

LEGAL ASSUMPTIONS FOR THE DEVELOPMENT OF TOURISM

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Abstract: *The study delves into the legal foundations underpinning the tourism industry, encompassing both international and national domains. It surveys a range of international agreements and conventions established by entities like the United Nations, UNESCO, and the World Tourism Organization, forming the bedrock for global, regional, and national tourism development. These legal instruments, including the Universal Declaration of Human Rights and conventions on civil and economic rights, are integrated into national tourism legislation.*

Keywords: *tourism law, international legal framework, United Nations, UNESCO, European Initiatives, legal environment, constitutional principles, Tourism Indicators Platform, Virtual Tourist Observatory, Tourism Financing Guide.*

1. Introduction

Tourism as an economic activity does not function in a legal vacuum, but it functions on the basis of international and national law, which regulate the most important international tourism standards. Within the framework of international law, several international conventions, declarations, pacts, resolutions, international agreements, ethical codes, recommendations, principles and principles have been adopted by international organizations such as The World Tourism Organization, UNESCO, etc.

Based on international law, several laws and by-laws have been adopted at the national level, which regulate and adjust relations for certain segments of tourism and hospitality. In the continuation of this chapter, we will explain the most important international legal acts of the UN, UNSTO, UNESCO, as well as at the national level (laws, by-laws).

2. International legal assumptions for tourism development

The UN General Assembly, the World Tourism Organization (WTO), UNESCO, etc. international organizations have adopted several international-legal instruments that are an important normative-legal assumption for the development of tourism at the global, regional and national level. In the following, we give the most important acts of the UN, WTO, UNESCO:

- Universal Declaration of Human Rights of December 10, 1948;
- The International Covenant on Economic, Social and Cultural Rights (1966);
- International Covenant on Civil and Political Rights (1966);
- Warsaw Convention on Air Transport (from October 12, 1929);
- Chicago Convention on International Civil Aviation of December 7, 1944, as well as the Tokyo, Hague, and Montreal Conventions that refer to it;
- Convention on Customs Facilitation in Tourism of July 4, 1954 and the related Protocol;
- Convention for the Protection of the World Cultural and Natural Heritage of November 23, 1972, UNESCO;
- Convention for the Preservation of the Intangible Cultural Heritage, 2003, UNESCO;
- Manila Declaration on World Tourism of October 10, 1980;
- Resolution of the VI General Assembly of the WTO (Sofia) which adopted the Tourist Charter of Rights and the Tourist Code of September 26, 1985;
- Convention on the Rights of the Child (20.11.1989);
- Resolution on facilitating travel and tourism security, IX General Assembly of the WTO (Buenos Aires) from October 4, 1991;
- Declaration on environmental protection and development from Rio de Janeiro of June 13, 1992;
- General agreement on trade in services (15.4.1994);
- Resolution on Prevention of Organized Sex Tourism, Eleventh General Conference of the World Tourism Organization (WTO) in (Cairo), October 22, 1995;

- Stockholm Declaration against Commercial Sexual Exploitation of Children, September 28, 1996;
- Declaration on the effectiveness of tourism society, Manila, July 22, 1997;
- Conventions and recommendations adopted by the International Labor Organization (ILO) on collective bargaining, prohibition of forced labor and child labor, prohibition of discrimination in the workplace;
- The Global Code of Ethics for Tourism, UNWTO, UN General Assembly, 2001; Its 10 principles, which cover the economic, social, cultural and environmental components of tourism, aim to help maximize the benefits of the sector while minimizing possible negative impacts;
- Lisbon Declaration on Cities for All: First UNWTO Forum of Mayors on Sustainable Urban Tourism – "Cities for All: Building Cities for Citizens and Visitors", 04/05/2019, Lisbon, Portugal.

The principles and standards of all the above-mentioned international legal acts are for the most part incorporated in our national tourism legislation.

3. Legal assumptions for the development of tourism in R. Macedonia

The functioning and development of tourism in our country does not take place in a legal vacuum. Tourism as an industry must perform its activity in a well-regulated legal framework, which we can call a "convenient legal environment". We must emphasize that for the development of a favorable legal (legal) environment in the country, it is necessary to ensure two basic constitutional principles and prerequisites:

- 1) recognition of the freedom of entrepreneurship and the market economy,
- 2) respecting the values of "rule of law".

