

GOVERNING GLOBAL TRAVEL: PUBLIC INTERNATIONAL LAW, ETHICS AND TOURISM

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ABSTRACT

Once the privilege of a wealthy elite in the 19th century, tourism has evolved into a high volume, trillion-dollar global industry, reshaping economies, societies and the reach of public international law. As it expanded across borders, tourism's transnational character, the potential for adverse effects, and engagement with shared global values have made it a subject of international regulation. Its remarkable growth culminated in the 2019 adoption of the Framework Convention on Tourism Ethics by UN Tourism - the first treaty of its kind adopted and managed by a UN Specialized Agency specifically addressing the sector. This paper examines the legal distinctions between the Framework Convention and its predecessor, the Global Code of Ethics for Tourism, situating their evolution within broader shifts in international law and global governance. It further examines the institutional, political and socio-economic contexts in which these instruments emerged, arguing that the interplay between soft law and treaty law in tourism governance shows a pragmatic approach to international cooperation, with practical implications for domestic legal frameworks.

Key words: *public international law, UN Tourism, Global Code of Ethics for Tourism, Framework Convention on Tourism Ethics, international cooperation.*

1. INTRODUCTION

Over the past few decades, tourism has generated environmental, social, and human rights disruptions that exceed the reach of traditional consumer-oriented travel law, underscoring the need for a coordinated international legal framework. In response, tourism is no longer an exclusively domestic concern, but has emerged as a matter of international governance.

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The United Nations and its specialized agencies have played a central role in shaping global tourism governance. This has involved a gradual shift from a predominantly growth-oriented model toward a value-driven approach that embraces business ethics, social equity, human rights, community welfare and environmental protection. Ethics and social responsibility have become the central pillars of sustainable tourism development.¹ Soft law instruments² are essential to international tourism governance. These instruments include, *inter alia*, the Manila Declaration on World Tourism (Manila Declaration) and the Global Code of Ethics for Tourism (the Code or GCET), which have shaped the practices of States and other actors, establishing expectations of appropriate ethical conduct.³ Soft norms affected the formation of treaty law and the adoption of the Framework Convention on Tourism Ethics (the Convention or Framework Convention), as the first treaty concluded under UN Tourism.⁴ This raises important questions regarding the legal significance of ethical norms and the convergence and coexistence between soft and treaty law in tourism governance.

While tourism has been extensively analyzed across the social sciences, particularly in economics and environmental studies, its treatment within public international law remains comparatively under-theorized. This neglect may be in part explained by tourism's inherently interdisciplinary character and, perhaps, by its frequent perception as a predominantly private-driven activi-

¹ Reisinger, Y.: *International Tourism: Cultures and Behavior*, 1st ed., London: Elsevier, 2009, p. 245. For a comprehensive overview of ethics in tourism, see Fennell, D. A.: *The Future of Ethics in Tourism* in: Fayos-Solà, E., Cooper, C. (eds.): *The Future of Tourism: Innovation and Sustainability*, Cham: Springer International Publishing, 2018.

² Andrassy, J., Bakotić, B., Vukas, B.: *Međunarodno pravo*, 1. dio, Zagreb: Školska knjiga, 1995, p. 26 (translated from Croatian): "Influenced by English usage, the term soft law has been established in all languages to denote this form of quasi-law. The term is also used for various other international instruments intended to influence the conduct of subjects of international law, but with respect to which there is no clear intention of States for them to be a source of their rights and obligations. The concept encompasses, for example, final acts of international organizations, declarations of principles, guidelines, codes of conduct, and similar instruments".

³ See Abbott, K. W., et al.: *The Concept of Legalization*. *International Organization*, 54(3) 2000, p. 412. ("Over time, even nonbinding declarations can shape the practices of States and other actors and their expectations of appropriate conduct, leading to the emergence of customary law or the adoption of harder agreements.")

⁴ World Committee on Tourism Ethics (WCTE): *Report of the World Committee on Tourism Ethics Presented to the 21st Session of the UNWTO General Assembly*, Addendum 2, Draft UNWTO Convention on Tourism Ethics, UNWTO Doc. A/21/10 Add. 2, 2015, p. 3 (Explanatory Note prepared by the Office of the Legal Counsel of UN Tourism and presented to the Twenty-first session of the UNWTO General Assembly).

ty. Existing literature tends to focus either on sector-specific regulation (e.g., short-term rental law) or sustainable development law, often overlooking the institutional and normative dimensions of international tourism governance.

This paper offers a novel perspective on tourism governance from a public international law standpoint. International tourism is treated not as a peripheral regulatory field, but as a microcosm for understanding contemporary debates on soft law, compliance, managerial governance, normative fragmentation and State action in contexts where national interests intersect with global norms. Adopting an interdisciplinary approach, the paper combines doctrinal legal analysis and qualitative examination of United Nations documents with insights from global governance theory and tourism scholarship. It argues that the Global Code of Ethics for Tourism and the Framework Convention on Tourism Ethics operate along the soft law–hard law continuum rather than as a dichotomy.

The analysis demonstrates how ethical norms, reinforced through a hybrid model of legalization and managerial oversight, shape State practice and non-State behavior in one of the most rapidly expanding economic sectors. In doing so, it seeks to contribute not only to tourism studies but also to public international law scholarship more broadly, offering a case study of dynamic interrelationship of soft and hard law regimes in contemporary normative order.

2. THE GLOBAL PHENOMENON OF TOURISM AND ITS LEGAL SIGNIFICANCE

Tourism is one of the few global activities that strikingly exposes both the opportunities and externalities of globalization, as well as the fragmented state of international law. What began as a sporadic and largely unregulated activity among the wealthy upper-class, typical for cities such as Dubrovnik in the late nineteenth century,⁵ became popular throughout the twentieth century, as did cross-border mobility. Post-WWII youth travel initiatives, such as Jean Barraud's student trips to Germany, showed the potential of tourism to promote peace, later embodied in numerous international legal instruments. Simplification of customs and visa procedures, the liberalization of air transport, the advent of charter flights, standardized paid leave, technological innovations, and regional integration processes⁶ transformed tourism into a mass activity of unprecedented scale.

⁵ Bašić, Đ.: Lloyd's Pictographs - Cruises of Yugoslav Lloyd's Passenger Steamships in the 1930's (The Mediterranean in the 1930's). *Pomorski zbornik*, 47-48(1) 2013, p. 273.

⁶ Examples include the EU Schengen Area, tourism cooperation within the Association of Southeast Asian Nations (ASEAN), MERCOSUR's cross-border tourism promotion initia-

This expansion has both social and economic dimensions, with profound implications for legal governance. Although tourism growth has been uneven, its increase over the past seventy years has been extraordinary. International tourist arrivals rose from a modest 25 million in 1950⁷ to more than 1.5 billion in 2025, with total movements (including domestic travel) projected at nearly 30 billion visits by 2034, generating approximately USD 16 trillion of revenue, or 11% of global GDP.⁸ For countries as diverse as Croatia and Cuba, tourism has become one of their main export categories. The geographical focus of travel has also been shifting eastward, with China and India increasingly accounting for a large share of international trips, a trend evident in 2017, when Chengdu hosted the UN Tourism General Assembly that approved the Agency's first international treaty.⁹

Understanding how these massive tourist flows interact with law requires first clarifying the concept of tourism. Hunziker and Krapf describe it as the totality of relationships and phenomena arising from the travel and stay of non-residents, provided that such stays do not entail obtaining permanent residence and are not connected with any remunerated activity.¹⁰ Cross-border tourism engages several actors, such as States, tourists, businesses and local authorities, whose rights and obligations are regulated through legal frameworks. From the entry to and departure from a State, each stage of a tourist's journey involves various legal aspects governed by both public and private law. States bear primary responsibility for ensuring the safety, security and protection of tourists while on their territory.¹¹

tives, the East African Tourist Visa, the Caribbean Community (CARICOM) Passport, and others.

