



# **HEALTH, SAFE AND SECURITY IN THE TRAVEL INDUSTRY**

INTERNATIONAL CONFERENCE

ST PETERSBURG  
RUSSIAN FEDERATION

31 October, 2011

Mr. President,

Ladies and Gentleman,

Dear Friends,

HEALTH, SAFE AND SECURITY IN THE TRAVEL INDUSTRY, statement by Frederic PIERRET



I would first like to start out by thanking the Russian Federal Tourism Agency for having taken the initiative to organize this meeting. The timing is perfect, as the tourism industry has encountered a series of crises in 2009, 2010 and 2011. These events were sometimes brutal, and have had a considerable impact on tourism activities.

I would also like to thank you for your welcome and rest assured that it is with great pleasure that I am here with you today.

I kindly greet my friend Evgeny Pisarevsky, deputy head of the Russian Federal Tourism Agency, who has been providing constructive contribution to the working group's current preparation of an international convention on the protection of tourists/consumers and travel organizers.

The theme of our conference is vast, ambitious and recognized, in fact, there are three types of projects that we have been working on since several years.

- Tourists as consumers protection
- Travel facilitation issues
- Risk and crisis management

I- Concerning the tourist protection point of view, at a time when the number of tourists is rising, destinations are becoming increasingly diverse, and generating countries are becoming more and more numerous, the efficient level of the protection of tourists and tourist service providers is a must. The absence of international regulations or clear guidelines governing the rights and obligations of tourists/consumers and of travel organizers will give rise to greater uncertainty in the tourism industry. Besides, recent travel disruptions (such as Icelandic volcano, hurricanes and tsunami events, brutal and important snowfall, air carriers strikes, political crisis in the Arab world) had made tourism stakeholders aware of the insufficiency of

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existing binding rules at the global level governing the rights and obligations of tourists/consumers and tourism enterprises.

The UNWTO thus realized, through the numerous requests and reports we received, that there is an extremely high level of confusion with regard to the attribution of responsibilities in terms of the obligation to assist and inform tourists especially in situations of force majeure and regarding rights on compensation for damages they may have suffered, which in certain cases were quite substantial.

Therefore, and based on a decision of our Executive Council, a Working Group on the protection of tourists/consumers was set up at the beginning of 2011. It consists of official expert delegates from Member States of every region, Russian Federation as well, representation of the private sector such as IATA, AMFORT, IH&RA, Sol Mélia Group, ECTAA, EGFATT, WTTC, International Organizations such as ICAO, the European Union Commission to elaborate a legal instrument. Our last General Assembly held two weeks ago and which gathered, 105 country representatives and 51 ministers, confirmed that the said legal instrument would be an international convention.

At the present time, UNWTO Secretariat is in the process of:

1. elaborating and conciliating the draft text of the legal instrument (International Convention) according to the proposals of the Working Group;

2. beginning to collect Member States' best practices of tourists protection and carry out a Survey on tourists/consumers protection by a Questionnaire;
3. starting the research on existing national legislation of the Member States concerning tourists/consumers protection;
4. coordinating the further work of the Working Group organizing the upcoming meetings and other events.

Concerning the scope of the future convention, it will deal with three main issues:

1. Providing assistance to, and ensuring the repatriation of, consumers, particularly in cases of force majeure and protecting their rights in case of insolvency of the travel organizers;
2. Supplying accurate and timely information to tourists; and
3. Focusing on issues related to accommodation, especially concerning the right information of the customers.

Concerning the first topic - namely the assistance in case of force majeure and emergency situations – the second meeting of the Working Group held last September agreed on the following points: Away from their homes, and out of their 'comfort zones', tourists often must face the unfortunate events with a lack of knowledge of local customs, risks, and laws and during the recent crisis (volcanic eruption, strikes, hurricanes, riots etc.) tourists find themselves in extraordinary circumstances without adequate assistance,

information and compassion. They have no idea where to apply, what to do, what kind of assistance they can ask for and from whom.

The convention will not deal with the definition of the different cases of force majeure as it could lead to non-conformity with national legislations. It will refer to the related national law (country of origin of the tourist or/and of travel organizer, or destination country: this must be further examined taking into consideration international private law provisions. )

A clear distinction must be made in the convention between the financial liability of travel organizers and the responsibility of the states during emergencies. In case of major events such as earthquake, tsunami, events of great importance, and in cases which are not considered as force majeure but which need close cooperation between the host country and the country of origin due to their nature (e.g. bus accident), states should assist tourists through prompt operational measures.

The obligations of travel organizers cover three different levels in case of non-proper performance. Firstly, they should ensure that tourists would not find themselves in inconvenient situations and they should give assistance. The definition and possible content elements of this assistance has to be clarified. Secondly, they should offer same or similar services (alternative arrangements), but if it is not possible to do it or if the tourists refuse them, lastly they should repatriate the tourists. In the case of a force majeure and

emergency situations the travel organizer is obliged to provide assistance. The assistance should minimize the inconveniences of the tourists.

Insolvency of travel organizers nowadays is also a risk for tourists and in these situations they also have to face serious difficulties especially far away from their home countries. There are different models used for the security in case of insolvency such as insurance schemes, bank guarantees, specific financial funds, mutual funds etc.

Besides professional liability, insurance schemes are also used in some countries as obligatory insurance for travel organizers.

A principle will be implemented in the draft of the convention: in case of insolvency of a travel organizer, the rights of the client have to be secured. It promotes tourism, and gives confidence to consumers.

