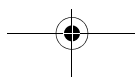
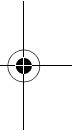
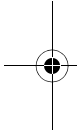




Part 3

International Tourism Markets





International Tourism Policy

Marion Joppe

1. Introduction

Travel and tourism are big business. Indeed, internationally they account for 10 % of the world's GDP or \$7.6 trillion, providing 277 million, or 1 in 11, jobs on the planet (WTTC, 2015). "If our industry were a country, its direct GDP contribution would rank as the 7th largest economy in the world, behind France and ahead of Brazil", elaborates *David Scowsill*, President and CEO of the World Travel and Tourism Council (WTTC). According to the World Tourism Organization (WTO, UNWTO since 2003 to avoid confusion with the World Trade Organization), international tourists reached 1,138 million in 2014 (UNWTO, 2015), and this number refers only to overnight stays. Many countries also record vast numbers of people crossing borders for day trips, which are not captured by international statistics. The industry has shown itself to be remarkably resilient with growth that outpaces most other economic sectors. For instance, with 4.7 % growth, 2014 was the fifth consecutive year of above average growth since the 2009 economic crisis (UNWTO, 2015).

Yet, tourism does not have its own category of international law but rather, it is controlled by legislation and regulation written for many other purposes, such as controlling or facilitating the flow of capital and investments, the transportation of passengers and goods, safety and security, or environmental protection.

This chapter will begin with a brief historic overview of how tourism has been treated and the major declarations, accords, agreements and charters that have influenced tourism over the years. It will then look at the foreign policy environment and considerations, and proceed to address some of the major aspects of international policy impacting tourism, specifically the movement of goods and people across borders, operating and working in foreign countries, transportation and consumer protection.

But first some terminology to help navigate the world of international politics. A *treaty* – also referred to as an international agreement, protocol, covenant or convention – can be bilateral or multilateral. It is first adopted by resolution by the General Assembly of the United Nations, but is not binding until it has been ratified by each country that is party to the treaty. A *protocol* is a treaty that supplements a previous treaty as is the case for instance of the Convention on Climate Change (which means it was negotiated under the auspices of an international organization), modified by the Kyoto Protocol. A *declaration* is an aspirational document such as the 1992 Rio Declaration on Environment and Development and although it does not usually create a legally binding obliga-



International Tourism Policy

tion, it can gain a binding character as customary law at a later stage as is the case of the 1948 Universal Declaration of Human Rights. *Resolutions* are documents without legally binding force, except for those of the UN Security Council, although they can carry considerable weight as they are issued by bodies of the United Nations. They are often very detailed about one particular subject, as in the Resolutions on the Global Code of Ethics for Tourism. Finally, *recommendations* provide codes for use and state international principles but do not have the binding force of conventions and are not subject to ratification. This is the case of the International Recommendations for Tourism Statistics.

2. Historical overview

The war climate of the 1930s and first half of the 1940s had given rise to a series of police, customs, monetary, and sanitary regulations that significantly restricted tourist movements. However, one of the first acts of the newly created United Nations in 1945 was the adoption of the Universal Declaration of Human Rights, which states in its Article 13 that “everyone has the right to leave any country, including his own, and to return to his country”. This then gave the impetus for nations to work on facilitating the movement of people and goods across borders, largely through bilateral agreements. Although the primary motivation for governments was the realization that tourism can be an effective and efficient foreign exchange earner, a generator of employment, a tool for regional development and an impressive source of tax revenues, there was also a desire to foster better mutual understanding in an effort to preserve peace. This was explicitly addressed by the Organization for Security and Co-Operation (OSCE) in Europe in its 1975 Helsinki Accords, signed by 35 countries including Canada and the United States, by stating that “tourism contributes to a fuller knowledge of life, culture and history of other countries, to the growth of understanding among people, to the improvement of contacts and to the broader use of leisure. [The participating States] intend to promote the development of tourism, on an individual or collective basis” (OSCE, 1975, p. 44).

This theme of “peace”, coupled with “security”, was also the foundation of the groundbreaking Manila Declaration on World Tourism, the document that emanated from the first comprehensive meeting on global tourism hosted by UNWTO in 1980. Recognizing that tourism can only “develop in a climate of peace and security”, the Declaration suggested that tourism could not only be a “vital force for peace”, but could also contribute to “the establishment of a new international economic order” by essentially reducing the gap between the wealthier and poorer nations of the world. It further affirmed that the ultimate aim of tourism is “the improvement of the quality of life and the creation of better living conditions for all people”. In this, the interests of the private sector, dominating the economic activities linked to this industry, diverge at times from those of governments, and there are numerous examples of policies enacted to uphold the objectives as outlined in the Declaration.

