WORLDWIDE AIRPORT LAWYERS ASSOCIATION

WELCOME TO WALA XV | WILLEMSTAD, CURACAO, MAY 26-28, 2025

UN TOURISM & LAW

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Hosts

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CUR CURAÇAO INTERNATIONAL AIRPORT

CURAÇAO Curaçao Tourist Board

DCANSP Dutch Caribbean Air Navigation Service Provider

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UN Tourism

- **Specialized agency of the United Nations** with the decisive and central role in promoting the development of responsible, sustainable and universally accessible tourism
- **Leading public international organization in the field of tourism** (Madrid, Spain)
- **Intergovernmental organization operating under International Law** (166 countries and territories and more than 500 Affiliate Members)

Mandate

Article 3 of the UN Tourism's Statutes

"The fundamental aim of the Organization shall be the promotion and development of tourism with a view tocontributing to economic development, international understanding, peace, prosperity, and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. The Organization shall take all appropriate action to attain this objective"

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SOFT LAW

- Definitions, international statistics measurements andother standards developed by the Technical Committees of UN Tourism and a:For example, the definition of "TOURISM"(IRTS 2008,2.9)
- Recommendations and declarations:For example, "UN Tourism's recommendations for theassistance to international tourists in emergency situations"
- Compilations of principles and recommendations (Soft Law codes):
  1. UN Tourism's Global Code on Tourism Ethics (GCTE A/RES/406(XIII)
  2. UN Tourism's International Code for the Protection ofTourists (ICPT) A/RES/732(XXIV)

HARD LAW

- Draft UN Tourism Convention on the Protection of Touristsand on the Rights and Obligations of Tourism Service Providers
- UN Tourism Framework Convention on Tourism Ethics (FCTE) - A/RES/722(XXIII)

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What is Tourism Law?

Definition

- Tourism Law per se is not a specific branch of law, but it has gained didactic autonomy over the years.
- There is no widely accepted definition of Tourism Law (controversial literature: Adolfo Aurioles vs. Pierre P.).
- Generally speaking, Tourism Law can be defined as the "set of legal institutions and rules whose creation or content has beeninspired by the tourism phenomenon"

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Branches of Tourism Law

1. **PUBLIC ADMINISTRATIVE LAW** in the field of Tourism. Public land-use planning and management including, but not limited to:

   - Protection and preservation of historic, artistic and cultural heritage;
   - Enviroment and sustainable management of natural resources;
   - Accessibility
   - Inclusion of the most vulnerable groups in tourism and their legal protection.

2. **PRIVATE LAW in the field of Tourism:**

   - Tourism protection in contracts
   - Corporate social responsibility of tourism enterprises

3. **TOURISTS' CONSUMER PROTECTION:**

   - Protection of the consumer rights of tourists
   - Vulnerability of tourists as consumers (digital tourism environment)

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Complexity of International Tourism Law

Interdisciplinary Character:

- Tourism law per se is not a specific branch of law
- Cross-disciplinary body of public and private rules or principles that draws from administrative law,consumer law, commercial law, civil law, tax law and employment law

Applicable Regulations:

- Tourism activities are not only subject to specific tourism regulations, but also to regulationspromulgated for other areas (e.g., environment, consumer protection, and the preservation of cultural and historical heritage)

Fragmentation:

- Legal vacuum and disparities from country to country regional regulations or in some cases, subject to local

Transnational Nature:

- Tourism as international phenomenon (cross border)
- International conventions applicable to tourism activities

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Legislative trends in Tourism

- Proliferation of non-binding norms in the international legal system (minimum standards,recommendations, best practices, etc.)
- Difficulties in the international adoption of treaties and conventions (draft internationalconventions being converted into Soft Law Instruments):
  - HCCH – Tourists and Visitors ODR Project
  - UN Tourism - draft Convention on the Protection of Tourists and on the Rights and Obligations ofTourism Service Providers
- Regulation of tourism activities limited at regional level. Examples:
  - European Union: revision of EU directives and regulations related to tourism activities andconsumer protection;
  - The Americas: existing disparities in tourism laws, regulations and policies, but significant steps towards harmonization (UN Tourism Observatory on Tourism Law for LAC)
- Legislation is behind innovation (lack of regulation of the digital market and the new digital tourism services)

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What can UN Tourism do on Tourism Law?

- UN Tourism´s role in harmonizing regulatory frameworks is an enormous challenge but an important task to ensure that all tourism stakeholders, including tourists, operate under a clear framework with appropriate guarantees.
- Need to harmonize at the international level tourism law in a world and an industry that is highly and increasingly globalized.
- International soft-law instruments can support Member States dealing with both the traditional and new legislative challenges posed by the dynamic growth of the tourism sector.