⁷ World Tourism Organization: *The Osaka Tourism Declaration*, UNWTO Declarations, (4)2 1994, p. 1.

⁸ World Economic Forum: *Insight Report: Travel and Tourism at a Turning Point: Principles for Transformative Growth*, 2025, p. 4.

⁹ *Ibid.*, p. 9; and Oxford Economics and TOURISE and Oxford Economics: *White Paper "Growth Amid Uncertainty: Opportunities and Risks on the Road to 2 Billion Global Travellers"*, 2025, pp. 31-32; See also United Nations World Tourism Organization: *Historical Decision: Approval of the UNWTO Framework Convention on Tourism Ethics*, Press Release, 15.9.2017.

¹⁰ Čavlek, N., et al.: *Turizam – Ekonomske osnove i organizacijski sustav*, Zagreb: Školska knjiga, 2011, p. 29. For a definition of "tourist", see United Nations World Tourism Organization: *Glossary of Tourism Terms*, <<https://www.untourism.int/glossary-tourism-terms>>, last accessed on 18/12/2025.

¹¹ These are defined by national laws. See Art. 1(4) of the Global Code of Ethics for Tourism (GCET), Art. 4(4) of the Framework Convention, and Principle VII of the World Tourism Organization: *The Hague Declaration on Tourism*, UNWTO Declarations, (3)1 1989 calling

Tourism directly affects resident communities, often raising environmental, cultural, social and human rights concerns. These include environmental degradation,¹² climate change,¹³ urban planning pressures, labor standards (including child labor), indigenous rights,¹⁴ and sexual exploitation.¹⁵ Other, less visible ethical dilemmas, such as voluntourism, are also gaining increasing attention. Legal scholarship often frames these consequences as a developmental “tradeoff”, particularly in developing countries, where tourism stimulates economic development and poverty alleviation, but at the cost of heritage commodification, loss of authenticity, local identity and traditions.¹⁶

Similar tensions are evident in the industrialized North, where tourism often contributes to overcrowding, housing market distortions, and erosion of public spaces and urban social fabric. These tradeoffs raise ethical questions relating to community protection, distributive justice and equitable access to common public goods. Judicial decisions increasingly materialize such concerns. For example, the Court of Justice of the European Union upheld municipal schemes restricting short-term rentals in *Cali Apartments* to protect residential housing, while courts in Southern Europe have curtailed the privatization

upon States to ensure that tourists have access to legal remedies for harm, including serious crimes such as terrorism.

¹² Including pollution, poaching, illegal trading of wildlife and biodiversity loss. The World Economic Forum: Insight Report: Travel and Tourism at a Turning Point: Principles for Transformative Growth, 2025 (*supra* note 8) projects that waste generated by tourists will reach 205 million tons annually, equivalent to 7% of the world’s solid waste.

¹³ See Sun, Y. Y., et al.: World Economic Forum: Insight Report: Travel and Tourism at a Turning Point: Principles for Transformative Growth, 2025, pp. 1-10. High demand for tourism has been accompanied by mounting empirical data, including carbon dioxide emissions that now account for approximately 8–8.8% of global greenhouse gas emissions, exposing ecological fragility and undermining the future viability of global tourism.

¹⁴ See Inter-American Court of Human Rights (IACtHR): *Case of the Punta Piedra Garifuna Community and Its Members v. Honduras*, Judgment of 8 October 2015 (Merits, Reparations and Costs), Series C No. 304, concerning illegal private acquisition of indigenous lands to build tourism resorts in Honduras. See also United Nations Human Rights Council: Special Rapporteur on the Rights of Indigenous Peoples: Tourism and the Rights of Indigenous Peoples, UN Doc. A/78/162, 2023, para. 32, stating that “lack of consultation and consent from Indigenous Peoples affected by the development of tourism infrastructure such as trains, cable cars, hotels and restaurants on Indigenous lands is a recurring issue”.

¹⁵ See Art. IV(e) of the United Nations World Tourism Organization (UN Tourism): *Tourism Bill of Rights and Tourist Code*, Statutory and Legal Matters, UN Tourism General Assembly Document A/6/11(a), 6th Session, 1985, Is. 1, calling upon States to prevent the use of tourism as a conduit for sexual exploitation and prostitution.

¹⁶ Williams, A.: Reconciling Tourism and the Environment: A Task For International Environmental Law?. *Vermont Journal of Environmental Law*, 9(1) 2007, p. 31.

of publicly accessible shorelines driven by tourism concessions.¹⁷ Both provide substantive illustrations of how ethical standards relating to social equity, community wellbeing and public access are translated into legal measures that guide responsible tourism development.

Taken collectively, these impacts transcend local and national boundaries, pointing to shared environmental, social, and human rights interests recognized globally. Tourism, therefore, falls squarely within the normative concerns of international law and requires international cooperation. These concerns were first acknowledged in the Manila Declaration on World Tourism, which emphasized that tourism development must be well planned, of high quality, and designed to protect cultural heritage, as well as the natural, social and human environment.¹⁸ In this respect, it anticipated the contemporary concept of sustainable tourism¹⁹ and set the stage for the development of subsequent instruments, notably the Global Code and the Framework Convention. Thus, tourism becomes not merely a manifestation of leisure but a transnational practice that is both global in reach and local in impact, calling for multilevel governance solutions.

3. THE RISE OF INTERNATIONAL TOURISM LAW

National public administration, at all levels, has traditionally played a central role in establishing the legal, institutional and policy frameworks that govern tourism development. Yet tourism legislation has not originated solely at the national level. Intergovernmental cooperation in tourism emerged only in the latter part of the twentieth century, as the scale and transboundary implications of tourism activities became apparent. Since then, tourism governance has developed primarily within the framework of international law, largely un-

¹⁷ Court of Justice of the European Union (CJEU): Joined Cases C-724/18 and C-727/18, *Cali Apartments SCI and HX v. Procureur général près la cour d'appel de Paris and Ville de Paris*, ECLI:EU:C:2020:743, 22.9.2020, see para. 66 (explaining that the objective of tackling the shortage of rental housing constituted an overriding reason relating to the public interest); Pica, K.: *Opening the gate to bathers' rights: Commoning process for the coast as a commons, Testi, città, territori, progetti: Rivista del Dipartimento di urbanistica e pianificazione del territorio*, Firenze: Firenze University Press, 2024, pp. 170-191.

¹⁸ World Tourism Organization: *Manila Declaration on World Tourism*, UNWTO Declarations, (1)1 1980, p. 6.

¹⁹ UN Tourism has given the full definition of sustainable tourism as "tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment and host communities".

der the auspices of the United Nations system.²⁰ Within international tourism law, a series of instruments adopted under the United Nations and UN Tourism have played a formative role. These range from early post-war customs conventions to later ethical frameworks and tourist codes, culminating in the Global Code of Ethics for Tourism.²¹

In addition to tourism-specific instruments, broader international regimes, while not designed primarily for tourism, significantly shape tourism governance. These include international economic law, international transport law, international environmental law, international labor standards, cultural heritage law, international human rights law and public health regulations. Each regime operates in line with distinct priorities and institutional logics,²² contributing to the fragmentation that has become a defining feature of contemporary international law.²³

Within this non-hierarchical and plural normative landscape,²⁴ international tourism law hovers at the intersection of multiple legal regimes, where it

²⁰ Two notable documents were not adopted under the aegis of the UN or UN Tourism: the 1975 Helsinki Final Act of the Conference on Security and Cooperation in Europe, and the 1973 International Convention on the Simplification and Harmonization of Customs Procedures (the Kyoto Convention).

