

4-5-2019

## IMPLEMENTATION OF INTERNATIONAL LEGAL NORMS - AS A FACTOR OF INTEGRATION OF UZBEKISTAN FOR SUSTAINABLE TOURISM DEVELOPMENT

S. Usmanova

*University of World Economy and Diplomacy*, s.b.usmanova@uwed.uz

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### Recommended Citation

Usmanova, S. (2019) "IMPLEMENTATION OF INTERNATIONAL LEGAL NORMS - AS A FACTOR OF INTEGRATION OF UZBEKISTAN FOR SUSTAINABLE TOURISM DEVELOPMENT," *International Relations: Politics, Economics, Law*. Vol. 2019 : Iss. 1 , Article 4.

Available at: <https://uzjournals.edu.uz/intrel/vol2019/iss1/4>

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## INTERNATIONAL TOURISM: THEORY AND PRACTICE

- Халқаро туризм: назария ва амалиёт ■
- Международный туризм: теория и практика ■

**S. Usmanova****Implementation of international legal norms - as a factor of integration of Uzbekistan for sustainable tourism development**

International-legal regulation of relations in the sphere of tourism plays an integral role in the sustainable development of tourism in the world and particularly, in the Republic of Uzbekistan. Especially, today when tourism industry is included as one of the strategic sector of economy of the Republic of Uzbekistan.

A set of principles and norms governing the activities of states in the field of tourism and international travel in order to meet a wide range of cultural and spiritual needs of a person is considered to be the institution of international tourism law [1]. The norms included in this institution provide more effective cooperation in the field of tourism and strengthen mutual interests in their development of participants in tourism exchange. With this regard, many norms of international law in the sphere of tourism are specially convened in the international conferences and meetings in the sphere of tourism.

We should note that, Uzbekistan did not participate in several international documents in the field of tourism which occupies “soft law” character in the theory of international law. Accordingly, the research puts forward more active attendance of Uzbekistan in law-making process in the field of international tourism, moreover, implementation of international standards by signing several international norms on tourism.

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*Usmanova S., PhD student, University of world economy and diplomacy.*

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From our point of view, non-participation of Uzbekistan in such kind of important Declarations in the sphere of tourism, would influence on its international image, which was announced as one of the main directions in the Presidential Decree «On the Action Strategy for the Further Development of the Republic of Uzbekistan in 2017-2021 years». The document, in particular, provides for the implementation of «constructive foreign policy aimed at strengthening the independence and sovereignty of the state, creating a security belt around Uzbekistan, stability and good neighborly relations, strengthening the country's international image».

Thereby as above mentioned, strengthening country's international image inasmuch as depends on developing tourism. Accordingly, in order to evaluate this sector, it should be formulated strong legal basis. In particular, Manila Declaration which Uzbekistan did not sign, pronounced that, in the universal efforts to establish a new international economic order, tourism can, under appropriate conditions, play a positive role in furthering equilibrium, cooperation, mutual understanding and solidarity among all countries [2].

**The importance of the first UNWTO's "Hard law" policy document.** Uzbekistan did not participate in one of the last approved Convention of the UNWTO (United Nations World Tourism Organization) – *Framework Convention on Tourism Ethics*. The Convention, approved at the 22nd UNWTO General Assembly in Chengdu, China, transforms the Code of Ethics for Tourism, the UNWTO's main policy document, into the International Convention, the first in the life of the organization [3].

**Uzbekistan did not participate in several international documents in the field of tourism which occupies "soft law" character in the theory of international law. Accordingly, the research puts forward more active attendance of Uzbekistan in law-making process in the field of international tourism, moreover, implementation of international standards by signing several international norms on tourism. From our point of view, non-participation of Uzbekistan in such kind of important Declarations in the sphere of tourism, would influence on its international image,**

Actually, a proposal to convert the Code, the UNWTO's important document, into an international Convention in order to reinforce its effectiveness was submitted in 2015 by the World Committee on Tourism Ethics to the General Assembly of the UNWTO [4].

This project provides for new trends in the rights of tourists, based on the provisions of the Universal Declaration of Human Rights and the nine principles of the Code of Ethics for Tourism [5]. In particular, the document

provides clear definitions of the fundamental concepts of the tourism industry, the rights of workers and entrepreneurs in the tourism indus-

tries, respect for national legislation, the benefits of the host countries, the responsibilities of all participants in the tourism process, the environmental aspects of tourism, and the conciliatory mechanism for resolving disputes under this Convention.

