

CHRONOLOGICAL REVIEW OF THE ADOPTION OF THE WORLD TOURISM ORGANIZATION BASIC INTERNATIONAL REGULATORY ACTS ON TOURISM

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ABSTRACT

Nowadays the sphere of tourism represents a complex phenomenon that plays a significant role in the world economy. Globally, statistics indicate that development of tourism activities improves national economies while increasing standards of living. Analysis carried out by the United Nations World Tourism Organization showed that the world tourism industry had entered a period of steadily growing travel volume and destinations before the 2020 pandemic. The present study offers analysis of historic aspects of tourism development as well as an examination of chronological issues relating to international legal provisions affecting the tourism industry and adoption of international regulatory acts relating to tourism. Moreover, it outlines the World Tourism Organization's general activity relating to tourism regulation and offers an analysis of historic events connected to this specialized UN agency, which has played a key role in establishing international tourism relations among independent states. The main provisions and historical prerequisites of international regulatory acts adopted before and after 1980 are analyzed, too. Several research methods, including analysis and synthesis, historical methods, generalization and description, have been used to conduct the present research.

Keywords: Tourism Regulation, UN System, World Tourism Organization, International Tourism Law, International Conference, Cooperation of States

INTRODUCTION

Over the past century, tourism has become an integral part of life. People travel for holidays, to gain cultural and spiritual enrichment, to engage in family visits, to participate in conferences and other events, to watch sports, to engage in business negotiations, for religious purposes, and for still other reasons (Kala & Kurbanova, 2014). Tourism relies on the human rights to rest, reasonable restrictions on working hours, periodic paid holidays, and freedom of movement, among others specified in international legal acts that affirm the basic rights and freedoms of humans and citizens. In particular, Article 24 of the Universal Declaration of Human Rights of the General Assembly of the United Nations (the UN), 1948, says that “everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay” (Universal Declaration of Human Rights, 1948). According to Article 7 of the International Covenant on Economic, Social and Cultural Rights of the General Assembly of the UN, 1966, party states recognize the right of everyone to the enjoyment of just and favorable conditions of work that ensure, among other things, rest, leisure, reasonable limitations on working hours, periodic holidays with pay, and remuneration for public holidays (International Covenant on Economic, Social and Cultural Rights of the General Assembly of the UN, 1966). Article 12 of the International Covenant on Civil and Political Rights, 1966, affirms that “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Everyone shall be free to leave any country, including his own” (International Covenant on Civil and Political Rights of the General Assembly of the UN, 1966).

International legal regulation of tourism has been emphasized in the research of Barchukova, Vakhmistrov, Vakhmistrova, Borisov, Anolik & Dharmawan, with economic and historic issues of

tourism development addressed in the works of Aleksandrova, Dolmatov, Gupta, Weaver, Reid, Levy & ... Kalpaklioglu. The methods of analysis, synthesis, and description are all used in the present study.

MATERIALS AND DISCUSSION

HISTORIC ASPECTS OF THE DEVELOPMENT OF TOURISM ACTIVITY

Tourism was established as a separate public phenomenon in the 19th century. Thomas Cook, a native of Melbourne, a small city in central England, sought to distract people from alcohol and tobacco use by inviting them to ride a train on the first tour of its kind. History does not record whether drinking and smoking diminished, but the day is commemorated as the birthdate of tourism: July 5, 1841. After the English unions won the right to annual vacations for workers in the middle of the 19th century, Thomas Cook proposed that people travel and entertain during holidays. In 1863, the world's first tourist agency, Thomas Cook & Son, was born (Nemolyayeva & Khodorkov, 1985).

However, international tourism became an independent, natural, and commonplace form of recreation and travel only at a certain stage in the development of social relations, on the basis of highly developed and sustainable economic, cultural, and political communication between peoples (Brysk, 2002). It coincided with the period that saw the formation of the international market, the growth of international trade, and the emergence of new vehicles, which was itself preceded by the complexities involved in creating organizational forms of management in the field of tourism. This began with the development of individual tourist areas: first the countries of Europe, then other less developed states. This initial stage in tourism's development and its organizational and legal regulation was marked by the formation of the first specialized organizational forms of its management (Anolik, 2010).