These sentiments were reinforced in 1985 by the General Assembly of the UNWTO which adopted a Tourism Bill of Rights and Tourist Code. Building on the Universal Declaration of Human Rights, the Bill of Rights reaffirms in its Article I the right of peo-

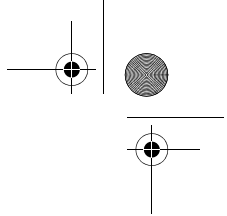
ple “to rest and leisure, reasonable limitation of working hours, periodic leave with pay and freedom of movement without limitation”. However, it recognized that this right would require governments to proactively develop the necessary physical and social infrastructure as well as enabling environment for the private sector, and therefore encourages them to integrate tourism into their overall development policies at every level, from local to international. Since the 1980s were a period of significant concern over terrorist activities, it also calls on governments in Article IV to “ensure the safety of visitors and the security of their belongings through preventative and protective measures”. As optimistic as all these documents were about tourism fostering peace and mutual understanding, there was also recognition that tourists do not always behave appropriately. The Tourist Code therefore spelled out what constitutes “appropriate behaviour”, such as showing understanding of the customs and beliefs of the host community, respect for their cultural and natural heritage, and not accentuating the differences between hosts and guests.

Another important international body that was established shortly after World War II is the Organization of Economic Cooperation and Development (OECD) in 1948. One of its main objectives was the progressive liberalization of trade in goods and services by maintaining pressure on its members, the most developed nations in the world. Its Tourism Committee has monitored policies and structural changes affecting the development of domestic and international tourism since the creation of the OECD, and in 1985 adopted an important Decision-Recommendation on International Tourism Policy¹ that accomplished the following:

- a) The Act sets out the objectives which it aims to attain and the procedures to be followed to reach these objectives, namely by avoiding all measures that distort competition or discourage the movement of travelers, goods, services, and capital; by encouraging the equitable treatment of national and foreign companies; and by reducing administrative requirements.
- b) It lists in detail the obligations which member countries have accepted concerning such matters as the duty and tax-free import of personal effects, duty-free allowances, circulation of private cars and caravans, temporary importation of items such as spare parts for airplanes and other modes of transportation, tourism publicity and promotion by official tourist organizations, etc., and
- c) It sets out a number of guidelines covering facilitation matters to encourage governments to ease the movement of travelers.

The Inter Parliamentary Union, the world-wide organization that “works for peace and co-operation among peoples and for the firm establishment of representative democracy”, together with UNWTO organized the Inter Parliamentary Conference on Tourism in 1989 that led to the adoption of The Hague Declaration on Tourism. In its introduction, the Declaration recognizes the important role of the many international bodies, both governmental and non-governmental, that directly and indirectly impact tourism,

¹ Approved under the leadership of the author of this chapter who was Secretary of the Tourism Committee at that time.

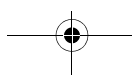
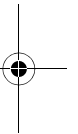
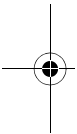


International Tourism Policy

such as the International Labour Organization (ILO), the World Health Organization (WHO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Maritime Organization (IMO), the International Civil Aviation Organization (ICAO), the United Nations Environmental Programme (UNEP), the International Criminal Police Organization (ICPO INTERPOL), and the OECD. The 10 Principles outlined in the Declaration cover a wide range of issues with a particular focus on developing countries and how they can utilize the economic benefits derived from tourism to advance their national priorities. It challenges governments to develop tourism on the basis of sustainability, directly referring to the work of the World Commission on Environment and Development (aka “The Brundtland Report”) and encourages them to find ways to develop “alternative tourism” that is less harmful to both the socio-cultural and ecological environments.

