tourism (ECOT) in October 2010. This meeting was initiated following a joint sign-on letter from the two NGO networks, which raised their shared concerns around: (i) the urgent need to address the human rights impacts of tourism development and; (ii) the need for the UNWTO to facilitate increased civil society participation in its processes.

This document is in three parts. Parts 1 and 2 set out key recommendations and considerations to the UNWTO in relation to this issue; Part 3 contains recommendations specifically concerning Article 10 of the Global Code of Ethics and the World Committee on Tourism Ethics. It constitutes an abridged version of a briefing produced for the UNWTO in June 2011, which also contains a number of existing models of UN agency-CSO participation for their consideration. This was distributed at the UNWTO Seminar on Tourism Ethics for Asia and the Pacific and the subsequent meeting of the World Committee on Tourism Ethics in Bali on 11-13 June 2011.

The TEN members listed on page 4, along with ECOT, believe that it is now incumbent upon UNWTO and its members, *including member states*, to allocate the requisite resources to further research develop and implement mechanisms for sustained, enhanced civil society engagement, based on a clear policy and strategy, and devised in an inclusive, participative manner.

1. Recommendations

- Meaningful civil society participation, including with stakeholders challenging unsustainable tourism development practices and associated human rights violations, is essential for eradicating exploitation within the global tourism industry and for promoting a more ethical industry, as espoused in the UNWTO's Global Code of Ethics.
- This issue requires a genuine commitment from the UNWTO and its members, including the requisite resources to further research, develop and implement mechanisms for sustained, enhanced and legitimate civil society engagement, based on a clear policy and strategy.
- To this end, we wish to draw the UNWTO's attention to a number of key documents, including the *Stakeholder Empowerment Project (2009)*¹, the *Cardoso Report*¹ and the *Aarhus Convention*², these providing examples of key documentation on civil society empowerment and the need for meaningful engagement of civil society in all UN processes at the decision making level.

¹ The Cardoso Report (2004), A/58/817, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/376/41/PDF/N0437641.pdf?OpenElement>

² Aarhus Convention (1998), Available: <http://www.unece.org/env/pp/documents/cep43e.pdf>

- Meaningful engagement is likely to include the need to provide financial support to CSOs so that they may attend major conferences and events. Opportunities for providing written submissions would also be welcomed, including to the meetings of the WCTE.
- Civil society engagement in UNWTO processes should be open and accessible to all those with a stake in tourism, not just based on the self-selection of those who can afford affiliate membership. PLATMA, the UNWTOs online forum set up to increase dialogue between the private and public spheres of the industry, remains closed to those not affiliated with the UNWTO. The UNWTO needs to take a proactive role in ensuring the participation of all tourism stakeholders, particularly those who are socially marginalised and who otherwise struggle to have their voices heard.
- Besides considering the models referred to in the Appendix of this report, the UNWTO may also wish to consider its positioning within the wider UN system. For example, a closer alignment with treaty-monitoring bodies, such as the Human Rights Committee, could foster new lines of communication, support and intra-UN agency understanding on issues of tourism development, human rights and civil society engagement.
- Article 10 of the Global Code and the WCTE have the potential to provide an important non-judicial mechanism for victims of human rights violations related to tourism development to seek redress, as identified by the UN Special Representative on business and human rights. Specifically, the SRSO's *Guiding Principles* for implementing the 'protect, respect, remedy' framework could provide some critical pointers for improving the WCTE in respect to accountability, transparency and accessibility, amongst other things: all areas in which it is currently lacking (see page 2).
- However, voluntary, non-judicial mechanisms, such as those provided through Article 10 are insufficient on their own and must not detract from the principle responsibility of UNWTO member states to protect and uphold human rights against corporate abuse and provide access to redress for victims through clear regulatory frameworks and robust judicial mechanisms. This should extend to the overseas operations of businesses based/headquartered in their jurisdiction.

2. Additional considerations for the UNWTO

- Almost all UN agencies have a **civil society Focal Point** whose role is to ensure mainstreaming of civil society into agency processes and effective communication with CSOs in this regard. The CSO Focal Point is usually a staff member of the particular agency, programme or fund. Their role is to act as a point of information for all civil society actors working around the issues, and also to innovate new interfaces with civil society (i.e. hearings, dialogues, advisory boards, partnerships, etc.).
- Many UN agencies have '**civil society hearings**' with relevant ministers, where CSOs can submit evidence for or against specific policy processes and have a general influence over decision making e.g. UNAIDS, Civil Society Hearing during the High Level Meeting on AIDS, 2008³. The UNWTO should adopt such hearings in respect to opening up the organisation to all stakeholders of tourism.
- The facilitation of **roundtables** that engage with civil society is another tool adopted by many UN agencies. Roundtables allow decision makers to explore issues more fully with smaller groups but also for civil society and other stakeholders to interact with the decision makers. When carried out effectively they can generate high quality discussion in a 'safe' and 'risk free' environment and as such should be implemented by the UNWTO when engaging with civil society. See UNEP Ministerial Roundtables case study in the Stakeholder Empowerment Project pp.21-3.