Development of potential tourist areas (*i.e.*, areas with certain favorable conditions: climate, medicinal springs, picturesque landscapes, architectural and cultural monuments, etc.) required reception, accommodations, and food for tourists. Rapid construction of tourist facilities was needed. The first to construct hotels in these areas were railway departments, which drew on their available capital to fund the endeavor. They also financed advertising and all other activities related to development of tourism. As tourism began to bring in good profits, all local spheres of economic became interested in its development. However, the complexity and uniqueness of tourist demand posed new and more difficult tasks (Arsika et al., 2014). Tourism areas were usually small, inhabited by a limited number of locals who could provide the economic, communal, and domestic services needed to meet tourists' needs. During the tourist season, then, the workforce needed to expand to reflect the habits and inclinations of tourists, which in turn led to the development of advertising and information services, cultural and entertainment facilities, and more. With the growth of tourism, such problems have become more common—and their solutions more difficult. In the complex tourist relations, ordinary economic organizations found themselves unable to perform new functions and local authorities (communities) struggled to cope with these problems. Thus was necessitated the creation of independent specialized organizations in the field of tourism, with functions and activities almost the same as those of modern tourist societies and unions (Barchukova, 1990). These organizations were called "public order organizations," "societies of foreigners' reception," "sanitary-hygienic societies," and more. Their founding began in the mid-19th century, but they were more widely developed after the 1870s in Germany, Switzerland, Austria, and France, among other countries. Local authorities (communities) also advocated the establishment of similar societies and assisted them, recognizing that they took on themselves tasks that were the responsibility of the community itself. Tourist companies were aided by volunteers interested in tourist rest and travel as well as by nature lovers, such as societies of mountaineers,

friends of nature, cyclists, and more. As a result, in tourist regions of various countries, initial development of tourism was strongly influenced by economic organizations (the service sector, transport, etc.), organizations (of climbers, friends of nature, etc.), and the local populace (Abaydeldinov & Kala, 2016).

Organization and Legal Regulation of Tourism Activity in the History of the United Nations World Tourism Organization

As tourist migrations intensified at the beginning of the 20th century, extending beyond one or several nearby regions and countries, the need arose to create state bodies at different levels, whether central, regional, or local, to coordinate the activities of various tourist organizations. This process was bolstered by the consolidation of democratic systems of government, primarily in Europe, which gave increasing numbers of people the opportunity to travel (Borisov, 1999). As a result, by the end of the 19th century and the beginning of the 20th century development of mass international tourism created the need for organizational and international legal regulation, with development of special legal institutions, creation of specialized international tourism organizations, and establishment of a developed system of international treaty relations. Legal regulation, an obligatory form of regulating relations and behaviors of subjects of international law, linked the diverse spheres of states in recognition of the need to legally protect, monitor, and guarantee subjects' interest in tourism relations (Maksimenko, 2001).

Initially, the Committee of Statistical Experts of the League of Nations was responsible for formulating tourism-related terminology; in 1937 it published the first terminology and definitions of "international tourism" (Aleksandrova, 2011). Attempts at international cooperation in global tourism were made within the framework of the League of Nations during the first half of the 20th century, but the instruments developed by the League of Nations system were insufficient to govern international tourism. Perhaps most notably, the recommendations of the Passports Conference held under the auspices of the League of Nations in 1920 and 1926 brought no practical results save for a few bilateral agreements on the simplification of passport and visa formalities (Kala & Abaydeldinov, 2016).

After World War II, the International Union of Official Travel Organizations (IUOTO) was engaged to process and formulate tourism terminology and definitions. In 1974 it was transformed into the United Nations World Tourism Organization (UNWTO). Subsequently, international cooperation in regulating the development of international tourism activity was achieved primarily on the basis of a system of organs and specialized agencies of the United Nations, with the UNWTO playing a leading role.