Over the years there have been many other policy documents that have specifically or indirectly addressed tourism, and indeed, they are far too numerous to detail here exhaustively. However, until the Uruguay Round of Multilateral Trade Negotiations, launched in 1986, tourism was seen largely as a leisure activity. This changed dramatically with the signing of the General Agreement on Trade in Services (GATS), which came into force in 1995. The Agreement constitutes the legal framework through which the World Trade Organization (WTO) members progressively extend the General Agreement on Tariffs and Trade (GATT) to liberalize trade in services. “Tourism and Travel Related Services” is one of 20 sectors covered by the GATS (WTO, 2001), itself further sub-divided:

1. Hotels and restaurants (including catering)
 - Hotel and other lodging services
 - hotel lodging services,
 - motel lodging services,
 - other lodging services
 - ◊ holiday camp services
 - ◊ youth hostels
 - Food serving services
 - full restaurant,
 - self-service,
 - catering,
 - other food services
 - Beverage serving services for consumption on the premises
 - services without entertainment
 - services with entertainment
2. travel agencies and tour operator services
3. tourist guide services
4. other.



In addition, there are numerous subsectors within the other core service sectors that are relevant to tourism, most notably air transportation, cruise ships and computer reservation systems. UNWTO's unhappiness with the narrow definition of tourism services led to the development of the tourism satellite account, designed to capture tourism-related activities in other sectors as part of an overall measure of the size of the tourism sector.

For each service sub-sector, governments make commitments about market access and national treatment. They can choose no access (none), full access (unbound), or partial access (a bound commitment) (*Martin, 2006, p. 2*). According to *Te Velde and Nair (2005)*, national tourism economies need to be shielded from too much competition, especially in lesser developed countries. This is reflected in the type of restrictions that are generally imposed on tourism commitments: "an economic needs test is frequently required for opening new bars or restaurants; citizenship requirements are sometimes imposed for liquor licenses and tourist guide licenses. In regard to commercial presence, market access is often guaranteed only to hotels in excess of a certain size, e.g. 50 or 100 rooms, with access for hotels below that size subject to an economic needs test. In some cases, licences are required for commercial presence, and in other cases commercial presence is restricted to fixed equity limits" (WTO, 1998, p. 10).

3. International Policy Impacting Tourism

"In order to fully reap the benefits that international tourism can bring to an economy, it is necessary to put in place conditions that make the country easy to visit as well as attractive to develop, and to facilitate investment in its Travel & Tourism sector" (*Glasser et al., 2013, p. 49*). This sentiment is an extension of the neoliberal philosophy that took hold in the 1980s and worked towards much greater liberalization of trade, freedom of movement for capital, goods and services, deregulation and a reduction of government control and interventions as a means to increase economic growth. Although tourism was one of the most liberalized industries going into the Uruguay Round (OECD, 1990), the GATS as well as the myriad of regional trade agreements such as the European Union, the North American Free Trade Agreement, and the Association of Southeast Asian Nations, among many others, have forced the opening of more domestic markets to tourism development and foreign direct investments, especially in the developing world. Two principles underpin GATS that have profound implications for tourism:

- non-discrimination: once a Member state has provided concessions to another Member, it must extend these to all other states; and
- reciprocity: the Member state that has received concessions must offer 'similar in size' concessions in return. This is also known as the Most Favoured Nation principle.

While countries have sovereign authority to regulate their domestic markets, the purpose of GATS is to prevent governments from changing their regulations and introduce new barriers to entry as well as facilitate both domestic and foreign business and thereby encourage investment and trade in services. GATS limits a member country's ability to pursue its own tourism development strategy and influences a country's domestic laws



International Tourism Policy

and regulations, particularly in the area of environmental standards. The United Nations recognized early on (*Chanda*, 2002, p. 3) that GATS may “hurt the realization of equity and developmental objectives and could pose challenges to governmental autonomy in the delivery and provision of various social services”, but justifies this because of possible gains in efficiency and resources. This focus on growth is a reflection of the neoliberal approach adopted by the most influential international organizations and governments.

3.1. Movement of goods and people across borders

After World War II, customs regulations, currency exchange limitations, and visa formalities were particularly stringent and a hindrance to development of international travel. Since then, significant strides have been made in all of these areas to facilitate the movement of people which can be directly correlated with the impressive growth in international arrivals from 25 million in 1950 to 1.1 billion today. There are many aspects to the movement of goods and people across international borders, but the main considerations concern the commitments made within the international trade regime to opening tourism and travel services under GATS and the extent to which visa requirements make it complicated for visitors to enter the country.