With this regard, the Chairman of the World Committee on Tourism Ethics (WCTE), Pascal Lamy emphasized that: “In an interconnected world where the business volume of tourism equals or even surpasses that of oil exports, food products or automobiles, it is important to set out a legal framework to ensure that growth is dealt with responsibly and that it can be sustained over time. Tourism is a power that must be harnessed for the benefit of all” [6].

Uzbekistan, as mentioned before does not participate in the universal international Conventions which regulates the sphere of tourism. From our point of view, the ratification of this document would effect on:

- The realization of the plans for sustainable development of the United Nations and the development strategy of the Republic of Uzbekistan in the tourism industry;

- Shows the active participation of the Republic of Uzbekistan in the implementation of international standards in the field of tourism development;

- The solution of actual problems in the activities of the subjects of the tourism process.

Moreover, the participation of the Uzbek government in the institutional mechanism of Convention, which is considered to be the World Committee on Tourism Ethics (also functions as dispute settlement body according to the Optional Protocol annexed to the Convention, Article 13), the Conference of States Parties (Article 16) gives an opportunity to announce actual problems of inbound and outbound tourism behind the world community. Namely, the Conference of States Parties shall perform functions as:

- (a) considering and adopting amendments to this Convention and to the Optional Protocol to the Framework Convention on Tourism Ethics where applicable;

- (b) adopting plans and programs for the implementation of this Convention; and taking any other measures it may consider necessary to further the objectives of this Convention;

- (c) approving the operational guidelines for the implementation and application of the provisions of the Convention prepared upon its request by the World Committee on Tourism Ethics [7].

According to the Convention, all state parties have the right to participate in this institute, consequently Uzbekistan’s participation in

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this body may influence on the realization of nearer and face-to-face communication with the world authority, to implement the international standards on tourism ethics into national legislation more effectively, which may cause further development of international tourism in the country, growth of tourism flow and investments to several branches of tourism industry and projects as well. Because, the result of this kind of “face-to-face conversation” would be beneficial impact to the growth of international image of Uzbekistan.

**Prospects of ecotourism in the Republic of Uzbekistan.** The next international norm, which proposed to sign is *the Quebec Declaration on Ecotourism*.

Ecotourism is considered to be as an alternative form of development of the tourism industry in the Republic of Uzbekistan. The President Shavkat Mirziyoyev emphasized that, “Development of ecotourism influences on not only progress in economy, also on social spheres’ development” [8]. According to the Quebec Declaration on Ecotourism, it covers the principles - main points of sustainable tourism, but differs from the broader understanding of sustainable tourism by the following features:

- ♦ Contributes actively to the conservation of the natural and cultural heritage;
- ♦ Involves local communities in the development plan and activities, contributing to their well-being;
- ♦ Familiarize visitors/tourists with the realities of the area/cultural and natural heritage;
- ♦ More suitable for individual tourists, as well as small tour groups.

Since ecotourism is given high priority by the governments of developed and developing countries, and considering “Soft Law” character of this document, it is **advisable to join this Declaration by the Republic of Uzbekistan**. In particular, this Declaration produced a series of recommendations, which they propose to governments, the private sector, non-governmental organizations, community based associations, academic and research institutions, inter-governmental organizations, international financial institutions, development assistance agencies, and indigenous and local communities. These recommendations are connected with the UNO’s sustainable development targets. For instance, it ensures the involvement, appropriate participation and necessary coordination of all the relevant public institutions at the national, provincial and local level, (including the establishment of inter-ministerial working groups as appropriate) at different stages in the ecotourism process, while at the same time opening and facilitating the participation of other stakeholders in ecotourism-related decisions. Furthermore, adequate budgetary mecha-

nisms and appropriate legislative frameworks need to be set up to allow implementation of the objectives and goals set up by these bodies ((A) Part 3 of the Declaration). However, it also supports the further implementation of the international principles, guidelines and codes of ethics for sustainable tourism (e.g. such as those proposed by the UNEP, the WTO, the Convention on Biological Diversity, the UN Commission on Sustainable Development and the International Labor Organization) for the enhancement of international and national legal frameworks, policies and master plans to implement the concept of sustainable development into tourism ((A) Part 15), which shows that international norms in the sphere of tourism is connected with each other and enhance governments to join them.