At the behest of the United Nations, the UNWTO, other specialized agencies, and other international intergovernmental organizations, numerous conferences, meetings, summits, and working sessions were held to harmonize the positions of states and coordinate their activities, then develop uniform international legal norms, resulting in the adoption of "resolutions of international organizations" that formed the general legal position of the world community relating to tourism development. Among the first was the United Nations Diplomatic Conference, held in New York in 1954 under the auspices of ECOSOC, which addressed customs formalities, resulting in the adoption three international instruments: the Customs Convention on the Temporary Importation of Private Road Vehicles, the Convention Concerning Customs Facilities for Touring, and the Additional Protocol to the Convention Concerning Customs Facilities for Touring, relating to the Importation of Tourist Publicity Documents and Materials (UN, United Nations, UN Treaties, Treaties, n.d.). These international treaties allowed continued systematic development of international tourism, catching the tendencies: they recommended against charging "duties and taxes" on imports transported by foreign tourists, including personal transportation vehicles, personal items, and advertising materials. The provisions of these conventions were subsequently

accepted in the General Resolution of the United Nations Conference on International Travel and Tourism in Rome, 1963 (Vahmistrov & Vahmistrova, 2005). The results of the International Conference in 1963 were highly significant in the practical decisions of the United Nations on many issues relating to legal regulation of international tourism and tourist formalities. Recommendations were adopted to govern development of international tourism, technical cooperation in the field of international tourism, and the legal status of foreign tourists. An important decision of the Rome Conference involved its recommendation that states accede to existing international legal norms embodied in international acts governing international tourism. The recommendation also stated that governments unable to immediately implement these recommendations for simplifying and unifying border, customs, and other formalities for foreign tourists should make efforts to implement them as soon as circumstances permitted (Borisov, 1997).

ADOPTION OF HISTORIC INTERNATIONAL REGULATORY ACTS DETERMINING LEGAL ISSUES OF TOURISM ACTIVITY

International Regulatory Acts on Tourism Adopted Before the 1980's

Another treaty act that decided issues of customs formalities in the field of tourism was the 1973 International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention), whose Annex F.3, concerns the simplification of customs formalities vis-à-vis travelers/tourists. Its conditions apply to travelers and nonresidents of states, both at entry and exit, for which a uniform form of customs declaration for baggage has been adopted. According to current opinion, within the framework of the UNWTO, Annex F.3 of the Kyoto Convention is fully consistent with the formalities performed by tourists, but to develop tourism, additional measures are needed to mitigate them and increase benefits in the sector. In connection with the adoption of this annex, the UNWTO recognized the inappropriateness of revising the 1954 Convention Concerning Customs Facilities for Touring. However, according to the UNWTO, international agreements that solve problems relating to simplification of tourist formalities must replace the designated international legal acts.

In 1966, at its 21st session, the UN General Assembly officially formalized the special economic, social, and cultural significance of international tourism by adopting a special resolution declaring 1967 the "International Year of Tourism" (Barchukova, 1986). That year, using the slogan "Tourism, Passport to Peace," numerous festivals, exhibitions, and symposiums were held in the Soviet Union, Austria, Bulgaria, Portugal, and other countries at the national and international levels. Significant contributions to the International Year of Tourism were made by the Inter-Parliamentary Union, the UN Regional Economic Commissions, and other international organizations.

In 1969 the General Assembly adopted Resolution 2529, recommending that the International Union of Official Tourism Organizations be reorganized into an intergovernmental tourism organization by reviewing its charter, considering that the nongovernmental nature of this organization so important for the further development of tourism organizations made its decisions and recommendations optional for member states, the IUOTO itself being only a technical, research, and information body (Vahmistrov & Vahmistrova, 2005). The creation of the World Tourism Organization was made official on September 27, 1970, by the adoption of the UNWTO Charter, which entered into force on January 2, 1975 (World Tourism Organization, 2016).

International tourism continued to develop, but ensuring that this process was not spontaneous required that state and private tourism organizations analyze current related situations and trends; annual statistics were needed both for tourism itself, including enterprises serving the industry and the number and type of international tourists traveling to a particular country, and related economic activities (Dolmatov, 2001). Because the development of international tourism

was originally the most intensive among European countries, cooperation in this area was intensified within the framework of the Conference on Security and Cooperation in Europe. In 1975, the Final Act of the Helsinki Conference on Security and Cooperation in Europe was adopted, whose provisions were aimed at harmonizing, planning, coordinating, and organizing international tourism and at ensuring that this development would not damage the environment or artistic, historical, and cultural heritage. During the Helsinki Conference, international tourism was presented as an important means of establishing contacts between peoples, including through the development of youth tourism, and as a factor in preserving peace throughout the world (especially in the context of the confrontation between East and West at that time).