Tourism as an industry cannot achieve positive results if there is no appropriate legal regulation that will create a favorable legal environment for it. In the following, we list the most important legal acts in the Republic of Macedonia that are important for the functioning of tourism as an important economic activity, namely:

- 1) The Constitution of the Republic of S. Macedonia (fundamental value of the constitutional order is freedom of the market and entrepreneurship);
- 2) The law on tourist activity;

- 3) The law on catering activity;
- 4) Law on the establishment of the Agency for Promotion and Support of Tourism;
- 5) Law on motorhomes (Official Gazette of the Republic of Macedonia No. 13/2013, 152/2015 and 31/2016);
- 6) Law on Local Self-Government (Official Gazette of the Republic of Macedonia No. 5/2002);
- 7) Law on Territorial Organization of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 49/96, 55/04);
- 8) Law on Agriculture and Rural Development (Official Gazette of the Republic of Macedonia No. 49/96, 55/04);
- 9) The Law on Balanced Regional Development (Official Gazette of the Republic of Macedonia No. 63/07);
- 10) Law on tourist development zones;
- 11) Law on Mountain Paths.

Important by-laws relating to tourism are:

- 1) Regulations for the categorization of hotels, motels and boarding houses;
- 2) Rules for the categorization of tourist apartments and tourist residences;
- 3) Rules for the categorization of restaurants;
- 4) Rulebook on the method, type and amount of subsidies of tour operators and travel agencies for the stay of foreign tourists in the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 53/13, 147/14, 50/15 and 32/16);
- 5) Rulebook on the method of maintenance of mountain trails;
- 6) Rulebook on the method of signaling and marking, the form and content of signaling and marking on mountain paths;
- 7) Rulebook on the conditions for the categorization of autocamps;
- 8) Rules for the organization of trips;
- 9) Rulebook on closer criteria for awarding financial support to cultural, entertainment, sports, gastronomic and environmental events;
- 10) Internal regulations for organization, method, procedure and amount of registration fee for participation in international fairs for tourism;

11) The decision of the Government of the Republic of Macedonia on closer criteria and indicators for determining the degree of development of planning regions for the basic criterion index two closer criteria are used for economic development: Economic-social index¹⁴¹ and Demographic index (Official Gazette of the Republic of Macedonia No. 162/08).

12) The decision of the Government of the Republic of Macedonia on the closer criteria and indicators for determining the areas with specific development needs for the period from 2014-2018 (Official Gazette of the Republic of Macedonia No. 78/09).

The above-mentioned by-laws regulate relations that are not fully regulated by the laws.

European initiatives in tourism

- Transitional road for tourism

4. European initiatives in tourism

The European industrial policy was adopted in March 2020. in support of the digital and green transition, and it was updated in the spring of 2021 to also ensure an adequate response to the Covid-19 pandemic. In order to speed up the double transition, the EU decides to develop Transition Pathways for each industrial sector. Considering the challenges that must be faced, the tourism sector is given priority.

The European Commission, in cooperation with the member states and stakeholders, has created a document Transition Path for Tourism (TPT) which will be the backbone of the European Tourism Plan until 2030 and 2050 (Agenda 2030/2050). The TPT document is structured in five thematic units: legislation and public administration; green and digital transition; resilience; investments and financing; monitoring and joint implementation. Each of these sections addresses one or more building blocks that cover key aspects of the double transition and desirable steps leading to greater resilience. In total, there are seven constituent elements: sustainable competitiveness; legislation and public administration; research and innovation; techniques and technological solutions; infrastructure; skills; social dimension; investments and financing. The transition path for tourism considers each of these elements from a perspective: green transitions (environmental sustainability and climate neutrality); digital transitions; and directions for greater resistance. In the end, TPT defines 27 thematic areas with associated activities to be carried out (70 activities in total). Some thematic areas are under the jurisdiction of tourism, others are

horizontal and under the jurisdiction of other bodies (such as transportation, environmental protection, education, etc.).

- **EDEN**

European Destination of Excellence (EDEN) is an initiative launched in 2007 with the aim of encouraging, rewarding and promoting the best achievements in sustainable tourism and green transition in lesser-known tourist destinations. In accordance with the European Green Plan and the circular economy, tourist destinations are changing and initiatives like these reward effort and innovation and serve as examples of good practice with the goal of as many green and sustainable tourist destinations as possible. The EDEN initiative includes EU member states and non-EU countries participating in the COSME program.

- **European capital of smart tourism**

The European Commission is implementing the European Capital of Smart Tourism initiative, which recognizes the outstanding achievements of European cities as tourist destinations in four categories: sustainability, accessibility, digitization, and cultural heritage and creativity. The aim of the initiative is to promote smart tourism in the EU, network and strengthen destinations and facilitate the exchange of best practices.

