

PROTOCOL ON TOURISM

Preamble

WE, the Heads of State or Government of:

The Republic of Angola
The Republic of Botswana
The Democratic Republic of Congo
The Kingdom of Lesotho
The Republic of Malawi
The Republic of Mauritius
The Republic of Mozambique
The Republic of Namibia
The Republic of Seychelles
The Republic of South Africa
The Kingdom of Swaziland
The United Republic of Tanzania
The Republic of Zambia
The Republic of Zimbabwe

IN PURSUANCE of Article 22 of the SADC Treaty which provides for Member States to conclude Protocols which may be necessary in agreed areas of co-operation to spell out the objectives and scope of, and institutional mechanisms for, such co-operation and integration;

AWARE of the global significance of tourism as the world's largest and fastest growing industry, which on account of its socio-cultural and economic dynamics also forms an excellent instrument for promoting economic development, understanding, goodwill and close relations between peoples;

CONSCIOUS that Africa's share of world tourism receipts and SADC countries' share of the global takings stands at a very low level;

MINDFUL of the Region's rich tourism potential which offers an array of natural features and a number of sites containing natural wonders of the world; added to all these being the diversity of history and cultural lifestyles of the people of the Region;

DEEPLY CONCERNED that most of this potential remains underdeveloped and, therefore, not contributing to the economic well being of the people of the Region as it should;

CONVINCED that the realisation of the full potential can only be achieved through the collective and concerted action of all SADC Member States by evolving clearly defined policies and strategies for the development and promotion of the tourism industry region-wide;

RECOGNISING that for sustainable tourism development to become a reality, the increased co-operation and facilitation from the sectors responsible for immigration, transport and aviation, information, trade and local government, is fundamental to the full realisation of this Protocol;

REALISING the pivotal role that host communities of Member States play in any successful tourism development endeavour;

WISHING to contribute, through common action in tourism development, to the progress and well being of the peoples of the Region;

CONSIDERING the provisions of the WTO as an intergovernmental organisation of Tourism and WTTC as a global coalition of all sectors of travel and tourism industry

HEREBY AGREE as follows:

Chapter I: DEFINITIONS

ARTICLE 1

In this Protocol, unless the context otherwise requires:

"Community" means the organisation for economic integration established by Article 2 of this Treaty;

"Council" means the Council of Ministers of SADC established by Article 9 of the Treaty;

"Member State" means a State which is a Member of SADC;

"Region" means the geographical area of all Member States;

"RETOSA" means Regional Tourism Organisation of Southern Africa;

"SADC" means the Southern African Development Community established by Article 2 of the Treaty;

"Service providers" means those -persons and corporations in the public and private sector who provide a service to visitors as their main source of business or income;

"Stakeholder" means any Government Department or Agency, Corporation, Organisation, Individual or other legal or commercial entity having an interest in the furtherance of the specific or broad objectives of any SADC legal instrument;

"Summit" means the Summit of the Heads of State or Government of SADC established by Article 9 of the Treaty;

"TCU" means the Tourism Coordinating Unit of SADC;

"Travel document" means a valid passport or other document used to identify a traveller which contains personal particulars and a clear photograph of the holder, issued by or on behalf of the government of a Member State of which the holder is a citizen and on which endorsements may be made by immigration authorities and shall include a laissez-passer or border pass approved by the Council;

"Treaty" means the Treaty establishing SADC;

"Tribunal" means the Tribunal as established under Article 9 of the Treaty;

"Visitor" means any person traveling to a place other than that of his/her usual environment for less than 12 months and whose main purpose of trip is other than the exercise of an activity remunerated from within the place visited;

"WTO" means World Tourism Organisation

"WTTC" means World Travel and Tourism Council

Chapter II

ARTICLE 2: OBJECTIVES

The objectives of this Protocol are:

1. To use tourism as a vehicle to achieve sustainable social and economic development through the full realisation of its potential for the Region;
2. To ensure equitable, balanced and complimentary development of the tourism industry region-wide;
3. To optimise resource usage and increase competitive advantage in the Region vis-a-vis other destinations through collective efforts and co-operation in an environmentally sustainable manner;
4. To ensure the involvement of small and micro-enterprises, local communities, women and youth in the development of tourism throughout the Region;
5. To contribute towards the human resource development of the Region through job creation and the development of skills at all levels in the tourism industry;