Moreover, it is considered that all aspects of the development of eco-tourism have a positive impact on the environment; economic and environmental protection of rural areas; and this sphere interconnects national parks, the economy of the least developed villages and tourism relations [9]. It should be emphasized that, this kind of tourism is gaining more and more popularity – according to the forecasts of the World Tourism Organization, this type is among the five main strategic directions of tourism development until 2020 and it is estimated that the share of eco-tourism in the total volume of the global tourism industry has reached more than 10 % in recent years, and its growth rate is 2-3 times higher than the corresponding rates in the entire tourism industry [10].

It should be noticed that, at present time, there are 12 natural reserves in Uzbekistan, including Baday-Tuqay, Kizilkum, Nurota, Zarafshon, Orol Paygambar, Hisor, Zomin and Chatqal and these reserve areas are mainly used as a place for protection of the endangered species and plants and besides them, Uzbekistan fauna consists of 97 types of herbivorous animals, 424 types of birds, 58 types of vermigrade animals, 83 types of fish, while the flora of Uzbekistan is made up by more than 4100 type of plants [11]. About 9% of plants which grow in Uzbekistan are endemic, i.e. these plants grow only in these areas. In 2015, Uzbekistan has 36 METs (Metabolic equivalent) with a total area of 2604.2 thousand hectares, including 8 state reserves (201.7 thousand hectares, 7.7 percent), three national parks (598.7 thousand hectares, 23 percent), one biosphere reserve (68.7 thousand hectares, 2.6 percent), 13 public utilities (157.4 thousand hectares, 60.4 percent), one natural breeding center (158.9 thousand ha, 6.1 percent), 10 natural monuments (3.7 thousand hectares, 0.1 percent). In all categories of natural resource places, it is possible to adhere to the ten percent principle, which is widely used in environmental practice, taking into account international experience. According to

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him, the use of 10% of polluted areas in ecotourism does not lead to adverse effects on ecotourism, with the use and protection of ecosystems.

**The continuous growth of the tourism sector and its current trends and challenges, including those related to safety and security and the expansion of new businesses models, require an adaptation of the global legal framework.**

Based on these recommendations, we consider it appropriate to allocate an average of 10 percent of METs in recreation and ecotourism zones in all categories of existing and future perspectives [12].

It can be observed that, there is a great potential to develop and grow ecotourism in Uzbekistan region. According to national academicians, there is an opportunity

to elaborate special tours which would inform the visitors about the unique flora and fauna of Uzbekistan and these tours would provide foundation for further sustainable development of tourism. As it can be noticed, the issue of development of ecological tourism in our country remains very important [13]. Furthermore, nowadays the government of Uzbekistan pays a great attention to advance the agro tourism in village areas [14]. The development of agro areas are connected with the progress of ecotourism, without ecological basis and welfare it could not be organized potential agricultural touristic special centers for tourists. Therefore, implementing the norms of the Quebec Declaration will establish the needed legal and organizational issues for eco and agro tourism in Uzbekistan.

**New tendencies in international tourism law and its influence to Uzbekistan's tourism industry.** The continuous growth of the tourism sector and its current trends and challenges, including those related to safety and security and the expansion of new businesses models, require an adaptation of the global legal framework. With this regard, the World Tourism Organization (UNWTO) has been working since 2011 on the development of the International Convention to protect tourists and ensure confidence in the tourism sector, an initiative now in its final phase. The 9th meeting of the Working Group on the International Convention on the "Protection of Tourists and the rights and obligations of Tourism Service Providers" took place on 26-27 January 2017 [15]. According to the Draft of the Convention, tourists and providers of tourism services are granted rights and duties based on international human rights standards. Moreover, by signing of this Convention, the parties undertake to simultaneously join at least one Annex to of it, which consist of emergency assistance, a package of travel and accommodation, providing appropriate conditions for foreign tourists under different circumstances. The rules and conditions set out in the Convention are

considered liberal in relation to the Convention on the Travel Contract (1970), which, after the signing of the new Convention, it is not worthwhile to accede to the 1970 Convention.