²¹ See the gradual consolidation of tourism-related norms in, *inter alia*, the following instruments: the Customs Convention on the Temporary Importation of Private Road Vehicles and the Convention Concerning Customs Facilities for Touring (1954); the General Resolution on Tourism Development (Rome, 1963); the UN General Assembly Resolution on the Establishment of an Intergovernmental Tourism Organization (1969); the Manila Declaration on World Tourism (1980); the Acapulco Document (1982); the Tourism Bill of Rights and Tourist Code (1985); the Hague Declaration on Tourism (1989); the Osaka Declaration (1994); the World Charter for Sustainable Tourism (1995); the Global Code of Ethics for Tourism (1999); the Chengdu Declaration on Tourism and the Sustainable Development Goals (2017); the International Code for the Protection of Tourists (2021).

²² These regimes are noted here solely to acknowledge their relevance, as they fall outside the scope of tourism-specific international law examined in this paper. See Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law, Report of the Study Group of the International Law Commission finalized by International Law Commission: *Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law*, Report of the Study Group of the International Law Commission finalized by Martti Koskenniemi, UN Doc. A/CN.4/L.682, New York: United Nations, 2006, <https://legal.un.org/ilc/documentation/english/a_cn4_l682.pdf>, last accessed on 19/12/2025 and Add 1, 2006, para. 488 (noting that different international regimes “each has its experts and its ethos, its priorities and preferences, its structural bias”).

²³ *Ibid.*, pp. 9-103; Broude, T.: Keep calm and carry on: Martti Koskenniemi and the fragmentation of international law. *Temple International & Comparative Law Journal*, 27(2) 2013, p. 2.

²⁴ International Law Commission: *Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law*, Report of the Study Group of

must balance competing interests such as economic growth, environmental protection, cultural preservation and social justice.²⁵ Just as international law operates between systemic coherence and reasonable pluralism through context-sensitive interpretation,²⁶ tourism ethics performs an analogous function by adapting global norms to specific territorial realities, without imposing formal hierarchy.

In practice, ethical principles have guided diverse municipal decisions tailored to local priorities and circumstances. Examples include cruise ship restrictions and visitor caps in historic centers, the introduction of passenger port fees and tourist taxes, the regulation and licensing of short-term rentals and stricter environmental requirements such as shore power obligations for cruise vessels in major ports. Rather than displacing or undermining sectoral treaty regimes such as the MARPOL Convention or UNESCO World Heritage Convention, tourism ethics operates as a normative anchor that diffuses shared values while allowing differentiated implementation across legal systems.

In this context, tourism ethics functions as a soft mediation tool and corrective mechanism vis-à-vis *homo economicus*²⁷ and as a driver of greater international cooperation, facilitating coordination among States, international organizations, private actors, and civil society. According to Abbott and Snidal, “(..) soft law facilitates compromise, and thus mutually beneficial cooperation, between actors with different interests and values, different time horizons and discount rates, and different degrees of power”.²⁸

the International Law Commission finalized by Martti Koskenniemi, UN Doc. A/CN.4/L.682, New York: United Nations, 2006, *op. cit.* note 22, para. 485 (“But the absence of general hierarchies in international law does not mean that normative conflicts would lead to legal paralysis.”); and paras. 492 (on fragmentation moving international law in the direction of legal pluralism) and 493 (discussing how international law must operate between coherence and reasonable pluralism).

²⁵ See the Preamble of the United Nations World Tourism Organization: The Framework Convention on Tourism Ethics and its Optional Protocol which states that “it is necessary to reconcile, in this context, environment with economic and social development, openness to international trade with protection of social and cultural identities “.

²⁶ International Law Commission: *Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law*, Report of the Study Group of the International Law Commission finalized by Martti Koskenniemi, UN Doc. A/CN.4/L.682, New York: United Nations, 2006, *op. cit.* note 22, paras. 87, 206, 411, 493 and 494 (on the need for contextual sensitivity).

²⁷ See Jolls, C., Sunstein, C. R., Thaler, R. H.: A behavioral approach to law and economics. *Stanford Law Review*, (50) 1998, pp. 1512-1513, 1515 and 1545.

²⁸ Abbott, K. W., Snidal, D.: Hard and soft law in international governance. *International Organization*, 54(3) 2000, p. 423.

4. THE INSTITUTIONAL ROLE OF UN TOURISM

United Nations Tourism (formerly the World Tourism Organization, abbreviated UNWTO)²⁹ occupies a central position in this architecture. Since its institutional transformation from the International Union of Official Travel Organizations (IUOTO) in 1975 and subsequent designation as a UN specialized agency in 2003, it has remained the only intergovernmental organization specifically mandated to promote and develop tourism worldwide.³⁰ In fulfilling this mandate, it gives particular attention to the interests of developing countries in the field of tourism, expressly affirmed in the Art. 3(2) of the Statutes.

Within a fragmented system of international law, UN Tourism operates through a managerial mode of governance.³¹ Rather than relying on coercive enforcement, it promotes compliance through epistemic authority, norm development³² and technical expertise. Through its Secretariat, specialized committees,³³ and advisory support, UN Tourism provides policy guidance and capacity-building

²⁹ The UNWTO was rebranded in 2023 as United Nations Tourism to boost its international visibility. It was established on 27 September 1970 with the adoption of the UNWTO Charter, which entered into force on 2 January 1975. Until 1975, IUOTO functioned as a non-governmental IO in consultative status with the United Nations Economic and Social Council.

³⁰ See Arts. 1 and 3 of the World Tourism Organization (UNWTO): *Statutes of the World Tourism Organization*, adopted on 27 September 1970, entered into force on 2 January 1975, 1319 United Nations Treaty Series (UNTS) 121.

³¹ Professor Martti Koskenniemi has articulated a managerial understanding of international law, in which compliance is exercised primarily through expertise, coordination and guidance rather than coercive enforcement, in response to complex and technically contingent global challenges. Concerning the theoretical framework, see *supra* note 22; Koskenniemi, M.: The Politics of International Law. *European Journal of International Law*, 1(1) 1990, pp. 4-32; Koskenniemi, M.: What Use for Sovereignty Today?. *Asian Journal of International Law*, 1(1) 2011, pp. 61-70.; Koskenniemi, M., Nouwen, S. M. H.: The Politics of Global Lawmaking: A Conversation. *European Journal of International Law*, 32(4) 2021, pp. 1341-1352. For a related discussion on compliance and persuasion rather than coercion, see Chayes, A., Chayes, A. H.: *The New Sovereignty: Compliance with International Regulatory Agreements*, Cambridge: Harvard University Press, 1995.

³² This includes not only the ethical frameworks discussed in this paper but also sectoral codes of conduct and broader regulatory instruments initiated by UN Tourism, such as the International Code for the Protection of Tourists (ICPT). Another concrete example is the Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism, developed in cooperation with the NGO ECPAT Sweden (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) and Scandinavian tour operators.

³³ These include the Committee on Statistics, the Committee on Tourism and Competitiveness, the Committee on Tourism and Sustainability, the Committee on Tourism Online Education, and the World Committee on Tourism Ethics (WCTE). All act as subsidiary organs of the UN Tourism Executive Council, except the WCTE which functions independently.

support to Member States, thereby shaping domestic approaches to sustainable tourism development.

Aligned with this administrative rationale, the Agency functions not merely as an instrument of its Member States, but increasingly as an autonomous operator in global governance.³⁴ It intervenes in distributive processes of international tourism, influencing how values, costs and benefits are allocated not only across States, but more broadly across private actors, host communities and even tourists themselves.³⁵ Its composition further supports this role. Under Articles 4-7 of the UNWTO Statutes, membership comprises three groups: Full Members (sovereign states); Associate Members (territories); and Affiliate Members (intergovernmental and non-governmental bodies, commercial associations).

Notably, the withdrawal of several major countries from membership, such as the United States, the United Kingdom, Australia and Canada, provides an instructive account of the continued salience of sovereignty prerogatives and the ability of States to disengage when participation becomes regarded as politically or financially burdensome.³⁶ Still, with 160 Member States, 6 Associate Members, and over 500 Affiliate Members, the Agency's membership structure conveys extensive participation and multi-level cooperation.