6. To create a favourable investment climate for tourism within the Region for both the public and private sectors, including small and medium scale tourist establishments;

7. To improve the quality, competitiveness and standards of service of the tourism industry in the Region;

8. To improve the standards of safety and security for tourists in the territories of Member States and to make appropriate provision for disabled, handicapped and senior citizens in their respective countries;

9. To aggressively promote the Region as a single but multifaceted tourism destination capitalising on its common strengths and highlighting individual Member State's unique tourist attractions;

10. To facilitate intra-regional travel for the development of tourism through the easing or removal of travel and visa restrictions and harmonisation of immigration procedures;

11. To improve tourism service and infrastructure in order to foster a vibrant tourism industry.

Chapter III

ARTICLE 3: PRINCIPLES

This Protocol recognises the following basic principles for achieving the Objectives of the Protocol.

The Member States shall:

1. facilitate private sector involvement and investment by providing incentives, infrastructure and the appropriate legal and regulatory framework;

2. fully involve the private sector and other stakeholders in the formulation of policies governing the operations of the tourism sector;

3. establish within the tourism sector, areas of co-operation between the public and private sector and encourage private sector-driven tourism development;

4. formulate and pursue policies and strategies that promote the involvement of local communities and local authorities in the planning and development of tourism;

5. promote environmentally and socially sustainable tourism development based on sound management practices;

6. preserve and promote the natural, cultural and historical resources of the Region;

7. promote a culture of human rights, gender sensitivity and be responsive to the requirements and involvement of people with disability.

Chapter IV: UNDERTAKINGS

ARTICLE 4: GENERAL UNDERTAKING

1. Member States shall take all necessary steps both at national and regional levels, to ensure that the Objectives of this Protocol are achieved and their national laws and policies are in harmony with and supportive of the Objectives and Principles set out in this Protocol.

2. Member States shall refrain from taking any measures, which may hinder the implementation of this Protocol.

ARTICLE 5: TRAVEL FACILITATION

1. Member States shall endeavour to make the entry and travel of visitors as smooth as possible and shall remove practices likely to place obstacles to the development of travel and tourism both regional and international by:

1. co-operating in facilitating travel by air, land or water and to increase and improve transport and communication facilities within the region;

2. having visa requirements for regional tourists who wish to enter their territory as visitors, abolished, in furtherance of existing and future SADC Protocols;

3. having a tourism univisa which will facilitate movement of international tourists in the region in order to increase the market share and revenue of the region in world tourism on the basis of arrangements to be negotiated and agreed upon by Member States;

4. removing obstacles to the development of tourism, travel and other impediments and to harmonise legislation relating thereto;

5. providing appropriate facilities related to the travel of disabled and handicapped persons and senior citizens.

2. Any form of transportation used by visitors and which is registered in the territory of a Member State shall be allowed entry in terms of the relevant provisions of the SADC Protocol on Transport, Communications and Meteorology.

3. Member States shall harmonise tourist registration documents in their respective countries such as visa application forms, entry - exit forms, and other statistical documents.

ARTICLE 6: TOURISM TRAINING AND EDUCATION

1. Member States shall endeavour to evolve a common education policy with regard to imparting tourism education in schools and include tourism and environmental-related issues in subjects presently taught at school.

2. Member States shall endeavour to co-ordinate and harmonise training at tourism training institutions and develop exchange programmes through the public and private sectors and mobilise support for training institutions in the Region.

3. Member States shall endeavour to harmonise standards of training in their countries and ensure that tourism training institutions in different parts of the Region are complementary to one another in the training courses.

ARTICLE 7: MARKETING AND PROMOTION

1. The Regional Tourism Organisation of Southern Africa (RETOSA) established in accordance with the provision of the RETOSA Charter shall be the promotional and marketing arm of SADC tourism sector.

2. In accordance with RETOSA Charter, Member States shall:

1. develop common and coordinated marketing and promotion strategies, action plans, and implementation programmes to promote both intra-regional and international tourism in the Region and respond to market demand;

2. in pursuit of the tourism marketing strategies, market the Region as a tourist destination of choice and utilise the RETOSA logo and brand to promote the regional destination identity and competitiveness;

3. undertake marketing and promotion activities, which highlight the diversity of the tourist product of the Region;

4. notwithstanding and without prejudice to this Article individual Member States may collaborate in packaging their destinations.

