



## FACILITATION (FAL) DIVISION — TWELFTH SESSION

Cairo, Egypt, 22 March to 2 April 2004

### Agenda Item 1: Developments since the Eleventh Session of the Division

#### TRAVEL ADVISORIES

(Presented by the East African Community States;  
Kenya, Tanzania, Uganda)

#### SUMMARY

Action by the Division is in paragraph 6.1.

#### 1. INTRODUCTION

1.1 The East African Region has since one year been clouded by tourist related travel advisories emanating from third Countries, which have expressed the fear of possible terrorist attacks against their nationals in this Region.

1.2 The East African States have no objection to travel advisories that provide information in regard to visa requirements, local customs, consular access, aviation safety, weather alerts, specific security concerns like civil unrest, piracy or crime, or similar notices issued by the World Health Organization in relation to health concerns as a means of cautioning travelers.

1.3 However, these terrorist related travel advisories have had a major negative impact on aviation and tourism flows to the East African States. The World Tourism Organization has identified that these travel advisories have had a tendency to blow problems out of proportion and often tipped the balance more towards consumer fear of travel rather than consumer protection. The World Tourism Organization also identified the issue of substantial differences in the advice given by different countries, leading to inconsistencies in advisories and identifying a need for adoption of recommendations to maximize the protection of travelers while minimizing the impact on travel, trade and development.

1.4 In May of 2003, the World Tourism Organization released its Crisis and Disaster Management Guidelines and advised member countries and organizations to “stay out of the travel advisory war” by following Article 6 of its Global Code of Ethics for Tourism, which states: “...governments should issue such information without prejudicing in an unjustified or exaggerated manner the tourism industry of host countries and the interests of their own operators.”

## 2. EFFECT OF THE TRAVEL WARNING ON THE EAST AFRICAN ECONOMY

2.1 The travel warnings, which have been in effect since last May have had a massive adverse impact on the State economies in East Africa.

2.2 In Kenya for instance, the tourism industry has been devastated by a massive slump in tourism arrivals following the imposition of travel warnings against non-essential travel by various third countries about 8 months ago. Although the warnings issued by all the European countries were quickly lifted, the US Travel Warning still remains in place and has had an enormous impact on the Kenyan economy, causing serious economic damage to this country and hardship to many Kenyans from all walks of life.

2.3 The travel warning, which has been in effect since last May has had a massive adverse impact on Kenya's economy. Tourist arrivals for 2003 were at an all time low. They were lower than in the period immediately after September 11 and below is the list of arrival figures at Jomo Kenyatta.

2.4 International Airport for total international arrivals compared with total tourist arrivals into Nairobi over the last 4 years:

2000	Total arrivals 311,100 / Tourists 227,168 (73%)
2001	Total arrivals 294,700 / Tourists 179,163 (60%)
2002	Total arrivals 298,000 / Tourists: 206,710 (69%)
2003	Total arrivals 385,776 / Tourists: 175,940 (46%)

Last year less than 50% of arrivals were tourists whereas a few years ago over 70% of all arrivals were tourists. An even smaller percentage of US citizens arriving in Kenya in 2003 were tourists in view of the continuing US travel warning against non-essential travel to Kenya.

2.5 Since the tourist industry is closely linked to other sectors of the economy there has been a negative "knock-on effect" and many Kenyans have lost their jobs and livelihoods. Tourism is a vital part of Kenya's economy and its collapse is creating serious problems in many sectors of the economy. As a result the economy is stagnating, as has been shown by the latest figures released by the government for the year 2003.

2.6 General terrorist threats result in an entire country being declared unsafe for "non-essential travel" on a long-term basis. This simply plays into the hands of the terrorists by creating conditions of fear, which undermine the stability of the country concerned and may actually create the conditions, which allow terrorists to recruit more supporters. It is a fact that there is today an increased risk of terrorism in most countries of the free world, including the USA itself, and it is illogical to prevent all travel to a country where the risk of a terrorist act may be not greater than in many other countries.

2.7 Kenya is a democratic country and subscribes to the same values as the 3rd countries issuing the advisories. A year ago there were peaceful democratic elections in Kenya, which resulted in a new government taking over which has demonstrated a real commitment to better governance. Kenya could be an important friend for the United States in an area where many neighbouring countries are less stable and less dependable. It does not make sense for the United States government to issue travel advisories which undermine the economy of Kenya and which may create hostility to "the West" by the general public whose livelihoods are destroyed as a result. By creating economic insecurity the US travel advisory could foster the very conditions, which encourage support for terrorists!

2.8 It would be better in view of maintaining international relations for the United States government to give assistance to Countries affected by these travel advisories. Such has been the approach of the British government through a recent public visit by the British High Commissioner to two central Nairobi hotels immediately following a hoax bomb alert apparently sparked off by the US embassy in Nairobi which in effect was a positive demonstration of good international relations and support by Britain and was greatly appreciated by the Kenyan public. It would be excellent if third country governments could follow the same approach as a universal act of support of the injustices faced by many due to acts of terror.