³ The Stakeholder Forum (2009), 'Case Studies: Hearings', *The Stakeholder Empowerment Project: Stakeholder Forum for a sustainable future*, Chapter 2, pp.15-20. Available: <http://www.stakeholderforum.org/fileadmin/files/The%20Stakeholder%20Empowerment%20Project.pdf>

- **Multi-stakeholder dialogues** are useful in identifying points of convergence and divergence amongst a range of stakeholder groups. A key objective of multi-stakeholder dialogues is to enhance levels of trust between the different actors, to share information and institutional knowledge, and to generate solutions and relevant good practices. See case studies in the Stakeholder Empowerment Project pp. 24-27.
- **Global civil society forums** have become a popular method⁵ for gathering stakeholders, sharing knowledge and developing policy statements amongst different actors. They often run just prior to the intergovernmental high level meeting so that a set of recommendations, a declaration or a statement can then be passed on and included in the high level segment. See Stakeholder Empowerment Project case studies pp. 28-30.

3. Article 10 and the World Committee on Tourism Ethics

Specific steps are also required by the UNWTO to increase CSO awareness and engagement in relation to Article 10 of the Global Code of Ethics for Tourism, and the associated activities of the World Committee on Tourism Ethics (WCTE). Article 10 and the WCTE have the potential to provide an important non-judicial, non-state based mechanism for communities who believe their rights have been violated by specific parties involved in tourism development to seek redress.

However, in order to be effective, such mechanisms must be legitimate, accountable and transparent, as highlighted by the Special Representative of the UN Secretary General (SRSG) on the issue of human rights and transnational corporations and other business enterprises⁴. We would argue that Article 10 and the WCTE are lacking on all accounts, given the low levels of awareness that exist amongst CSOs, the overarching exclusivity of the UNWTO with respect to non-industry based stakeholders and small CSOs generally, and the need for aggrieved parties to submit issues for consideration to the WCTE jointly. We suggest that the extracts below from the SRSG's *Effectiveness criteria for non-judicial grievance mechanisms* could be used by the UNWTO to inform improvements to the WCTE processes in respect to Article 10, so that it may become a more effective and accessible means for human rights victims to potentially seek non-judicial redress.

Effectiveness criteria for non-judicial grievance mechanisms⁵

In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be:

- (a) **Legitimate:** enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;*
- (b) **Accessible:** being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;*
- (c) **Predictable:** providing a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;*
- (d) **Equitable:** seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;*
- (e) **Transparent:** keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;*
- (f) **Rights-compatible:** ensuring that outcomes and remedies accord with internationally recognized human rights;*
- (g) **A source of continuous learning:** drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms*

⁴ Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (March 2011) *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*. Available: <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf>

Such voluntary mechanisms do not, however, dilute the need for states to provide clear regulatory frameworks that ensure the protection of civilians, including against human rights abuses committed by third parties. This includes transnational corporations and business enterprises operating extraterritorially, and thus relates to many private sector tourism stakeholders. Where states have failed to adopt legislation that would impose extraterritorial liability on multinational corporations for the breach of human rights, the OECD Guidelines for Multinational Enterprises⁷ provides a potential alternative tool for holding companies accountable for human rights abuses and is applicable to all companies from OECD countries.

*The recommendations in this document have been endorsed by the following organisations, all of which are members of the **Tourism European Network (TEN)**, as well as the **Ecumenical Coalition on Tourism (ECOT)**, TEN's southern partner.*

TEN is a network of NGOs working on tourism, human rights and development. ECOT works with faith and secular groups to promote socially, ecologically and ethically responsible tourism that benefits all.



Tourism Concern (UK) www.tourismconcern.org.uk



EED Tourism Watch (DE) www.eed.de



Naturefriends International (Austria) www.nfi.at



Respect (Austria) www.respect.at



Informatie Verre Reizen (NL)



Arbeitskreis Tourismus & Entwicklung (CH) www.akte.ch,
www.fairunterwegs.org



Ecumenical Coalition on Tourism www.ecot.org