In this regard, a particularly distinctive feature of UN Tourism is the inclusion of private stakeholders into the governance structure through the Affiliate Membership network. This challenges the commonplace conception that international organizations involve cooperation solely between States.³⁷ Although Full Membership is reserved for States, private businesses are nonetheless in-

³⁴ As to the theoretical basis, see Klabbers, J.: Towards a Political Economy of International Organizations Law. *International Organizations Law Review*, 20(1) 2023, pp. 84, 87-88, 97-98 and 100-101.

³⁵ *Ibid.*, pp. 87-88 and 98. As an example, see *infra* the Private Sector Commitment to the GCET. Regarding tourists, the International Code for the Protection of Tourists (ICPT) provides a set of minimum international standards for safeguarding tourists in emergency situations and protecting their consumer rights.

³⁶ See Abbott, K. W., Snidal, D.: Why states act through formal international organizations. *The Journal of Conflict Resolution*, 42(1) 1998, pp. 24-26. Also, it should be noted that the United States withdrew from UN Tourism in 1995 over cost-benefit concerns and, despite high-level dialogues on rejoining, has not formally returned. Canada withdrew in 2012 in protest of the UNWTO appointment of Robert Mugabe as a "tourism ambassador", which the Canadian Government saw as legitimizing him; Australia exited in 2015 citing high membership costs and limited benefits, opting for other multilateral forums to achieve its tourism objectives; and the United Kingdom departed in 2009, arguing the need to prioritize scarce resources. Several EU states are not listed as full members: Belgium (resigned), Estonia, Finland, Ireland, Latvia, Luxembourg and Sweden.

³⁷ See Klabbers, J., *op. cit.* note 34, pp. 94-95.

tegrated into the Organization's activities and contribute financially through Affiliate Membership fees.³⁸ At first glance, their role appears secondary. In practice, however, this distinction is not so clear, as a significant share of the Organization's output is produced through Affiliate Member-driven initiatives and partnerships. It follows that institutional design endows private actors with opportunities to shape the agenda, priorities and public policies in global tourism governance, with States frequently acting as conduits through which non-State interests are channeled.³⁹ Distributive power is thus partially transferred from States to industry stakeholders embedded within the institutional scheme. Viewed in this light, UN Tourism functions not only as a neutral forum for intergovernmental coordination but also as a site where existing asymmetries in the global tourism economy are reproduced through the participation of influential private-sector Affiliate Members within its governance structure.⁴⁰

Despite its relatively small size and budget, UN Tourism extends its global impact through close cooperation with States, UN agencies, international and regional organizations, academia, media, private entities, local authorities, and NGOs to operationalize ethical tourism standards. Initiatives include the establishment of research centers (jointly with national tourism ministries),⁴¹ public-private partnerships,⁴² and publication of flagship reports such as the influential Global Report on Women in Tourism, to mention only a few examples.

Although the Agency's work is not limited to its normative role, its contribution to the development of international tourism law remains pivotal. While the Code remains non-binding, the Convention may acquire legal force for

³⁸ See United Nations World Tourism Organization *Tourism: Benefits and Affiliation Procedure*, <<https://www.untourism.int/affiliation-procedure>>, last accessed on 10/4/2026.

³⁹ On the critique of State-centrism and the role of States as intermediating structures through which diverse economic and societal interests are articulated in international organizations, see Klabbers, J., *op. cit.* note 34, pp. 89-99.

⁴⁰ See Gasbarri, L.: *The Participation of Private Stakeholders in International Tourism Governance*. *Nordic Journal of International Law*, 1(aop) 2025, pp. 1-21.

⁴¹ For instance, the Government of Croatia and UN Tourism established a Centre for Sustainable Tourism in cooperation with the University of Zagreb. For more details, see UN Tourism: *UN Tourism and Croatia Sign Agreements to Advance Sustainable Tourism Development, Research and Innovation*, 16.6.2025, <<https://www.untourism.int/news/un-tourism-and-croatia-sign-agreements-to-advance-sustainable-tourism-development-research-and-innovation>>, last accessed on 13/1/2026.

⁴² Such as UN Tourism's Affiliate Members network and the MoU with the World Travel & Tourism Council. For a general overview of public-private partnerships within UN Tourism, see Álvarez-Verdugo, M.: *La participación de actores no estatales en la OMT: ¿Un modelo para el desarrollo de alianzas multipartes?*. *Revista electrónica de estudios internacionales*, (44) 2022, pp. 1-21.

States that ratify it, thereby fostering policy convergence among Member States.⁴³ Soft law norms have indirect yet significant implications for national legal systems. They function as benchmarks that structure policy objectives, shape legislative choices and legitimize State interventions in tourism markets. At both the legislative and policy level, ethical principles are rarely explicitly invoked as such. Instead, they are translated into binding legal instruments and tourism strategies through concepts such as sustainability, heritage protection, and community welfare. This is reflected in instruments such as Croatia's Sustainable Tourism Development Strategy 2030, France's Mountain Law II (*Loi Montagne II*), Lombardy Regional Law No. 27/2015 on tourism policies and Spain's Decreto 35/2015 in the Balearic Islands governing tourist tax and measures for sustainable development.⁴⁴ Ethical standards also serve as a reference for domestic courts, allowing them to permeate legal systems through judicial interpretation.⁴⁵ By combining standards-setting with managerial governance techniques, UN Tourism promotes sectoral normative coherence while facilitating coordination across multiple legal regimes.

5. FROM THE MANILA DECLARATION TO THE GLOBAL CODE OF ETHICS FOR TOURISM

An important intergovernmental tourism forum was the UN Tourism World Conference held in Manila, Philippines, in 1980, which led to the Manila Dec-

⁴³ See Implementation of the Global Code of Ethics for Tourism – Note by the United Nations General Assembly: *Implementation of the Global Code of Ethics for Tourism*, Note by the Secretary-General, 70th Session, UN Doc. A/70/224, 2015, paras. 15-27 (Report of the UNWTO submitted via the UN Secretary-General to the UN General Assembly concerning the implementation of the GCET); United Nations General Assembly: *Implementation of the Global Code of Ethics for Tourism*, Note by the Secretary-General, 65th Session, UN Doc. A/65/275, 2010, paras. 11-18 (Report of the UNWTO submitted via the UN Secretary-General to the UN General Assembly concerning the implementation of the GCET).

⁴⁴ See Republic of Croatia: Strategy for the Development of Sustainable Tourism until 2030, Official Gazette, (2) 2023; Government of the Balearic Islands: Decreto 35/2016, de 23 de junio, por el que se desarrolla la Ley del impuesto sobre estancias turísticas y de medidas de impulso del turismo sostenible, *Boletín Oficial de las Illes Balears*, 81, 25.6.2016; Regional Council of Lombardy: *Legge regionale 1 ottobre 2015, n. 27, Politiche regionali in materia di turismo e attrattività del territorio lombardo*, Bollettino Ufficiale della Regione Lombardia, 1.10.2015; French Parliament: *Loi n° 2016-1888 du 28 décembre 2016 de modernisation, de développement et de protection des territoires de montagne*, Journal officiel de la République française, No. 0302, 29.12.2016.

⁴⁵ Franceschelli, V.: From Tourism to Sustainable Tourism: An Italian Approach, in: Franceschelli, V., Morandi, F.: Torres, C. (eds.): *Sustainable Tourism Law*, 2nd ed., Lisbon: ESH-TE/INATEL Foundation 2019, p. 94.

laration on World Tourism. The Declaration is the first international instrument to frame tourism beyond a profit-driven activity, while affirming travel as a means to promote human rights, peace and global cooperation. It laid the foundations of modern tourism governance by defining tourism as the recognition of the fundamental human right to rest and leisure, guaranteed by earlier legal frameworks.⁴⁶ The timing of the conference coincided with broader social and technological changes. Specifically, by 1980, statutory paid holidays were firmly established in industrialized societies, and the launch of jumbo jets in the 1970s made long-haul travel widely accessible.