### **3. ACTION TAKEN BY THE EAST AFRICAN STATES TO ENHANCE SECURITY AND TO COUNTERACT TERRORISM**

3.1 It is an undisputed fact that there are increased risks of indiscriminate terrorist attacks in public places anywhere in the world and governments of the East African Region are committed to improving the national security apparatus and to work closely with the International security agencies to protect the public from any possible act of terrorism.

3.2 In this connection specific measures have been undertaken by the States of these Region including: the adoption of appropriate legislation, the establishment of anti-terrorist units, strengthening of security infrastructure at airports and tourist facilities, adoption of more secure security procedures, deployment of surveillance and counter-terrorism measures, arrest and crackdown of terrorist suspects and their cells and co-operation with third countries in achieving a more secure environment.

### **4. SAFETY AND SECURITY RATING OF KENYA**

4.1 The prestigious Economist magazine of London recently carried an analysis on terrorist risk in various countries. States such as the United States and the United Kingdom were rated as high-risk areas and were placed higher in risk than Kenya, Uganda and Tanzania.

### **5. RECOMMENDATIONS**

5.1 The East Africa States, Kenya, Tanzania and Uganda strongly believe that, there is an urgent need for concerted international effort to address the whole travel advisory initiative because the current practice whereby some states issue unilateral travel warnings and advisories which impact negatively on tourist recipient countries, will need to be undertaken on the basis of a number of principles aimed at safeguarding international relations and co-operation amongst states. These principles are:

#### **a) International Cooperation**

Terrorism affects all of us, as terrorist attacks can occur anywhere in the world. States need to come together and establish conditions under which justice and respect for the obligations that arise from international law are maintained. States need to ensure that no unjust suffering is caused to others due to the universal fear of terror. The international community as a whole should take collective measures. Such measures could be in the form of availing all relevant information and assistance to each other on matters regarding acts of terror. Such measures are what the United Nations called for during the Interregional preparatory meeting of the eighth congress, where international guidelines on organized crime and terrorism were recommended to the general assembly for adoption.

Examples of such guidelines on international co-cooperation can be seen also in United Nations Agencies. For example Annex 17 - Safeguarding International Civil

Aviation Against Acts of Unlawful Interference under the Convention on International Civil Aviation provides a standard regarding the roles Contracting states play on international co-operation. Each Contracting State is under an obligation to share with the other Contracting states threat information that may apply to the aviation security interests of those states and goes on to provide that states must to that extent ensure that inappropriate use or disclosure of such information is avoided.

b) Acts of good faith

States that intend to issue travel advisories against other States should as an act of good faith, and upon completion of its monitoring and surveillance, inform the State concerned that it intends to issue a travel advisory against it. States should also accord the concerned State the opportunity to examine the security intelligence gathered before issuing the intended travel warning in order to ensure that any disclosure of the information could not undermine the issuing States national legislation.

c) Accuracy, legitimacy and consistency

In view of international cooperation States should also ensure that the information received is accurate, legitimate and to the extent practicable consistent. For example the constant conflicting information provided by different states to travelers through the lifting of travel bans by some States accompanied by the subsequent issuance of a travel ban by some other State indicates that there is no agreement on the original intelligence that led the states concerned to issue the travel warning in the first place.

d) Jurisdiction

States should respect the sovereign equality of all members of the international community and accord such respect especially on issues that adversely affect the States by not undermining the territorial integrity of States by publishing data that seeks to affect the State whereas its inappropriate to do so.

As much as States do have the obligation to protect its nationals, States should avoid over-extension of their national jurisdiction as this may cause hostility towards the issuing states. States should ensure that in all fairness to all parties affected, the information given should not only serve the user but also preserve the interests especially the economic interests of those directly affected by the contents of the information in the travel advisories.

e) Purpose or specificity

Travel advisories should be specific to the extent possible in terms of the threat that is expected and the area in the state that is subject to the threat. The type of threat should also be made available to the extent that the same is determinable, to avoid security threats isolated to one part of a country or region being perceived that the whole country or region and neighbourhood is unsafe.

f) Discrimination

States have a duty of care to ensure while issuing travel advisories that international law is observed to the extent that no distinction is noted in regard to the issuance of travel bans or advisories. States should ensure that in issuing these travel advisories all States that are prone to threat are singled out.

g) Review Mechanism

A mechanism should be put in place providing a time limit on the period duration the travel advisory can take and also measures to have such an advisory withdrawn where measures have been taken to eliminate the threat. Due attention should be given to the rights and freedoms contained in the existing provisions of international law which should not be violated through the issuance of these advisories.

6. **ACTION BY THE DIVISION**

6.1 The Division is invited to:

- a) exchange views on the information provided above; and
- b) adopt a recommendation embodying procedures for the adoption of travel advisories and warnings.

These procedures should incorporate the principles in paragraph 5 (a) - (e).

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