In 1976 the ECOSOC prepared the draft guidelines for international tourism statistics for UN member states based on the Guidelines on Tourism Statistics published by IUOTO and the United Nations Conference on Trade and Development (UNCTAD) as well as on the conclusions and recommendations of the 1972 and 1976 European Statistical Conference, focusing on the definition of the concept of “non-resident tourists,” methods of compiling and classifying statistical data on this category of persons (Barchukova, 1990). Meanwhile, international relations continued to develop, general welfare increased, and culture rose as more and more people became interested in other countries’ archeological, historical, and cultural attractions; traditions; and way of life, with the constant tension and noise of hectic modern life spurring people to seek rest in travel and tourism. Thus the need for tourism as a mode of active rest, entertainment, and intellectual exploration of the world called for adequate reflection on international legal acts.

International Regulatory Acts on Tourism Adopted After the 1980s

As a result of excellent preparatory work by the UNWTO, the World Tourism and Travel Conference was held in 1980 in Manila, the Philippines, and was attended by 109 states seeking “to clarify the real essence of tourism in all its aspects and the role that tourism is called upon to play in dynamic and significantly changing world, as well as to consider the responsibility of states for the development of tourism in modern societies, as an activity that goes beyond the purely economic field in the life of countries and peoples.” The future development of international tourism was discussed along with ways and means of improving its forms, simplifying tourist formalities, improving statistical methods, and overcoming seasonal problems. The Manila Conference saw active participation by a delegation from the USSR, which joined several other socialist countries in seeking an integrated approach to determining the significance of tourism as a socioeconomic phenomenon that actively influenced the solution of problems relating to leisure time as well as the development of individual sectors of the economy. On the initiative of the USSR, the final document of the conference recommended increasing attention to the educational value of tourism and including a provision supporting efforts at, and rendering assistance in, developing tourism among youth.

Thus the adoption of the Manila Declaration of 1980 introduced a modern and realistic conception of tourism as a way of spending vacations—a form of recreation, travel, and free movement for any purpose, versus previous conceptions of tourism based only on economic profitability (World Tourism Organization, 1980). The Manila Declaration also laid the legal foundation for concluding modern bilateral and multilateral agreements and emphasized the future development of programs for modernizing world tourism, with preference given to qualitative aspects over quantitative ones.

At the same international meeting of states, to commemorate the decade anniversary of the adoption of the UNWTO Charter, September 27 was designated World Tourism Day in 1980. Two years later, in 1982, the World Meeting on International Tourism in Acapulco, Mexico, was held under the auspices of the UNWTO, to review the measures taken by participating states to implement the decisions and recommendations of the Manila Declaration, as well as to identify their

priorities and practical ways of realizing them. Participants in the World Conference (79 countries and 57 delegations from IGOs, commercial firms, and agencies related to tourism) unanimously agreed to prioritize creation of the social and economic conditions needed for, and legal protection of citizens' right to, rest and tourism; public awareness campaigns proclaiming the cognitive value of tourism; and inculcation of the public's sense of civic responsibility and respect for the customs and traditions of the peoples of the countries visited. It was recognized that the development of tourism in all its forms, especially as the satisfaction of the right to rest and travel, is possible only in an environment of peace and mutual understanding. The Acapulco Document promoted the role of interstate tourist links; improved organization of the movement of tourists across national borders and simplification of tourist formalities with respect to entry and exit from the territories of states; and unification of customs, currency, and medical rules while reiterating the importance of developing a new and modern concept of tourism (World Tourism Organization, 1982). The Acapulco Document and the Manila Declaration both demonstrated the importance of revising the tourism strategy and policy, not only by UNWTO member states but indeed by all states (Barchukova, 1986).

Subsequently, in 1985, in Sofia, the General Assembly of the World Tourism Organization, at the sixth ordinary session, adopted such important international documents as the Tourism Bill of Rights and Tourist Code, reaffirming the principles proclaimed in the Manila Declaration and the Acapulco Document. Simultaneously the Tourism Bill of Rights established the basic rights and duties of tourists through the prism of states' obligations to carry out state policy in the sphere of tourism, as specified in the Tourist Code (Tourism Bill of Rights and Tourist Code, 1985).