The Global Code of Ethics for Tourism has enabled the international community to move from defining the philosophical underpinnings of tourism to establishing an overarching and actionable moral framework. Adopted by the UN Tourism General Assembly in Santiago in 1999, the Code⁴⁷ engages a wide range of stakeholders,⁴⁸ both State and non-State actors, in the promotion of responsible and sustainable tourism. The United Nations General Assembly's approval in 2001 further strengthened its legitimacy and global reach.

Guided by the universal right to tourism and the freedom of tourist movements, the Code is structured around nine core principles:

Article 1: Tourism's contribution to mutual understanding and respect between peoples and societies.

Article 2: Tourism as a vehicle for individual and collective fulfillment.

Article 3: Tourism, a factor of sustainable development.

Article 4: Tourism, a user of the cultural heritage of mankind and contributor to its enhancement.

Article 5: Tourism, a beneficial activity for host countries and communities.

Article 6: Obligations of stakeholders in tourism development.

Article 7: Right to tourism.

⁴⁶ See Art. 14 of World Tourism Organization: *Manila Declaration on World Tourism*, UNWTO Declarations, (1)1 1980, Madrid; Art. 7(2) of the GCET. The right to rest and leisure is deduced from Art. 24 of the Universal Declaration of Human Rights and Article 7(d) of the International Covenant on Economic, Social and Cultural Rights.

⁴⁷ World Tourism Organization (UNWTO): *Global Code of Ethics for Tourism*, WTO General Assembly Resolution A/RES/406(XIII), Madrid: World Tourism Organization, 1999. For a critical analysis of the GCET, see Handszuh, H.: The conceptual and international law aspects of the Global Code of Ethics for Tourism. *Folia Turistica*, (49) 2018, pp. 155-202.

⁴⁸ The Preamble of the GCET addresses national, regional and local administrations, enterprises, business associations, workers in the sector, NGOs and bodies of all kinds belonging to the tourism industry, as well as host communities, the media and the tourists themselves.

Article 8: Liberty of tourist movements.

Article 9: Rights of the workers and entrepreneurs in the tourism industry.

Article 10: Implementation of the principles of the Global Code of Ethics for Tourism.

The principles contained in the Code were not entirely novel. Rather, the Code expressly synthesizes existing mandatory and non-mandatory instruments pursuing similar objectives, while introducing new considerations reflective of late-twentieth-century challenges. Of particular note, it explicitly prohibits the sexual exploitation of children by tourists, drawing on preexisting binding obligations under international human rights law. The provision addresses a pressing global problem in developing countries that gained international attention in the 1990s.⁴⁹ This prohibition stands out as an exception, as the Code otherwise does not provide criteria for assessing conduct as ethical or unethical. Over the years, the GCET has come to be regarded as “the world’s main policy document on sustainable and responsible tourism.”⁵⁰ The United Nations General Assembly’s approval in 2001 further strengthened its legitimacy and global reach.

Given its voluntary nature, recommendatory language, lack of legally binding force under international law, and designation of both State and non-State actors as addressees, the Code constitutes a classical soft law instrument. Although non-compulsory in form, it was negotiated multilaterally⁵¹ and endorsed by the UN system, giving it considerable political authority. The Code has exerted tangible influence: it guides national legislation, shapes judicial interpretation, influences corporate conduct and consumer behavior, and has

⁴⁹ This concern first led to the establishment of the UNWTO Task Force for the Protection of Children in Tourism in 1997 to combat child sex tourism, and later, in 2007, to its evolution into the UNWTO World Tourism Network on Child Protection, addressing all forms of child exploitation in tourism.

⁵⁰ Weston, R., et al.: *Research for TRAN Committee – European Tourism: Recent Developments and Future Challenges*, Brussels: European Parliament, Policy Department for Structural and Cohesion Policies, 2019, p. 59.

⁵¹ See Meyer, T.: *Shifting sands: power, uncertainty, and the form of international legal cooperation*. *European Journal of International Law*, 27(1) 2016, p. 164 (stating that international law remains primarily a negotiated system of law-making, where non-compliance can serve as a tool for renegotiation and adaptation). The Code’s soft law character is acknowledged in the Explanatory Note prepared by the Legal Advisor, see *supra* note 4. For the drafters of the Code, see the Preamble of the GCET beginning: “We, Members of the World Tourism Organization (WTO), representatives of the world tourism industry, delegates of States, territories, enterprises, institutions and bodies that are gathered for the General Assembly at Santiago, Chile (...)”.

affected treaty-making efforts. In this sense, the GCET exemplifies how soft law may function as a precursor to treaty law, serving as a pilot model for norm development and consolidation.

Both UN Tourism and the UN General Assembly encourage States to incorporate its principles into national laws and policies.⁵² Member States have promoted the Code through a variety of means, including legal acts, stakeholder distribution, translations, online dissemination, and private sector engagement, often paired with region-specific initiatives on child protection, community wellbeing and environmental sustainability.⁵³ At the subnational level, several cities have expressed adherence through municipal ordinances or local ethical tourism codes, such as Buenos Aires and Bogotá, as well as the Tourist Board of Vukovar-Srijem County in Croatia.

To engage private actors responsible for many of tourism's impacts, UN Tourism launched a Private Sector Commitment to the GCET⁵⁴ in 2011, open for signature by all tourism enterprises and associations worldwide. The initiative aims to ensure that signatories integrate moral norms in core business models and value chains. While not a certification scheme,⁵⁵ continued inclusion among official signatories depends on regular reporting to the World Committee on the Ethics of Tourism (WCET). Recent surveys indicate that signatories have actively integrated ethical guidelines into their corporate sustainability strategies, including the adoption of internal codes of conduct, inclusive employment schemes, accessibility for persons with disabilities, staff training and local capacity-building, social programs for vulnerable groups, and environmental initiatives such as renewable energy use, waste reduction and community-led conservation.⁵⁶

⁵² See p. 2 of the GCET.

⁵³ United Nations General Assembly: *Implementation of the Global Code of Ethics for Tourism*, Note by the Secretary-General, 70th Session, UN Doc. A/70/224, 2015, *op. cit.* note 43, paras. 15-27.

⁵⁴ For a list of signatories, see UN Tourism: Private Sector Signatories of the Commitment to the GCET, <<https://www.untourism.int/private-sector-signatories-of-the-commitment>>, last accessed on 21/12/2025.

⁵⁵ Signatories are permitted to use a special logo in their communication materials, provided they meet the reporting requirements and there are no indications or complaints of unethical practices.

⁵⁶ See United Nations General Assembly: *Implementation of the Global Code of Ethics for Tourism*, Note by the Secretary-General, 80th Session, UN Doc. A/80/259, 2025, paras. 41-60 (Report of the UNWTO submitted via the UN Secretary-General to the UN General Assembly concerning the implementation of the GCET).

The emphasis on business engagement shows UN Tourism's recognition of the structure of the international market of tourism services. Moreover, it provides a snapshot of the evolving cooperative stance between public and private actors in areas of international public interest. In this sense, the GCET operationalizes ethical guidance through monitoring, reporting, and peer engagement, supporting UN Tourism's role as a "manager of enforcement"⁵⁷.

The World Committee on Tourism Ethics further enhances the Code's normative guidance by providing institutional oversight. Composed of nine eminent individuals,⁵⁸ independent of their governments and elected in their personal capacity by the UN Tourism General Assembly,⁵⁹ the Committee embodies epistemic rather than representative authority, emphasizing technical expertise and impartiality over political accountability. It interprets, applies, and develops the provisions of the Code through structured four-year Programmes of Work, adapting ethical principles to emerging global challenges.