- **EU Tourism Indicators Platform (Tourism Dashboard)**

In order to improve the knowledge base on tourism, monitor the environmental, digital and socio-economic effects of tourism and support the green and digital transition of tourism, the European Commission is creating a Platform for tourism indicators in the EU (EU Tourism Dashboard). The platform is an online tool for collecting, publishing and clearly visualizing indicators in tourism - where it takes into account the goals of tourism policies and also notices problems and gives support to new policies and action plans. The platform will enable the comparison of member states and the monitoring of the progress of the green and digital transition of the tourism ecosystem with the aim of achieving better resilience and sustainability. The platform contains basic tourist indicators such as the number of overnight stays, the average length of a tourist's stay, tourist arrivals, etc. In addition, it contains indicators grouped into three main groups: environmental impact (intensity of emission emissions due to air traffic; intensity of emission emissions; intensity of energy use, share of tourist arrivals by railway, quality of bathing water, dependence on tourists from distant destinations), tourism digitalization (e -trade and sales, companies use social networks, digital skills of employees in tourism, internet speed in tourist

destinations, list of accommodation units on the internet) and socio-economic performance (intensity of tourism/dependence of the economy on tourism, seasonality, dependence on three top destinations), variety of offers, share of employees in tourism sector, average tourist consumption).

- **Pact for skills in tourism eco-system**

Based on the European Foundation of Social Rights and within the framework of the European Agenda for Skills (2020), the European Commission launched the Pact for Skills program in November 2020 as a common model for skills development in Europe that will ensure the right skills for jobs, support people in their paths of lifelong learning and to ensure a framework that will unlock investment in skills.

Pact for skills in the tourism ecosystem was launched in December 2021. The Covid-19 pandemic has threatened two-thirds of jobs in tourism, while the sector is still struggling to attract and employ people qualified for certain jobs. Pakta's ambitions are to use the opportunity to reset the tourism sector, preparing it for the future in which new frameworks for acquiring new and improving existing skills will maximize the sector's potential, build its resilience and enable it to face the challenges of the green and digital transition.

- Initiative to regulate short-term rent

The initiative to regulate short-term rental issues aims to develop a responsible, fair and reliable growth of short-term rentals as part of a well-balanced tourist ecosystem. The goal is also to ensure equal conditions for all accommodation service providers and to respond to numerous requests from interested parties for business in this segment throughout the entire EU. The initiative aims to achieve balanced solutions for cities, historic and professional accommodation providers and short-term rental platforms, which would especially benefit small and medium-sized businesses. A draft regulation is expected in June 2022.

- **Virtual tourist observatory**

Collections of information, data and analysis about current trends in the tourism sector, the economic and ecological impact of tourism and tourist profiles are available in the Virtual Tourist Observatory. It was created with the aim of supporting the creation of better tourism policies and strategies in the public and private sectors in order to make the European tourism sector as competitive as possible.

- **Tourism financing guide**

In May 2021, the European Commission published a Guide on EU support for tourism, which contains all the possibilities of financing activities in the field of tourism within the framework of various programs and funds of the European Union in the multi-year financial period 2021-2027.

Conclusion

A well-regulated legal environment for tourism, emphasizing constitutional principles like entrepreneurial freedom and the rule of law is crucial element for tourism development. The key legal acts in the Republic of Macedonia governing tourism activities contribute toward more successful implementation of strategies and better performance of key players. Furthermore, the notable European initiatives promoting sustainable and innovative tourism, such as the Transition Path for Tourism and the European Destination of Excellence program are beneficial for the process..

In this context the country energies should be in line with the European Commission's efforts to enhance tourism through initiatives like the EU Tourism Indicators Platform and the Pact for Skills in the tourism ecosystem. The concrete steps should also include the findings of the the Virtual Tourist Observatory and the Tourism Financing Guide, both invaluable resources for policy-makers and stakeholders in the European tourism sector.

References

1. European Capital of Smart Tourism initiative, Available at: https://smart-tourism-capital.ec.europa.eu/index_hr
2. European Destination of Excellence (EDEN) Initiative, Available at: https://ec.europa.eu/growth/sectors/tourism/eden_en
3. European Commission, Pact for Skills Programme, Available at: <https://ec.europa.eu/social/main.jsp?catId=1517&langId=en>
4. European Commission, Guide on EU support for tourism, Available at: https://ec.europa.eu/growth/sectors/tourism/funding-guide_en
5. Law on motorhomes (Official Gazette of the Republic of Macedonia No. 13/2013, 152/2015 and 31/2016);
6. Law on Local Self-Government (Official Gazette of the Republic of Macedonia No. 5/2002);
7. Law on Territorial Organization of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 49/96, 55/04).

8. Law on Agriculture and Rural Development (Official Gazette of the Republic of Macedonia No. 49/96, 55/04).
9. The Law on Balanced Regional Development (Official Gazette of the Republic of Macedonia No. 63/07).
10. Rulebook on the method, type and amount of subsidies of tour operators and travel agencies for the stay of foreign tourists in the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 53/13, 147/14, 50/15 and 32/16).