From governments' perspective, visas serve a number of purposes, first and foremost that of 'security' although according to *Glasser et al.* (2013, p. 50), visas also serve “to control immigration and limit the entry, duration of stay, or activities of travelers; to generate revenue and apply measures of reciprocity; and to ensure a destination's carrying capacity and control tourism demand”.

GATS sets out the rules that apply to both a specific sector such as tourism, and the mode of supply for the delivery of these services in cross-border trade. It distinguishes between four modes of supplying services:

- **Mode 1** or cross-border trade, whereby a consumer in one country purchases a service directly from a service provider in another country, e.g., purchasing a tour or a travel insurance policy from a firm in another country.
- **Mode 2** or consumption abroad, where the consumer travels to another country and purchases services there, e.g., a meal at a restaurant, in that country.
- **Mode 3** or commercial presence, where a consumer purchases a service from a foreign service supplier who has established a commercial presence in the consumer's country, e.g., hiring consultants from a foreign-owned firm with a local presence to develop a tourism marketing campaign.
- **Mode 4** or presence of natural persons, whereby a service transaction involves the presence of a person from another country, e.g., a foreign manager in a hotel.

(based on *Wood*, 2009, p. 597)

Much progress had been made to ease border crossings and even eliminate borders altogether through regional agreements as is the case of the Schengen agreement which allows free movement between member countries in Europe. However, the events of Sep-



tember 11, 2001 saw a reversal of the trend led by the United States and its Western Hemisphere Travel Initiative (WHTI), the law that requires all travellers – including returning American citizens – to show a valid passport or other approved secure document when travelling to the United States. Thus, by 2008, only 17 % of the world's population did not require a visa before visiting. Strenuous efforts by governments saw a slight easing of restrictions by 2012, with 18 % of the world's population not requiring a visa and a shift towards e-visas (2 %) and visas upon arrival (16 %) as the link between visa facilitation and economic growth through tourism was increasingly recognized by national authorities (Glasser et al., 2013, pp. 52–54). The case was clearly made by research undertaken jointly by UNWTO and WTTC (2012), which demonstrated that improvements to the visa processes could generate an additional US\$206 billion in tourism receipts for G20 countries and create up to 5.1 million jobs by 2015.

In general, advanced economies tend to be more restrictive as there is also a greater fear of illegal immigration, yet full exemption from a visa is more common in advanced economies, largely due to the Schengen agreement, while visa-on-arrival is more common in emerging economies.

3.2. Foreign Workers

Cross-border mobility has been increasing as a corollary to globalization and intensification of trade and investment, but also as a result of political turmoil, the growing income inequality between and within countries, and decreases in the cost of transportation (ILO, 2010). The working and structural issues of the tourism industry in general, and the accommodation and foodservice sector in particular, encourage employers to resort to a cheaper labour pool of foreign workers (Joppe, 2012). At present, there are approximately 232 million migrants around the world, roughly half of them workers, up from 105 million in 2010 (ILO, 2015). Nearly every country is affected by international migration, either as origin, transit or destination and sometimes in all of these capacities. Although a series of resolutions, conventions and policy statements have been adopted by the international community to protect their rights, many migrants still remain vulnerable to exploitation, especially if they are temporary rather than permanent. Even more vulnerable are irregular migrants. In the hospitality and tourism industry, undeclared labour is frequent, often leading to clandestine employment of foreign workers in irregular status where they suffer from poor working and living conditions and are generally paid lower wages than native workers (ILO, 2015).

In theory and unless otherwise stated, all international labour standards as well as core international human rights instruments, are applicable to foreign workers. However, their vulnerability is such that the ILO has developed specific international standards for the governance of labour migration and protection of migrant workers. Two Conventions were adopted to that effect in 1949 and 1975, each accompanied by non-binding Recommendations.

GATS also addresses migrant workers, largely from the perspective of facilitating the cross-border movement of professional service providers. Under Mode 4 of the agree-

International Tourism Policy

ment, which refers to the presence of persons of one WTO member in the territory of another for the purpose of providing a service, the Uruguay Round largely limited commitments to two categories: intra-company transferees regarded as “essential personnel”, such as managers and technical staff linked with a commercial presence in the host country; and business visitors, i.e. short-term visitors not in general gainfully employed in the host country (WTO, 2008). It also specifically states that Mode 4 does not apply to people seeking permanent employment or to conditions for obtaining citizenship, permanent residence or permanent employment. This is important for tourism businesses as many investments, particularly in the hotel sector in countries where there is not a readily available skilled labour force, are accompanied by expatriate senior management teams receiving permission to work in the property, generally for up to three years. “In some cases, restrictions might be imposed by both the services importer and the exporter. Such measures notably included immigration and security controls,² together with documentation requirements, as well as any restrictions on currency movements which might be applied to individual tourists or tourism businesses” (WTO, 1998, p. 7).