As the UNWTO's ex-Secretary General Taleb Rifai expressed, "we are at a highly relevant crossroads; tourism is increasing every year and governments and private sector need tools to build a framework to guarantee tourist protection among other trends" [16].

It is known that, Republic of Uzbekistan pays a great attention to ensuring human rights in the country and to the development of tourism, according to the international standards. **In this regard, ratifying of this Draft Convention in future would facilitate:**

- Trust of potential tourists in maintaining their rights and interests in the Republic of Uzbekistan; Namely, according to the Article 2, Part 1 of this document, "States Parties shall take measures to protect the interests of tourists and to ensure that tourism service providers respect the rights of tourists as set out in this Convention". And also, it underlined State parties' opportunity to grant a higher level of protection of tourists than that set out in this Convention.

- Further strengthening of the relations of the State Committee for Tourism Development of Uzbekistan and other private touristic organizations with major tour operators, branded network hotels; Namely, according to the second Annex of the Convention special international terms and their definitions are interpreted, which are often used to organize package travel and tours [17]. And they are considered to be useful for entering international relations with private sector of tourism industry of foreign countries. Moreover, if this Draft will be approved by the world authority and opened to ratify, for Uzbekistan which put forward to join several international Conventions (as, International Convention on Contract Travel from 1970 and Convention on Custom Privileges for tourists from 1954) [18] in the sphere of tourism would not need to sign them and join directly to the Convention on the "Protection of Tourists and the rights and obligations of Tourism Service Providers". Because current Convention foresees contractual information obligations, as well as pre-contractual issues, alteration of the price and its terms (Articles 2,6,7 of Annex II).

- Appearance of a significant array of law enforcement, including number of judicial practice in the field of consumer rights protection of tourist services, as well as entrepreneurial activities in the sphere of tourism; The inclusion of protection in the event of the insolvency of the organizer (Article 11), and the functioning in the emergency situations of both parties (Article 5, Annex III and Annex I as a whole). And influence on



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development of direct mutual relations of tourist providers in international level.

- Emergence of trends towards the unification of national legislation in tourism in order to comply with the recommendations of international legal acts, which regulate activities in the field of international tourism; General definitions are provided in the Convention as noted below.

- Attracting foreign investment in the sphere of tourism development and improving the image of the Republic of Uzbekistan.

Thus, today, international relations between countries with a developed democracy are mediated not so much by the representative bodies of the state, they are directly implemented [19]. Similar rules could be implemented into tourism relations between private sectors and physical bodies of states, which will join to the Draft Convention in near future.

From our point of view, the adoption of this Convention would be integral part of legislative activity of the UNWTO, it is known that this specialized body of the UNO is considered to be the only one, which does not elaborate international norms of "Hard Law" character, namely Conventions in the framework of its functioning till 2017.

It's known that, in August 2006, *the UN Convention on the Rights of People with Disabilities* took place in New York. The International Treaty was approved there (mandatory, binding and with coercive potentiality), by which the rights and freedoms of people with disabilities are guaranteed, being the first treaty on Human Rights, which was approved in the XXI century. It will undoubtedly lead to an improvement from the practical point of view of the treatment of people with disabilities. Moreover, in the framework of the UNWTO, in 2005, approved the ruling A/RES/492 (XVI)/10, in the session No. 16 of the General Assembly of the World Tourism Organization, on the recommendation of the Committee of Quality and Trade Support. It resulted in the paper «Towards an accessible tourism for all», which states the requirements that the tourism industry should take to allow equal opportunities for people with limited capabilities (PCR) [20].

As an example, here, it should be noted that, the remarkable of tourist flow to Uzbekistan is considered to be from European countries [21] and according to official report, in Europe it is estimated that 10% of the population have some type of disability, this means around 50 million people. And this number will continue to grow due to the inevitable process of demographic change as half of them are over 65. It can be then stated and deduced that accessibility is essential for 10% of the population, necessary for 40% and convenient for 100% of the population

[22]. According to 2017<sup>th</sup> International Visitor Trend Survey Report of Uzbekistan, Samarkand is the most visited by the seniors (60-80+: 37,4 %) [23]. Logically, usually the majority of people in 60-80 years old have some type of disabilities. Therefore, development of tourism accessibilities (“accessible tourism for all”) for disabled people will also influence on tourists’ flow to Uzbekistan with disabilities from Europe and from other countries as well.