ARTICLE 8: TOURISM RESEARCH AND STATISTICS

1. Member States shall ensure that a unified system of collection and analysis of tourism statistical data is established in line with the Guidelines on the collection and presentation of domestic and international tourism statistics established by the World Tourism Organisation.

2. Member States shall create a regional tourism research, statistics and information exchange network and individually or jointly undertake product development and

diversification initiatives through private and public sector co-operation with a view to enriching the Region's product range.

ARTICLE 9: SERVICE STANDARDS

Member States shall:

1. establish an agreed regional quality and standards control mechanism;
2. harmonise the standards for registration, classification, accreditation and grading of service providers and tourism facilities in Member States.

ARTICLE 10: TRANSPORTATION

1. Member States shall enhance the overall quality of tourism transport in the Region by implementing the relevant provisions of the SADC Protocol on Transport, Communications and Meteorology.

2. Member States shall develop appropriate tourism signage and markings at relevant locations in their respective countries.

ARTICLE 11: ENVIRONMENTALLY SUSTAINABLE TOURISM

Member States shall, in implementing the objectives of this Protocol pursue sound, sustainable policies on utilisation and management of the natural and cultural resources and environment.

ARTICLE 12: INVESTMENT INCENTIVES AND DEVELOPMENT

Member States shall:

1. in accordance with their respective laws, create the necessary enabling environment so as to enhance the competitiveness of the Region as an attractive investment location and develop appropriate tourism-specific incentives to encourage the growth of private sector initiatives in the tourism sector.

2. develop and pursue tourism investment policies and strategies that promote the growth and development of private sector initiatives. In addition, special consideration is to be given to the private sector for the involvement of the local community in the tourism development process.

3. ensure that the local communities, as providers of goods and services to the tourism sector, are involved and benefit from the development of tourism.

4. within the framework of SADC, facilitate the establishment of a tourism financial mechanism so as to facilitate the meaningful participation of the local population.

5. give priority to investment in the sustainable development of natural and cultural resources that transcend territorial boundaries.

Chapter V

ARTICLE 13: INSTITUTIONAL FRAMEWORK FOR IMPLEMENTATION OF THE PROTOCOL

1. The institutional mechanisms for the implementation of this Protocol shall comprise the SADC Summit, the SADC Committee of Tourism Ministers, Committee of Senior Officials, Tourism Coordinating Unit and Regional Tourism Organisation of Southern Africa (RETOSA).

2. The Committee of Tourism Ministers, responsible for tourism matters, shall:

1. be composed of Ministers of Member States responsible for Tourism;

2. meet at least once a year;

3. be chaired by the nominated Minister representing the country responsible for coordinating the Tourism Sector.

3. The functions of the Committee of Tourism Ministers shall include:

1. adopting regional tourism sector policies and development strategies;

2. considering and approving any amendment to the policies and strategies;

3. providing policy guidance in response to matters referred to it by the Committee of Senior Officials;

4. considering and approving the sectoral Annual Report before submission to the Council;

5. submitting proposals to the Council for the amendment of the provisions of this Protocol;

6. approving new or amending existing annexes to this Protocol;

7. supervising the implementation of this Protocol;

8. supervising the work of any committee or sub-committee established under this Protocol.

4. The Committee of Senior Officials shall:

1. consist of administrative heads of Ministries responsible for tourism or their representatives;

2. meet at least once a year;

3. be chaired by the nominated officials representing the country responsible for coordinating the sector,

5. The function of the Committee of Senior Officials shall include:

1. assessing the requirements of and the need for the updating and for amendments to the regional policy and development strategies;

2. reviewing and coordinating the activities of the sub-sectoral committees;

3. considering any amendment to this Protocol;

4. reporting to the Committee of Tourism Ministers on matters relating to the implementation of the provisions contained in this Protocol;

5. reviewing the work of the Tourism Coordinating Unit;

6. approving the documents prepared by the Tourism Coordinating Unit to be submitted to the Committee of Tourism Ministers.