Although there have been many calls to liberalize Mode 4 further, there is a fear that doing so might lead to “the emergence of hard-to-police brokers who capture some or much of the difference in labor costs that motivates migration” (Martin, 2006, p. vi). This has been born out many times in different parts of the world, most recently with the massive migrations from African and Middle Eastern countries.

3.3. Transportation

The international regulations that govern the different means of transport (by air, sea, rail or road) are too numerous to discuss in detail in this chapter. Fifty-four percent of all international travellers arrived by air in 2014 (UNWTO, 2015a), which represents about 612 million people. The trend has been for air transport to increase slightly faster than other forms of transportation so that its share has been increasing over time. Transport by road accounts for about 39 percent of arrivals, while water at five percent and rail at two percent play a more minor role in international tourism. Long dominated by Americans, cruises have been rapidly increasing in popularity with over 22 million passengers carried world-wide in 2014 for various durations (CLIA, 2015). Air and maritime transportation have taken very different approaches in their international regulation, so we will take a closer look at these.

3.3.0.1. Air transport

The notion that all rights to airspace belong to the owner (i.e., country) of the underlying territory dates back to Roman law (Sand et al., 1960) and is still valid today. Prior to World War I, a number of nations had signed bilateral agreements, but the International Air Traffic Association (IATA), founded in 1919 by six airline operators, started fostering cooperation between various commercial airlines and its reports contributed to the

2 A major issue for the movement of natural persons in the tourism industry concerns barriers in situations not involving commercial presence (e.g. cooks for Indian restaurants).

recognition that the lack of uniformity in international air law, particularly with regard to the liability of international airlines, needed to be addressed collectively. The resultant Convention, known as the Warsaw Convention 1929, set out to regulate the issue of tickets, the responsibility of the carrier and the transport of luggage. Much progress had been made by the start of World War II, when IATA ceased to function. It was revived in 1944 in Chicago as the International Air Transport Association, the year the Chicago Convention also established the International Civil Aviation Organization (ICAO), a specialized agency of the United Nations charged with coordinating and regulating international air travel.

Signatories to the Chicago Convention recognized that “international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security” (ICAO, n.d.) and the Convention itself as well as its annexes cover topics as diverse as aviation security, safety oversight, air worthiness, navigation, environmental protection and facilitation (expediting and departure at airports). This Convention underpins the governance of international air services through its “freedoms of the air”, although it also laid the foundation for numerous bilateral agreements among countries. The first two freedoms deal with transit rights, while the third and fourth freedoms allow basic international service between two countries. The fifth freedom deals with picking up and dropping off passengers along the way in a foreign country. Later amendments to the Chicago Convention added other freedoms, including those dealing with cabotage or the right to transport goods or passengers between two points in the same country by an aircraft registered in another country.

Globalization, bilateralism and more recently multilateralism have transformed the airline industry. The movement towards “open skies” – the liberalization of the rules and regulations of the international aviation industry – was led by the United States who started to negotiate these types of bilateral agreements as of 1979. Underpinning these agreements is the notion of free market competition, i.e., no restrictions on international route rights, the number of designated airlines, capacity, frequencies of flights and types of aircraft used. Specifics are negotiated as part of each agreement. Although air transport, traffic rights and directly related activities were largely excluded from GATS because of the existence of a rather well-developed regime determined on bilateral bases, ICAO started to pressure for multilateral agreements as liberalization, privatization, foreign ownership, transnational mergers, and alliances that span the globe have fundamentally changed the structure of the airline industry.

3.3.0.2. Cruise industry

The growth of cruising in international waters has been truly spectacular. An early means of linking the “old” and “new” world, the first shipping company to offer regularly scheduled service between England and the United States dates back to 1818 (Cruise Passenger, 2011). By the early 20th century, the concept of the superliners, which were massive and ornate floating hotels, was developed. The 1914 disaster of the sinking of the Titanic saw the adoption of the first major international maritime safety



International Tourism Policy

treaty, the Safety of Life at Sea Convention (SOLAS) ensuring minimum safety standards in construction, equipment and operation (IMO, 2015b).