These have included recommendations on accessible tourism, responsible travel, sustainable indigenous tourism and the responsible use of ratings and reviews on digital platforms,⁶⁰ as well as guidance on the ethical implementation of COVID-19 travel certificates.⁶¹ In addition, the Committee may issue Position Statements on ethical issues either on its own initiative or when brought to its attention.⁶² It also oversees the Private Sector Commitment to the GCET, evaluating survey data of participating companies and associations. Its restored dispute-settlement role under the Framework Convention on Tourism Ethics is discussed *infra*.

By performing monitoring, guiding, conciliatory and advisory functions, the Committee manifests a managerial governance model that promotes compliance through persuasion, technical expertise and norm diffusion. It has thus

⁵⁷ Abbott, K. W., Snidal, D., *op. cit.* note 36, pp. 26-27.

⁵⁸ The Committee's Chair, eight full members and three alternate members.

⁵⁹ As a subsidiary body of the UN Tourism General Assembly, the Committee reports directly to the Assembly on a regular basis.

⁶⁰ See Implementation of the GCET, United Nations General Assembly: *Implementation of the Global Code of Ethics for Tourism*, Note by the Secretary-General, 75th Session, UN Doc. A/75/254, 2020, pp. 5-6 (Report of the UNWTO submitted via the UN Secretary-General to the UN General Assembly concerning the implementation of the GCET).

⁶¹ World Committee on Tourism Ethics (WCTE): Recommendation on COVID-19 Certificates for International Travel, adopted at the 26th Virtual Meeting of the World Committee on Tourism Ethics, 7.5.2021.

⁶² See, for instance, World Committee on Tourism Ethics (WCTE): *Report of the World Committee on Tourism Ethics Presented to the 22nd Session of the UNWTO General Assembly* (Chengdu, China), UNWTO Doc. A/22/14, 2017, p. 2.

become what scholars of international law have described as a token of “new sovereignty” in international relations.⁶³

At the same time, the perceived weakness of a purely voluntary framework, particularly in light of the Code’s growing global influence, prompted demands for stronger institutionalization and ultimately paved the way for the adoption of the Framework Convention. The major obstacle to effective implementation of the Code lies in its reliance on the political will of States and local authorities, coupled with the voluntary reporting of private businesses. This was evidenced by the 2014 UN Tourism Implementation Survey conducted among Member States, which, although showing a higher response rate than in 2010, indicated low engagement from certain regions.⁶⁴ These concerns were articulated most clearly by the former UN Tourism Legal Advisor, Professor Alain Pellet:

“Although these are possibly not the only reasons, the legal nature of the Code is probably one of the main explanations for these weaknesses: conscious of the non-binding nature of the Code, the stakeholders in tourism, including the States themselves, do not take the Code as seriously as they should. It is therefore not unreasonable to think that the conversion of the Code into a convention - that is, a treaty with binding force for the States having ratified it, without indeed curing all the weaknesses underlined above - could contribute to enhancing the visibility and efficiency of the principles of the Code.”⁶⁵

6. FRAMEWORK CONVENTION ON TOURISM ETHICS: A SYMBOLIC TURN TOWARD TREATY FORM

In September 2019, exactly 20 years after the enactment of the Code, the UN Tourism General Assembly adopted the Framework Convention on Tourism Ethics in Saint Petersburg,⁶⁶ with the stated aim to advance its objectives at the

⁶³ Faure, M. G., Arsika, I.: Settling disputes in the tourism industry: the global code of ethics for tourism and the world committee on tourism ethics. *Santa Clara Journal of International Law*, 13(2) 2015, p. 414; see Koskenniemi, M.: What Use for Sovereignty Today?, *op. cit.* note 31, pp. 409-411.

⁶⁴ United Nations General Assembly: *Implementation of the Global Code of Ethics for Tourism*, Note by the Secretary-General, 70th Session, UN Doc. A/70/224, 2015, *op. cit.* note 43, paras. 15-27.

⁶⁵ World Committee on Tourism Ethics (WCTE): *Report of the World Committee on Tourism Ethics Presented to the 21st Session of the UNWTO General Assembly*, Addendum 2, Draft UNWTO Convention on Tourism Ethics, UNWTO Doc. A/21/10 Add. 2, 2015, *supra* note 4, p. 2.

⁶⁶ World Tourism Organization: *Framework Convention on Tourism Ethics* (adopted 11 September 2019, not yet in force), UNWTO General Assembly Resolution A/RES/707(XXII). The

international and national level. The Convention incorporates nine core provisions of the Global Code under the heading “Ethical Principles in Tourism”. It emphasizes the central role of States in both formulating policies consistent with its ethical standards and encouraging tourism enterprises to align their practices accordingly.

From a legal point of view, the Framework Convention qualifies as a treaty within the meaning of the Vienna Convention on the Law of Treaties⁶⁷ and thus constitutes a traditional source of international law under Article 38 of the Statute of the International Court of Justice. Yet its degree of legalization remains modest.

Substantively, the Convention largely reproduces the normative content of the Global Code.⁶⁸ It retains its conditional and programmatic language, thereby imposing on States Parties obligations of good conduct (to make their best effort) rather than strict obligations of result, with the exception of certain procedural rules.⁶⁹ Nevertheless, the Global Code continues to coexist with the Convention and remains relevant for those Member States that choose not to be bound by it.⁷⁰ The Convention thus creates a hybrid normative space: ethical principles remain soft law for some States, binding for ratifying parties, and may be incorporated into domestic legislation, even when they remain non-binding at the international level.

From a governance perspective, the Convention preserves the mandate of the World Committee on Tourism Ethics under the GCET. It entrusts the Committee with oversight of the Convention’s implementation, ensuring institutional continuity between soft law and the treaty framework. An Optional Protocol supplements the Convention by introducing a voluntary conciliation mecha-

adoption of the Convention, in all UN Tourism official languages, only implies that the text of the Convention is established as authentic and definitive and that Member States cannot unilaterally change its provisions.

⁶⁷ The Vienna Convention on the Law of Treaties, 1155 UNTS 331, 23.5.1969, Art. 2.

⁶⁸ United Nations General Assembly: *Implementation of the Global Code of Ethics for Tourism*, Note by the Secretary-General, 75th Session, UN Doc. A/75/254, 2020, note 60, p. 7. As stated in the Report, “the working group agreed to not make substantial changes to the nine core principles of the Code of Ethics, as they had already been accepted by the UNWTO General Assembly in 1999 and were widely known by the international tourism community”.

⁶⁹ World Committee on Tourism Ethics (WCTE): *Report of the World Committee on Tourism Ethics Presented to the 21st Session of the UNWTO General Assembly*, Addendum 2, Draft UNWTO Convention on Tourism Ethics, UNWTO Doc. A/21/10 Add. 2, 2015, Add. 2, *supra* note 4, p. 4.

⁷⁰ Report of the World Tourism Organization: *Report on the Implementation of the Global Code of Ethics for Tourism (GCET)*, UN Doc. A/75/254, 2020, note 60, paras. 34–35.

nism for tourism-related disputes, a function previously removed under the Code amid alleged doubts about the Committee's independence.⁷¹ Both State and non-State actors may submit claims, although resulting advisory recommendations are legally non-binding. Nonetheless, such recommendations may influence practice and, in line with Abbott's account of legalization, contribute indirectly and incrementally to the growth of customary international law through agreed modes of dispute resolution.⁷²

The Committee's conciliatory function reflects a wider tendency in institutional practice of international organizations toward reliance on internal, quasi-judicial bodies rather than the classic legal model of external adjudication.⁷³ Such forms of soft legalization are often preferred in new and complex international issues characterized by a high degree of uncertainty, as they facilitate cooperation while reducing sovereignty costs,⁷⁴ an especially salient consideration in tourism governance.

In light of these constraints, the Convention's threshold for entry into force was deliberately set low; the deposit of only ten instruments of ratification, acceptance, approval or accession is required, which is a modest figure in light of UN Tourism's membership of 160 States. Its slow ratification, particularly when compared to instruments such as the Kyoto Protocol,⁷⁵ which took eight years to enter into force, illustrates that even soft legalization does not alleviate States' concerns over the juridification of ethical principles.