7. liaising with Tourism Coordinating Unit, RETOSA, private sector, stakeholders and any other technical committees;

8. monitoring the implementation of this Protocol;

9. performing such other functions as may be determined by the Committee of Tourism Ministers;

6. The Tourism Coordinating Unit shall perform the following functions:

1. prepare and implement an annual programme of work;

2. prepare annual schedules of meeting of the TCU for the following year;

3. maintain all records necessary for the efficient discharge of the functions of the TCU;

4. coordinate the day-to-day operations in the implementation of this Protocol;

5. provide technical and administrative assistance to the Committee of Tourism Ministers of Tourism and the Committee of Senior Officials;

6. provide assistance to subsidiary committees, sub-committees and any panels that may be established to implement this Protocol;

7. work in consultation with the private sector and RETOSA;

8. identify research needs and priorities in order to ensure the sustainability and competitiveness of the SADC Tourism Sector;

9. liaise closely with the SADC Secretariat in the implementation of this Protocol;

10. facilitate the formulation of policy framework that are geared at enhancing the development and growth of tourism in the Region;

11. liaise closely with Member States.

7. RETOSA shall, fulfill its objectives as specified in its Charter by performing, inter alia, the following functions:

1. prepare and implement an annual programme of work;

2. develop tourism through effective marketing of the region in collaboration with the public and private sectors;

3. work closely with the TCU and the private sector in the implementation of the annual programme;

4. have full responsibility for the implementation of the tourism development programmes as provided for in its Charter.

Chapter VI

ARTICLE 14: SETTLEMENT OF DISPUTES

1. Any dispute which may arise between Member States regarding the interpretation or application of the provisions of this Protocol shall be resolved amicably through negotiations between the parties to the dispute.

2. Any disputes between Member States regarding the interpretation or application of the provisions of this Protocol which are not settled amicably through negotiated settlement shall be referred for adjudication to the Tribunal.

Chapter VII

ARTICLE 15: AMENDMENT OF THE PROTOCOL

1. An amendment to this Protocol shall be adopted by a decision of three-quarters of all the members of the Summit.

2. A proposal for the amendment of this Protocol may be made to the Executive Secretary by any Member State for preliminary consideration by the Council, provided, however, that the proposed amendment shall not be submitted to the Council for preliminary consideration until all Member States have been duly notified of it, and a period of three months has elapsed after such notification.

3. Any Member State may propose the inclusion of an annex to this Protocol which shall be adopted as per paragraph (1) under this Article.

Chapter VIII: FINAL PROVISIONS

ARTICLE 16: SIGNATURE

1. This Protocol shall be signed by duly authorised representatives of Member States.

2. This Protocol shall remain open for signature by Member States listed in the Preamble, until the date of its entry into force.

ARTICLE 17: RATIFICATION

This Protocol shall be ratified by the Member States in accordance with their constitutional procedures.

ARTICLE 18: ENTRY INTO FORCE

1. This Protocol shall enter into force thirty (30) days after the deposit of the instruments of ratification by two-thirds of the Member States.

2. Upon its entry into force, this Protocol shall form an integral part of the Treaty.

ARTICLE 19: ACCESSION

This Protocol shall remain open for accession by any other Member State subject to Article 8 of the SADC Treaty.

ARTICLE 20: DEPOSITARY

1. The original texts of this Protocol and all instruments of its ratification and accession shall be deposited with the Executive Secretary of SADC, who shall transmit certified true copies thereof to all Member States giving notice of the date of each instrument of ratification or accession.

2. The Executive Secretary shall register this Protocol with the Secretariats of the United Nations Organisation and the Organisation of African Unity.

IN WITNESS WHEREOF, WE, the Heads of State or Government, or duly authorised Representatives of SADC Member States, have signed this Protocol.

DONE at ***** this ***** day of 1998 in two (2) original texts, in the English and Portuguese languages, both texts being equally authentic.

REPUBLIC OF ANGOLA
REPUBLIC OF BOTSWANA
DEMOCRATIC REPUBLIC OF CONGO
KINGDOM OF LESOTHO
REPUBLIC OF MALAWI
REPUBLIC OF MAURITIUS
REPUBLIC OF MOZAMBIQUE
REPUBLIC OF NAMIBIA
REPUBLIC OF SEYCHELLES
REPUBLIC OF SOUTH AFRICA
KINGDOM OF SWAZILAND
UNITED REPUBLIC OF TANZANIA
REPUBLIC OF ZAMBIA
REPUBLIC OF ZIMBABWE