It was during the inter-war years that transatlantic passenger ships had their most glamorous period, catering to the rich and famous. However, with the advent of long-haul flights and the decline of the transatlantic crossings, cruise ships had to reinvent themselves. Thus, starting in the 1960s, the modern cruise industry was born, with a focus on vacation trips in the Caribbean, where the voyage in a casual environment and with extensive on-board entertainment rather than the destination itself were central themes.

Today, virtually every aspect of the cruise experience is regulated, much of it through international efforts. The primary body is the International Maritime Organization (IMO), another specialized agency of the United Nations, which was set up in 1948 but did not enter into force until 1958. One of its first tasks was to update SOLAS and although it was also responsible for the “prevention and control of marine pollution from ships” (IMO, 2015a), it took the Torrey Canyon disaster of 1967 to get real traction and the adoption of the International Convention for the Prevention of Pollution from Ships in 1973.

Cruise ships employ a truly global workforce and the ILO tends to govern its labour conditions and ensuring that international labour conventions as well as applicable national laws are adhered to. Ships are required to not only abide by the laws of the nation where they are registered, but also of the ports visited. Since a typical cruise ship now carries up to 3,000 passengers and 1,000 crew, the health of both is of great concern as infectious diseases can spread rapidly in the closed and crowded environment. Ships tend to move rapidly from one port to the next, diseases can also be communicated to destinations and home ports. Therefore, the World Health Organization (WHO) is responsible for developing and implementing procedures for the prevention and control of diseases as well as biorisk reduction. The International Health Regulations were first introduced in 1969 and represent a revised and consolidated version of previously existing International Sanitary Regulations. The purpose of the 1969 Regulations is “to ensure the maximum security against the international spread of diseases with a minimum interference with world traffic” (WHO, 1983, p. 5).

Over the years, cruise lines have often faced criticism over their labour practices (*Reynolds & Weikel*, 2000) and environmental standards (*Friends of the Earth*, 2015). However, the regulatory environment is constantly evolving and tightening. For instance, in 2006 the Maritime Labour Convention was adopted with entry into force as of 2013 and in 2010 stricter controls were put on emissions (IMO’s Emission Control Areas).

3.4. Consumer Protection

With the pressure to reduce more and more constraints on businesses, the need to protect consumers by ensuring their rights as well as fair trade, competition and accurate information in a marketplace that is increasingly dominated by international corporations has become ever more important. Consumers International (CI), an independent federation of consumer groups, was founded in 1960 and has become a powerful interna-

tional movement. Its advocacy resulted in the adoption by the United Nations of the first set of Guidelines for Consumer Protection in 1985. Amended in 1999 with the addition of a section on sustainable consumption, at the urging of CI, the United Nations Conference on Trade and Development (UNCTAD) is exploring further revisions, specifically in the areas of e-commerce and financial services as a result of new developments in technology and business practices.

While the OECD adopted its Guidelines for Consumer Protection in the Context of Electronic Commerce in 1999 to extend protection to online business-to-consumer transactions, and released its G-20 High-level Principles on Financial Consumer Protection in 2012, UNCTAD did not start its deliberations on both of these important topics until 2012. As part of the resultant Draft Resolution tabled with the UN General Assembly in July 2015, it requests the establishment of an “Intergovernmental Group of Experts on Consumer Protection Law and Policy” under its auspices. Since the 1985 Guidelines and subsequent amendment have seen wide adoption in national legislation within developed countries, the Draft Resolution pays special attention to consumers in developing countries (UNCTAD, 2015).

Paragraph 78 of the Draft Resolution specifically addresses tourism, calling on Member States to “ensure that their consumer protection policies are adequate to address the marketing and the provision of goods and services related to tourism, including, but not limited to, travel, traveller accommodation and timeshares. Member States should, in particular, address the cross-border challenges raised by such activity, including enforcement cooperation and information sharing with other Member States, and should also cooperate with the relevant stakeholders in the tourism-travel sector”.