Political reactions became particularly manifest during the UN Tourism General Assembly meeting in Saint Petersburg, where multiple Member States, including major tourism destinations, filed reservations already at the stage

⁷¹ Faure, M. G., Arsika, I. M. B., *op. cit.* note 63, pp. 409-411. The 2011 revision of the Protocol of Implementation of the GCET abolished this function which may cause certain ambiguity as the Code's text itself remained unchanged. See United Nations World Tourism Organization: Protocol of Implementation of the Global Code of Ethics for Tourism, World Committee on Tourism Ethics (WCTE) – Body Responsible for Interpreting, Applying and Evaluating the Provisions of the Global Code of Ethics for Tourism, UNWTO General Assembly Resolution A/RES/607(XIX), Part I (Rev.), 2011.

⁷² See Abbott, K. W., et. al.: The Concept of Legalization, *op. cit.* note 3, p. 415, noting that "the resolution of disputes by agreement may contribute to the growth of customary international law".

⁷³ *Ibid.*, pp. 402-403; Faure, M. G., Arsika, I. M. B., *op. cit.* note 63, p. 397.

⁷⁴ Abbott, K. W., Snidal, D., *op. cit.* note 28, pp. 441-442 (stating that States prefer soft law when "the underlying problems may not be well understood, so states cannot anticipate all possible consequences of a legalized arrangement"). See also Meyer, T., *op. cit.* note 51.

⁷⁵ The Kyoto Protocol, an international treaty aimed at reducing greenhouse gas emissions, was adopted in 1997 and entered into force in 2005. It supplements the UN Framework Convention on Climate Change of 1992.

of adoption. While supporting the GCET, Croatia and other States questioned the Convention's enforceability and its broader legal implications, particularly regarding the "right to tourism,"⁷⁶ a concept that remains doctrinally contested and challenging to implement within domestic legal systems.⁷⁷

While annexed to the Resolution 722(XXIII) as reservations, these statements do not qualify as such in the strict sense of Article 2(1)(d) of the Vienna Convention (1969) which narrowly links reservations to a State's expression of consent to be bound. As Šošić explains, the legal nature of unilateral statements cannot be inferred from their nominal designation alone. What matters is whether the statement is intended to exclude or modify the legal effects of treaty provisions in relation to the State concerned.⁷⁸ This criterion is not met in the present case, as States merely articulated political doubts about the normative content and enforceability of the Convention, without purporting to alter their treaty obligations. From this position, such state practice nevertheless resonates with Koskenniemi's insight that international law cannot be disentangled from political choice.⁷⁹ The resort to the institution of reservations

⁷⁶ The right to tourism, while central to both the Code and the Convention, is contested by doctrinal critics who argue that it privileges the leisure class under the guise of sustainability, burdens host communities and lacks a legal corollary, as the right to freedom of movement does not grant an automatic right to enter a foreign state. For a critical analysis see, for example, Gascón, J.: Tourism as a Right: A "Frivolous Claim" Against Degrowth?. *Journal of Sustainable Tourism*, 27(12) 2019; Castaneda, Q.: The neoliberal imperative of tourism: rights and legitimization in the UNWTO global code of ethics for tourism. *Practicing Anthropology*, 34(3) 2012, pp. 47-51; Sreekumar, T. T.: Why do we need an alternative code of ethics in tourism?. *Contours*, 13(1) 2003, pp. 15-17; Tremblay-Huet, S., Lapointe, D.: The new responsible tourism paradigm: the UNWTO's discourse following the spread of COVID-19. *Tourism and Hospitality*, 2(2) 2021, pp. 248-260; Bianchi, R. V.; Stephenson, M. L., Hannam, K.: The contradictory politics of the right to travel: mobilities, borders and tourism. *Mobilities*, 15(2) 2020, pp. 290-306; Perkumienė, D., Pranskūnienė, R.: Overtourism: Between the right to travel and residents' rights. *Sustainability*, 11(7) 2019, pp. 1-17.

⁷⁷ World Committee on Tourism Ethics (WCTE): *Report of the World Committee on Tourism Ethics Presented to the 23rd Session of the UNWTO General Assembly (Saint Petersburg, Russian Federation)*, UNWTO Doc. A/23/11, 2019, pp. 16-17. See also World Tourism Organization: *Report on the Implementation of the Global Code of Ethics for Tourism (GCET)*, UN Doc. A/75/254, 2020, *op. cit.* note 60, para. 32.

⁷⁸ Šošić, T. M.: Interpretativne izjave uz međunarodne ugovore, *Zbornik Pravnog fakulteta u Zagrebu*, 64(4) 2014, p. 646.

⁷⁹ See Koskenniemi, M.: The Politics of International Law, *op. cit.* note 31, p. 31; Koskenniemi, M.: *From apology to utopia: the structure of international legal argument*, Cambridge: Cambridge University Press, 2005, pp. 613 and 615, stating that "indeed it does not seem possible to believe that international law is automatically or necessarily an instrument of progress. It provides resources for defending good and bad causes, enlightened and regressive policies... Political choices cannot be grounded on law".

to treaties, despite their lack of legal validity under the Vienna Convention (1969), illustrates how States may use legal form to signal normative and political dissent without formally opposing the treaty. This reveals international law as a locus of political strategy.

Despite low ratification, only five States as of several years post-adoption,⁸⁰ the Convention carries notable political and symbolic weight. Politically, it reaffirms the position of UN Tourism within the broader UN system at a moment of heightened scrutiny regarding its institutional authority and effectiveness.⁸¹ From a wider institutional perspective, it is significant that UN Tourism is one of the few UN agencies that has historically operated without a convention linked to its field of expertise. This fact has contributed to mounting criticism regarding its value for money, responsiveness, governance issues and political stances.

Symbolically, the Convention elevates tourism ethics to the highest normative plane, signaling that tourism development is subject to societal accountability rather than unbridled economic exploitation. Thus, the Framework Convention does not constitute a regulatory breakthrough, but rather an institutional consolidation of established ethical norms.

Its emphasis on best-effort obligations, monitoring role of the Committee and voluntary conciliatory mechanism confirms that the Convention's primary task lies not in coercive enforcement, but in formalizing shared global expectations and legitimizing ethical normative discourse within a fragmented governance landscape. Thus, the Convention consolidates, rather than disrupts, the coordinative, managerial model developed under the Global code of Ethics for Tourism.

7. COMPLEMENTARITY OF SOFT AND TREATY LAW IN INTERNATIONAL TOURISM GOVERNANCE

Tourism governance illustrates the operation of international tourism law along a continuum rather than a strict dichotomy between binding and non-binding norms.⁸² As noted by Abbott *et al.*, international actors select legal instru-

⁸⁰ As of February 2026, the Convention has been signed by one State, Indonesia, and ratified by five other States: Albania, Lebanon, Nigeria, Seychelles, and Ecuador.

⁸¹ See, for example, Schaefer, B. D., Carafano, J. J.: 6 Reasons Why the U.S. Should Not Re-join the U.N. World Tourism Organization, 2.10.2019.

⁸² Abbott, K. W., et al.: The Concept of Legalization, *op. cit.* note 3, p. 1; *supra* note 28, p. 422 (stating that the choice between hard law and soft law is not a binary one); Koskenniemi, M.: The Politics of International Law, *op. cit.* note 31, pp. 10 and 28, stating that “the distinctions

ments, such as treaties, codes or declarations, based on their requirements for obligation, precision, and delegated authority.⁸³ The Framework Convention formally increases States' obligations, albeit modestly; leaves the precision of the normative rules vague, largely unchanged compared to the Code; and delegates oversight to an existing soft law body.

Consistent with Meyer's analysis, soft law enables State cooperation on matters of international concern in conditions of scientific uncertainty or shifts in the global power distribution.⁸⁴ In this way, States with particular interest in a pertinent set of rules can act as first movers, while others follow later retaining flexibility to renegotiate better terms in the future as their knowledge and bargaining power evolves.⁸⁵ By contrast, hard law is preferred where power is stable and distributional uncertainty over allocation of costs and benefits among states is strong.