There are still people who do not travel because they do not trust the system in such cases. Giving a sign of trust would be extremely positive for international tourism. There are different guarantee models, which will not be regulated by the convention. It will only give recommendations to the Members States for their consideration, then they will remain free to choose the one they will adopt. Furthermore, UNWTO can publish a guidance after the related compilation of the different existing practices of the Member States in the upcoming two years, describing the different guarantee systems.

If the tourist has already paid the amount and if the insolvency of the travel organizer occurs before his trip, the guarantee should be able to refund the amount that had been paid. If the insolvency intervenes when the tourist is already away on his trip, the guarantee should ensure the repatriation of the tourists as well.

Concerning the 2<sup>nd</sup> and the third topic of the convention, namely information obligations and accommodation issues, these scope elements of the legal instrument will be examined at the upcoming meetings of the Working Group at the beginning of next year, but they were preliminary debated during a Special Meeting at the last session of our General Assembly, two weeks ago. Concerning information obligations, we would like to deal with the minimum elements of information which should be ensured by travel organizers prior to concluding the contract with tourists or providing them general useful information prior to travelling. It could also cover last-minute booking special rules and the obligation to provide adequate information in case of the possible bankruptcy of the travel organizers. In other terms, where can the tourists apply? How could they gain up-to-date information about their repatriation? We would like to also examine the different types of materials which can be used for disseminating information, and finally the basic provisions of the travel contract.

Concerning accommodation issues, we would like to firstly define the characteristics of the different accommodations and the different types of contracts referring to them. Besides the travel organizers and travel packages, it is also very important to clarify the obligation of the accommodation providers as well as to inform tourists adequately about their facilities and conditions. We should examine the liability of accommodation providers in case of their non-performance and including the property of their guests as well. In this framework, we could raise the question of the information delivered by some websites dedicated to traveller comments, particularly those which are linked to online travel agencies.

II. I'd like to now raise the question of the travel facilitation point of view on safety and security.

Safety and security measures have to be meaningful and reasonable in order to help to reduce the risks without imposing excessive burden on travel flows and tourism customers. Indeed, security in travel means assuring protection against risks and hazards that may affect the physical, psychological and economic integrity and legitimate interests of travellers, tourism staff host countries and communities. Security measures relate to safe travel, movements in places visited, accommodation, food and entertainment.



Rules are key factors to make travelling more comfortable and facilitated for tourists. Basic security requirements are essential, and most international conventions deal with these provisions (i.e. road safety rules, aviation safety law, maritime transport... There are several international organizations that give attention to tourist safety and security. An important area where security measures are applied is in passenger transport when crossing international borders, namely air transport and airports, as well as water transport (ferries, cruise ships, private vessels) and terminals. However, security in tourism actually goes beyond travel and includes security and safety at the destination and throughout the entire itinerary of the traveller from home until return. Security covers action, information and shared responsibilities involving the government, home communities, the tourism sector and the international tourists.

At a regional level, different organizations and communities work to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region. The purposes of these conventions are to prevent, punish, and eliminate violent activities and crimes. To that end, the states agree to adopt necessary measures and to strengthen cooperation among them.

UNWTO has adopted several resolutions and declarations recommending our Member states to implement effective policy on safety and security, besides protection of tourists.

For example *the Hague Declaration on Tourism, adopted by the Inter-Parliamentary Conference on Tourism, 1989*, says, I quote:

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“The safety, security and protection of tourists and respect for their dignity are a precondition to develop tourism. Therefore, it is indispensable:

1) that measures to facilitate tourist travel, visits and stays be accompanied by measures to ensure the safety, security and protection of tourists and tourist facilities and the dignity of tourists,

2) that an effective policy concerning the safety, security and protection of tourists and tourist facilities and respect for the dignity of tourists be established for this purpose,

3) to implement, in accordance with the procedures specific to the systems of law of each country legal provisions in the field of tourist protection.

4) that States co-operate within UNWTO to prepare a catalogue of recommended measures governing the safety, security and protection of tourists.

UNWTO analyzes worldwide the ‘safety situation’ and urges effective measures against adverse circumstances in world tourism.

III. Concerning risk and crisis management, the overall objective of the UNWTO Risk and Crisis Management Programme is to assist members to assess and mitigate risks related to tourism. Furthermore, to develop, plan and implement crisis management systems that will reduce the impact of and assist in the recovery from crises. The said program and projects are guided by the relevant provision in the Global Code of Ethics for Tourism.

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The Risk and Crisis Management Programme works to ensure the safe and efficient movement of travellers. This includes further development of standards, procedures and the exchange of information in order to deter threats, reduce costs and help ensure safe and efficient movement of travellers. Localization of relevant risk information includes travel advisories through geo-referencing, time elapsing mechanisms and supporting machine-readable information.

Another main focus is on health standards and health information related especially to international travel. We acts as an international focal point for the World Health Organization (WHO) within the framework of the International Health Regulation Charter (IHR).

This coordination takes place with the WHO in the area of health-related issues and was of utmost importance during the outbreak of the Pandemic (H1N1) in 2009.

By identifying and mitigating global and local risks related to tourism, UNWTO supports tourism crisis management efforts at a national level, focusing on both the establishment of effective crisis management systems (CMS) and improvement of existing CMS. Of very high importance is the integration of travel and tourism into the national emergency structures and procedures. After having surveyed the issue globally, UNWTO is currently preparing guidelines and best practices on the subject.

During international crises that have an important impact on the travel and tourism sector, UNWTO coordinates efforts, information and messages. It uses this role as the responsible agency for travel and tourism within the UN family. Frequently the Tourism Emergency Response Network (TERN), a group of leading tourism associations, is activated.

I thank you for your attention