UNWTO also has been working for the last five years through its working group on the protection of tourists/consumers and travel organizers, made up of representatives of all major private sector associations in addition to those from Member States and relevant organizations such as ICAO and the European Commission. The objective is to develop an international convention that would address the priority issues of “i. providing assistance to, and ensuring the repatriation of, consumers, particularly in cases of force majeure; ii. supplying accurate and timely information to tourists including in terms of the handling of bankruptcy situations of travel organizers; and focussing on issues related to accommodation” (UNWTO, 2015b, p. 2).

It is, however, the European Union that has had the most far-reaching impact to protect consumers of travel products. Already the 1990 Council Directive and its subsequent Regulations on package travel, package holidays and package tours contributed significantly to consumer protection rights by requiring the organisers and sellers of package holidays to provide greater transparency and accuracy in the provision of information, addressing financial protection and repatriation in the event of company failure, and implementing a specific regime for contractual liability in respect of package holidays. In May 2015, the EU Council extended the protection of the 1990 Directive to cover those “consumers who book other forms of combined travel, e.g. a self-chosen combination on a website of a flight plus hotel or car rental” (European Commission, 2015), whether these are offered by a single business on- or offline or separate websites within 24 hours.

International Tourism Policy

Member countries have two years to implement this Directive, which will no doubt have a profound effect on the global travel industry.

4. Conclusion

As we have seen, international tourism policy is not a cohesive framework. In part, because tourism is a social phenomenon – the only aspect that distinguishes a tourist from a resident is the fact that they are a certain distance away from their usual environment. Secondly, the industry that we generally call ‘travel and tourism’ for the most part also serves other businesses and consumers and therefore other frameworks apply to the various branches. Thirdly, as much as the appeal to travel has grown exponentially over the last 60 years, travel does not represent an end in itself as far as governments are concerned and therefore tourism will always be treated as an economic tool that has social, cultural and environmental ramifications.

This chapter has attempted to familiarize the reader with the complexities of international tourism policy by first elaborating on some of the language used, and then providing a brief historic overview outlining the treatment of tourism in some of the major international policy instruments. Key examples are drawn from the work surrounding the movement of goods and people across borders, operating and working in foreign countries, transportation – specifically air transportation and cruising – and consumer protection. These are but the highlights of the myriad of policy and legal documents that deal with the various tourism interests, sectors and issues. Quite the paradox when ostensibly the objective of neoliberal policy is reduction of government control!

References

- Chanda, R.* (2002). GATS and its Implications for Developing Countries: Key Issues and Concerns. DESA Discussion Paper No. 25, United Nations.
- CLIA* (2015). 2015 CLIA State of the Industry. Retrieved October 2, 2015 from <http://www.cruising.org/about-the-industry/press-room/research/2015-state-of-the-industry>
- Cornelissen, S.* (2009). Tourism and the General Agreement on Trade in Services: Debates, Progress and Implications for the African Continent. *Tourism Review International*, 12, 187–202.
- Cruise Passenger* (2011). A Brief History of Cruising. *Cruise Passenger Magazine*. Retrieved October 10, 2015 from www.cruisepassenger.com.au/a-brief-history-of-cruising/
- European Commission* (2015). Package Travel. Retrieved October 14, 2015 from http://ec.europa.eu/consumers/consumer_rights/travel/package/index_en.htm
- European Union* (1990). Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours, Official Journal L 158, 23/06/1990 P. 005–0064.
- Friends of the Earth* (2015). 2014 Cruise Ship Report Card. Retrieved October 10, 2015 from <http://www.foe.org/cruise-report-card>