That same year, in Waikkal, Sri Lanka, the UNWTO held its first large-scale technical meeting on "development and promotion of youth tourism," "state responsibility and the role of the World Tourism Organization in youth tourism," and "the nature and significance of the youth travel market," with recommendations developed to encourage states to implement youth policy in conjunction with national traditions and customs and with a view to establishing and maintaining basic standards of security, morality, protection, health, and hygiene. In this connection, it is important to note the importance of inclusion of the meeting of representatives of CSCE member states of 1986 in the Final Document of the Vienna provisions "relating to tourist contacts and exchanges," which emphasized states' obligations to make every effort to "develop opportunities for low-income tourists and youth tourism" and commit to developing a "training program."

In 1989, an important universal document, The Hague Declaration on Tourism, was adopted at the Inter-Parliamentary Conference on Tourism in The Hague (the Netherlands), jointly organized by the Inter-Parliamentary Union (IPU) and the UNWTO. The declaration included 10 basic principles of tourism as well as specific conclusions and recommendations. In addition, it focused on the safety and protection of tourists, as well as on respecting their dignity; emphasized that tourism should be planned by state authorities; and required the development of a unified national tourism policy (World Tourism Organization, 1989). The conference again defined the place of tourism in the economic and social development of society; sought simplification of tourist formalities; and offered conclusions and recommendations for ensuring the security and protection of tourists, tourist attractions, and more. The Hague Declaration urged the world community, "taking into account the international scale of tourism, for its harmonious development," to engage in international cooperation, both globally and regionally, through direct interstate cooperation and through international organizations such as the UNWTO, as well as between various components of the private tourism sector, through nongovernmental and professional organizations. Formation of a multilevel system of international tourism with the international community's transition to a new stage of development is the world community's features. Other features are the globalization of international relations and political, economic, and legal integration, the main prerequisite of which was the objective interdependence of modern states in the face of numerous global problems (Gupta, 2011). The solutions of these problems, as well as protection against their negative

consequences, were beyond the power of any state individually, and they affected the interests not only of states but also of humanity in general, for which reason non-state entities (nongovernmental organizations, international movements, initiative groups, and individual specialists) have been involved in addressing them.

One of the last international legal acts to significantly contribute to the development of international tourism was the Global Code of Ethics for Tourism of 1999, a declarative document whose nine articles set rules of conduct for not only state but also private structures, the media, and tourists. The Global Code of Ethics for Tourism was adopted by Resolution A/RES/406(XIII) at the 13th WTO General Assembly in Santiago, Chile, held September 27–October 1, 1999. This historic international document regulates in detail the duties of “tourism professionals,” strongly recommending that tourists be provided with objective, truthful information about destinations and all conditions of travel, reception, and stay; that the clarity of the provisions of contracts offered to clients be ensured, whether in the nature, price, or quality of the services provided; and that such professionals, together with state authorities, assure tourists’ safety, including by preventing accidents, protecting health, and attending to food hygiene, as well as by providing adequate insurance and assistance systems, reporting in accordance with the rules and conditions provided for in their national legislation, and provide fair compensation for any nonfulfillment of their obligations (Article 6). For the first time, according to Article 10, an international body was established, the World Committee on the Ethics of Tourism, to resolve differences and interpret, apply, and develop the provisions of the global code. At the second meeting of the World Committee in Madrid, held October 4–5, 2004, a dispute settlement procedure was adopted for implementing or interpreting the global code, which may be expected to play a central role in settling ethical dilemmas in the international tourist community.