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UN Tourism Framework Convention on Tourism Ethics

- UN Tourism's first international convention that reinforces the commitment of countries to implement ethical and sustainable tourism.
- It includes the 9 principles of the Global Code of Ethics for Tourism, adapted to fit the structure of an international treaty.
- Process
  - The UN Tourism General Assembly approved the creation of the Convention in 2015 (resolution 668).
  - A working group with 36 Member States reviewed and adapted the text without changing the original 9 ethical principles.
- Adoption:
  - Adopted by the UN General Assembly on Tourism at its 23rd session in September 2019 (A/RES/722(XXIII)).
  - Available in the five official languages of UN Tourism.

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Legal nature

- Hard Law / legally binding:
  - The conversion of the Global Code of Ethics for Tourism into a Convention changes the legal nature into binding principles that States Parties will be obliged to apply if they ratify the Convention.
  - Once in force, the Convention and the Global Code of Ethics for Tourism will exist simultaneously.
- Ratification and entry into force:
  - Article 19 (Ratification, acceptance, approval, accession) - So far, 4 Member States have ratified the Convention (Albania, Lebanon, Nigeria and Seychelles) and 2 its Optional Protocol (Albania, Seychelles).
  - Article 20.1 (Entry into force 30 days after the date of deposit of the tenth instrument of ratification) - the Convention has not yet entered into force (6 Member States are missing).
- Optional Protocol
  - Includes an Optional Protocol (separate legal instrument) for the settlement of disputes arising from the Convention.

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Purpose

- The Convention is an essential framework for the development of international sustainable tourism law that harmonises national laws with universal ethical principles of sustainability and accessibility.
- The incorporation of its principles into national legal systems represents a step towards more responsible, sustainable and accessible tourism that recognises and protects environmental, social and cultural rights.
- The progressive implementation of the Convention will provide legal certainty and enable States to address the challenges of the sector, while seizing opportunities to develop regulatory frameworks for tourism that promote social inclusion, environmental sustainability and cultural preservation, ensuring economic benefits for all, in a strong and globally consistent legal context.

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Essential content

- Articles 4 to 12 detail the principles necessary for ethically responsible tourism.
- Article 11, which addresses the elements that constitute the principle of freedom of movement of tourists. This principle is framed as a means of promoting economic sustainability by ensuring that states grant visitors the same rights as their own nationals - it discourages the adoption of regulations on the freedom of movement of tourists.
- It discourages the adoption of regulations that hinder border crossing, such as restrictive visa policies or excessive health requirements, in order to allow more people access to international tourism.

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International Code for the Protection of Tourist

Why did UN Tourism draft and approve an international code?

- The COVID-19 crisis highlighted the importance of trust in travel:Lack of an international legal framework to assist international tourists in emergency situations
- Lack of uniformity at the international level on the rights of tourists to consumer protection.
- Unbalanced sharing of responsibilities for the protection of tourists.

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What does the International Code for the Protection of Tourists offer?

- A landmark instrument designed to restore confidence in international travel through a clearer, more transparent and effective framework
- All tourism stakeholders (governments, businesses and tourists themselves) have a role to play in protecting the rights of tourists as consumers.

Main objectives:

- To restore consumer confidence and provide sufficient guarantees to international tourists in the post COVID-19 environment
- To promote a sense of security for tourists and travel and to restore the attractiveness of travel To improve contractual relations between suppliers and recipients of tourism services.

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Tourism Law Observatory for Latin America andthe Caribbean

Pioneering digital tool that continuously and systematically allows for the collection, analysis, updating and dissemination of tourism regulations, both in force and currently under development, in the Latin American and Caribbean region, with the support of a network of academic collaborators and experts in tourism law.

Objectives

- Systematizing: Compile and systematize national legislation and regulations applicable to thetourism sector in the LAC region.
- Analyzing: Monitor and analyze the status of tourism laws and regulations in the LAC region, both at a general level and by specific topics.
- Sharing:Disseminate and share knowledge, best practices and lessons learned in relation to development and improvement of tourism legislation among the countries of the LAC region.
- Optimizing: Develop service lines for the Member States of the LAC region in the field of Tourism Law, including the development, review and optimization of tourism legislation.

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Modus Operandi of the Observatory

Network of academic collaborators:

Universities, academic experts and researchers with relevant expertise on Tourism Law, selected through the Member States of the LAC, support the Observatory by actively participating its various activities (i.e.,collection of legislative information, elaboration of studies, analysis and diagnosis, participation in academic activities on Tourism Law).

THANK YOU!

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