- Glasser, D., Kester, J., et al.* (2013). Visa Facilitation: Stimulating Economic Growth and Development Through Tourism, in World Economic Forum, The Travel & Tourism Competitiveness Report, Chapter 1.3. Retrieved November 14, 2014 from <http://www.weforum.org/reports/travel-tourism-competitiveness-report-20>
- ICAO* (n.d.). Convention on International Civil Aviation – Doc 7300. Retrieved October 2, 2015 from <http://www.icao.int/publications/pages/doc7300.aspx>
- ILO* (2010a). Developments and challenge in the hospitality and tourism sector. Geneva: ILO.
- ILO* (2015). International Labour Standards on Migrant workers, retrieved October 6, 2015 from <http://www.ilo.org/global/topics/labour-migration/lang--en/index.htm>
- IMO* (2015a). Brief History of IMO. Retrieved October 10, 2015 from <http://www.imo.org/en/About/HistoryOfIMO/Pages/Default.aspx>
- IMO* (2015b). History of SOLAS (The International Convention for the Safety of Life at Sea). Retrieved October 10, 2015 from <http://www.imo.org/en/KnowledgeCentre/ReferencesAndArchives/HistoryofSOLAS/Pages/default.aspx>.
- Joppe, M.* (2012). Migrant workers: Challenges and opportunities in addressing tourism labour shortages. *Tourism Management*, 33(3), 662–671.
- Martin, P. L.* (2006). GATS, Migration, and Labor Standards, Geneva: International Institute for Labour Studies.
- OECD* (1985). Decision-Recommendation of the Council on International Tourism Policy. Retrieved September 16, 2015 from <http://acts.oecd.org/Instruments/ListByCommitteeView.aspx>
- OECD* (1990). Inventory of Obstacles to International Tourism in the OECD. Paris.
- OECD* (1999). Guidelines for Consumer Protection in the Context of Electronic Commerce. Paris.
- OSCE* (1975). Conference on Security and Co-Operation in Europe Final Act. Helsinki. Retrieved September 16, 2015 from <http://www.osce.org/mc/39501>
- Reynolds, C., & Weikel, D.* (2000, May 30). For Cruise Ship Workers, Voyages Are No Vacations, *Los Angeles Times*. Retrieved from Global Policy Forum, October 10, 2015 <https://www.globalpolicy.org/about-gpf-mm/introduction.html>
- Sand, P.H., Freitas, J.D.S., & Pratt, G.N.* (1960). An Historical Survey of International Air Law Before the Second World War. *McGill Law Journal*, 7(1), 24–42.
- Te Velde, D., & Nair, S.* (2005). Foreign direct investment, services trade negotiations and development: The case of tourism in the Caribbean. London: Overseas Development Institute
- UNCTAD* (2015). Draft Resolution on Consumer Protection for consideration by the General Assembly. Retrieved October 12, 2015 from <http://unctad.org/en/Pages/DITC/CompetitionLaw/UN-Guidelines-on-Consumer-Protection.aspx>
- United Nations* (2015). Universal Declaration of Human Rights, Retrieved September 15, 2015 from <http://www.un.org/en/documents/udhr/index.shtml>
- UNWTO* (2015, Jan. 27). Over 1.1 billion tourists travelled abroad in 2014. Retrieved September 15, 2015 from <http://media.unwto.org/press-release/2015-01-27/over-11-billion-tourists-travelled-abroad-2014>
- UNWTO* (2015a). Tourism Highlights. 2015 Edition. Madrid: UNWTO.

International Tourism Policy

- UNWTO* (2015b). Update On The Draft Unwto Convention On The Protection Of Tourists And Tourism Service Providers, 25th Csa/Cap Joint Meeting & UNWTO Conference On Sustainable Tourism Development, 12 April 2013–14 April 2013. Hyderabad, India.
- UNWTO/WTTC* (2012). The Impact of Visa Facilitation on Job Creation in the G20 Economies. Report prepared for the 4th T20 Ministers' Meeting, Mexico, May 15–16, 2012. Madrid and London: UNWTO and WTTC.
- WHO* (1983). International Health Regulations. Geneva.
- Wood, R.E.* (2009). Tourism and international policy: Neoliberalism and beyond. In T. Jamal & M. Robinson (Eds.), *The SAGE handbook of tourism studies* (pp. 596–614). London: SAGE Publications-
- World Economic Forum* (2013). The Travel & Tourism Competitiveness Report. Retrieved November 14, 2014 from <http://www.weforum.org/reports/travel-tourism-competitiveness-report-20>
- WTO* (1998). Tourism Services, Background Note by the Secretariat, S/C/W/51, 23 September 1998. Retrieved September 15, 2015 from https://www.wto.org/english/tratop_e/serv_e/w51.doc
- WTO* (2001). Guide to the GATS: An overview of issues for further liberalization of trade in services. London: Kluwer Law International.
- WTO* (2008). Symposium on Mode 4 of the GATS — Taking Stock and Moving Forward, 22–23 September 2008, Geneva, Switzerland. Retrieved October 6, 2015 from https://www.wto.org/english/tratop_e/serv_e/mouvement_persons_e/sym_sept08_e/sym_sept08_e.htm
- WTTC* (2015). Economic Impact Analysis. Retrieved September 15, 2015 from <http://www.wttc.org/research/economic-research/economic-impact-analysis/>