Since the 1970s, with the rapid expansion of the tourism sector, traditional and new destinations have faced worsening environmental, cultural, social, and economic problems that have required the development of new international legal forms for their solution. In this connection, in 1988 the UNWTO proposed the principle of sustainable tourism development, finalized in 1995 at the first World Conference on Sustainable Tourism in the adopted Charter for Sustainable Tourism (World Tourism Organization, 1995). Article 1 establishes that the concept of sustainable tourism development be understood as such development that is environmentally acceptable in the long term, economically viable, and ethically and socially balanced for local communities. Sustainable development of tourism at the current stage should become a controlled process, providing for global management of resources to ensure their viability, thus creating the possibility of preserving our natural and cultural wealth. The provisions of the charter were reflected in the resolutions adopted at the World Summit on Ecotourism in Quebec and at the World Summit on Sustainable Development in Johannesburg in 2002. The UNWTO has developed a set of indicators for sustainable tourism development, already tested and applied in a number of countries. However, further work is needed to ensure the application of these indicators in more countries (Vahmistrov & Vahmistrova, 2005).

The development of this kind of tourism as an ecological tourism is also a way of minimizing the negative consequences of human presence for nature and the sociocultural environment (Marinin, 2004). Ecotourism involves trips to nature reserves of small groups of tourists seeking to contemplate nature and admire it while obtaining useful information about local ecosystems, the culture, and the problems associated with sustainable development of local communities. In addition to educational activities, another way of monitoring and directing activities in this area involves collecting fees for entry to protected nature reserves, then directing some of those monies to environmental protection. In 2002, the International Year of Ecotourism made it possible to summarize experience gained in the field of ecotourism the world over with a view to improving the relevant instruments and institutional and legal mechanisms that guarantee

the future sustainable development of this small but rapidly developing and highly specialized area of international tourism.

However, development of tourism is fraught with more than just problems of human pressure on natural, cultural objects, and the social environment. Currently, international problems include sex tourism and the need to ensure tourists' safety amid increasing incidence of terrorism, natural disasters, epidemic, and more. Terrorism and other tourism hazards were addressed in a context of developing international tourism at the Inter-Parliamentary Tourism Conference of 1989, itself followed by The Hague Declaration, which in principle found that terrorism poses a real threat to tourist movements and development of tourism. In this connection, terrorists should be treated as criminal elements, pursued and punished without statute of limitation in the territory of any state. The document also recommended that each state appoint a specialized central body to promote and implement, as an integral part of the national policy, appropriate preventive measures for ensuring the protection and safety of tourists, especially at tourist attractions and in the face of epidemic, terrorist threats, and serious and numerous crimes against tourists and their property (Kala et al., 2017). At the 16th session of the UNWTO GA, "travel recommendations" were adopted to protect tourists from "dangers and risks" in host countries, including terrorism, environmental problems (natural disasters), industrial hazards (risk of chemical or radioactive contamination), risks to health (emergency caused by infectious diseases, epidemics), political crimes, and social offenses, as well as in connection with transportation systems.

RESULTS AND CONCLUSIONS

The following summary and results encapsulates the historic aspects of tourism development in the international arena:

- Despite appearing at different times in different parts of the globe, international tourism has shown common patterns of development and organization: Initially the prerogative of the wealthy strata of the population, it underwent mass development as social and economic indicators improved. Within specific regions marked by certain natural conditions and cultural attractions, it has activated all local spheres of economic activity (service sector, transport, etc.) through the activities of local authorities. As it intensified, specialized organizations (societies) were first created in the field of tourism, then state bodies at different levels (central, regional, local), to manage it. Intensive development of international tourism by the end of the 19th century and the beginning of the 20th century created conditions requiring its international legal regulation.
- Beginning in the first half of the 20th century, international cooperation has turned tourism into a multifaceted object of interstate regulation: at the same time, tourism is a consequence of development and a catalyst for the intensification of economic, political, cultural, social, environmental, and other international relations. Initially, international legal regulation was concerned mainly with simplifying tourist formalities relating to customs, borders, and the like. Regulations were next introduced to protect the environment as well as cultural and natural heritage; to address statistical accounting by states; to establish common rules of conduct, rights, and obligations for the subjects of the tourist market, public and private structures and tourists; and to put in place security mechanisms with which to protect tourists and tourist facilities. Yet even this is not an exhaustive list of the main areas of international regulation in the sphere of tourism.
- Considering the variety of aforementioned international legal acts regulating relations in the sphere of international tourism, its complex nature is characterized by international law and private law relations governed by public international law and private international law.
- When establishing international legal regulation of tourism, an important role is played by intergovernmental conferences as special forms of institutional cooperation among states, which result in important international legal acts intended to support the development of tourism.

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