Furthermore, CRPD Article 12(2) states that, “States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life”. This guarantee is the central part of the Convention, by which equal rights are maintained to people with disabilities. The promotion of vocational and professional rehabilitation, job retention and return-to-work programs for persons with disabilities were also included in the Convention (Article 27). From our point of view, in order to rehabilitate majority of people with disabilities ask to special health centers or sanatoriums, usually are not situated in the country or city of their residence. Consequently, they would become the users of tourism activities, as health tourism and therefore the realization of before mentioned part of the Convention is straightforwardly connected with international or internal tourism. As for the Republic of Uzbekistan, to take measurements on systematically development of health tourism, effective use of natural resources with treatment- health opportunities are actual at present. It is known that, usually the customers of health tourism are considered to be the people with some type of disabilities. Considering current Article of the UN Convention on the Rights of People with Disabilities, the realization of *health tourism* is connected with the ratification of this document.

Moreover, tourism issues, such as leisure and sport were mentioned in the 30<sup>th</sup> Article of the Convention, by calling “Participation in cultural life, recreation, leisure and sport”, which underlines the rights of persons with disabilities access to leisure and tourism venues are also integral part of the Convention, which shows the connection with tourism issues.

**It began a new period of development tourism in Uzbekistan from December 2016. Legal norms and changes are almost adopted and continuing to be adopted by the government. And the main aim is to realize this novation into the practice. Notwithstanding of the “Soft law” character of the international norms in tourism, it is “sine qua non condition” for the Republic of Uzbekistan to sign and ratify several International Conventions and Declarations in the sphere of tourism and international documents, which are connected with tourism issues.**

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According to the Development Strategy of the Republic of Uzbekistan for 2017-2018, it was planned to ratify the “UN Convention on the Rights of Persons with Disabilities” and adopt the Law of the Republic of Uzbekistan «On the Rights of People with Disabilities». With this regard, it is advisable *to include in this law an Article containing the rights of disabled people to tourism activities*, as well as providing organizational procedures by official bodies to facilitate favorable and appropriate conditions for people with disabilities during the travel.

It's known that, the process of discussing the Presidential Decree “On measures of improvement of system on governmental maintenance of people with disabilities” is continuing from 2018. However, in the actual norms, namely, the Law “On social defense of disabled people in the Republic of Uzbekistan” did not include “the rights to rest, leisure and including a right on reasonable limitation of working day and on a pay periodic vacation” of people with disabilities, which occupies an integral part in the life of each person [24]. Hence, it is advisable while ratifying the UN Convention on the Rights of Persons with Disabilities and adopting the Law “On the protection of the rights of people with disabilities” of the Republic of Uzbekistan to include the appropriate norms. Namely, the Articles which *include following norms*:

“Each person with disabilities has the rights to rest, leisure and including a right on reasonable limitation of working day and a pay periodic vacation. The promotion of vocational and professional rehabilitation, job retention and return-to-work programs for persons with disabilities should be maintained by the administrative bodies of the Republic of Uzbekistan”. Or, in one word the right to tourism activities should be included in discussed Draft of Law.

**Conclusion.** To summarize, it began a new period of development tourism in Uzbekistan from December 2016. Legal norms and changes are almost adopted and continuing to be adopted by the government. And the main aim is to realize this novation into the practice. Notwithstanding of the “Soft law” character of the international norms in tourism, it is “sine qua non condition” for the Republic of Uzbekistan to sign and ratify several International Conventions and Declarations in the sphere of tourism and international documents, which are connected with tourism issues. We have already signed majority of regional agreements in the field of tourism within CIS (Commonwealth of Independent States ) countries and with the SCO (Shanghai Cooperation Organization), so it is time to sign norms of the Universal character.

Considering importance of before mentioned international norms in maintaining sustainable development of tourism in the Republic of

Uzbekistan, it is proposed to ratify the UNWTO's Framework Convention on Tourism Ethics in order to organize modern and indispensably conditions for tourists' flow to Uzbekistan. It will be one of the factor of actively integration of Uzbekistan to the world community in near future.

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