When applied to the context of tourism, the choice between soft and hard law is influenced by several factors. These include uncertainties around potential market distortions and the scientific validity of tourism impacts, as well as the extent to which the benefits from cooperation outweigh sovereignty costs. Additional considerations relate to power shifts associated with delegating authority to an international actor,⁸⁶ national strategic priorities, and the lack of support from powerful States, some of which already have robust tourism legislation in place.

More broadly, these processes manifest the structural complexity and sovereignty sensitivity of tourism regulation, particularly in areas such as border control, visa policy, and the admission of foreigners. As a result, binding international obligations implying an expansive "right to tourism" or the liberty of tourist movements,⁸⁷ remain a contested territory. The freedom of movement of persons has an inherently political character, remaining premised upon the

between hard and soft law, rules and principles, regular norms and *jus cogens*, for instance, are suspect: these only betray political distinctions with which the lawyer should not be too concerned".

⁸³ Abbott, K. W., et al., *op. cit.* note 3, pp. 401-404. See similarly *supra* note 28, p. 421.

⁸⁴ On the theoretical underpinnings, see Meyer, T., *op. cit.* note 51. See similarly Abbott, K. W., Snidal, D., *op. cit.* note 28, p. 436.

⁸⁵ Meyer, T., *op. cit.* note 51, p. 177.

⁸⁶ See Abbott, K. W., et al., *op. cit.* note 3, pp. 414-415 and 418 (stating, inter alia, that "legalized delegation, especially in its harder forms, introduces new actors and new forms of politics into interstate relations") and *supra* note 28. See also Meyer, T., *op. cit.* note 51, pp. 176, 178-179 and 181.

⁸⁷ When Lebanon ratified the Convention, it filed a reservation concerning Art. 11 related to the liberty of tourist movements. For more details see United Nations World Tourism Organiza-

primacy of national sovereignty and the broad discretion of the receiving State in controlling its frontiers. As such, this fundamental human right is not absolute.⁸⁸ The recent US Executive Order imposing travel restrictions and limiting the entry of nationals of 39 countries, for reasons of national security, makes this unmistakably clear.⁸⁹ Another revealing example, albeit confined to EU internal market law, is the CJEU's decision in *Commission v Italy* (C-388/01).⁹⁰ Triggered by complaints from foreign tourists, the case led the Court to strike down nationality-based differential pricing for access to Italian cultural sites. The case exposes how tourism, once conceived in terms of rights, may become subject to judicial scrutiny, thereby explaining state reluctance to accept hard legalization in this field.

Economic aspects deserve equal consideration. The UN Tourism Secretariat's 2010 Study on Tourist/Consumer Protection provides a rare empirical insight into governmental reluctance to internalize even non-binding norms that could disadvantage their national tourism industries in the absence of broader global implementation.⁹¹ This tendency is reinforced by tourism's multiple linkages into the wider economy, including food production, agriculture, transport and business services. In developed states, regulatory constraints are intensified by the anticipated administrative and compliance burdens of implementing additional layers of regulation across already complex multi-level governance systems.⁹² The sector's highly fragmented and heterogeneous nature, "characterized by a very small group of large businesses combined with many SMEs,"⁹³ also complicates regulatory coordination. Although the private sector is the central stakeholder in tourism governance, internal diversity and often competing interests,⁹⁴ render the design of uniform regulatory standards particularly challenging. As Abbott and Snidal affirm, the necessity to deal with the

tion: The Framework Convention on Tourism Ethics and its Optional Protocol, <<https://www.untourism.int/unwto-framework-convention-on-tourism-ethics>>, last accessed on 25/1/2026.

⁸⁸ See Art. 12 of United Nations General Assembly: *International Covenant on Civil and Political Rights*, Resolution 2200 A (XXI), 16.12.1966.

⁸⁹ The White House: *Restricting and Limiting the Entry of Foreign Nationals to Protect the Security of the United States*, 16.12.2025.

⁹⁰ Court of Justice of the European Union (CJEU): Case C-388/01, *Commission of the European Communities v. Italian Republic*, ECLI:EU:C:2003:30, 16.1.2003.

⁹¹ Tourism Sector, presented at the 89th Session of the Executive Council, Kish Island, Islamic Republic of Iran, 24-26 October 2010, UNWTO Document CE/89/8, August 2010, pp. 1-2.

⁹² Organisation for Economic Co-operation and Development: *OECD Tourism Trends and Policies 2020*, Paris: OECD Publishing, 2020, p. 46.

⁹³ Organisation for Economic Co-operation and Development: *OECD Tourism Trends and Policies 2022*, Paris: OECD Publishing, 2022, p. 62.

⁹⁴ *Ibid.*, p. 31.

divergent interests and values of nonstate actors clarifies States' preference for soft law strategies.⁹⁵

Geopolitical factors further shape the States' preferences regarding legal form. Developing countries often view legal instruments and international organizations as tools to assert equality, safeguard sovereignty and shield themselves from exploitative business practices,⁹⁶ despite limited institutional capacity. By contrast, powerful states, facing higher sovereignty costs and greater exposure to market constraints, tend to resist hard legalization although their backing is crucial to its success.⁹⁷ The 2017 approval of the English text of the Framework Convention by only 51 votes, predominantly from the developing world, highlights this tendency.⁹⁸ Unsurprisingly therefore, these considerations help explain why developed States, whose operators dominate the global tourism market, initially opposed the creation of an intergovernmental organization in this field, preferring IUOTO's industry-driven structure.

Bringing these instruments together, the Global Code and the Framework Convention are distinct yet complementary pathways toward the shared objective of responsible, sustainable and equitable tourism development. Even with a treaty framework in place, the Global Code retains considerable value. It enables States to learn and resolve uncertainties over time, avoids the costs of hard law while offering benefits of cooperation. It also confers epistemic authority allowing UN Tourism to guide and coordinate diverse stakeholders within a fragmented and decentralized international legal order.

The analysis shows that soft law is not only a stimulus to hard law, but a consistent mode of governance that persists within and alongside treaty-based legal framework. This interplay exemplifies international tourism law as a pluralistic system in which legal form is not only a doctrinal category but also

⁹⁵ Abbott, K. W., Snidal, D., *op. cit.* note 28, pp. 423 and 455.

⁹⁶ *Ibid.*, pp. 447-448; Klabbers, J., *op. cit.* note 34, p. 87. See also Chimni, B. S.: Third world approaches to international law: manifesto. *International Community Law Review*, 8(1) 2006, p. 26 (observing that international law "has always served the interests of dominant social forces...(but) also offers a protective shield, however fragile, to the less powerful States in the international system").

⁹⁷ Abbott, K. W., Snidal, D., *op. cit.* note 28, p. 448. See Meyer, T., *op. cit.* note 51, p. 163 (stating that rising states such as China and India are reluctant to lock themselves into agreements that they cannot change in the future).

⁹⁸ During the approval of the English text of the Convention in Chengdu, Croatia abstained. For the voting pattern see Resolutions adopted by the United Nations World Tourism Organization: *Resolution A/RES/707(XXII)*, 22nd Session of the UNWTO General Assembly, Agenda Item 16, UNWTO Doc. A/22/16 Rev.2, Chengdu, China, 2017, pp. 77-78. See Anghie, A.: *Imperialism, sovereignty and making of international law*, Cambridge: Cambridge: University Press, 2005, pp. 196-244 and pp. 117, 312, 316 and 318.

has normative and political functions,⁹⁹ a dynamic further evidenced in voting patterns and the slow ratification progress that mirror differing national development priorities.

8. CONCLUSION

Tourism provides a particularly revealing lens for understanding contemporary international law. From the Manila Declaration to the Framework Convention on Tourism Ethics, the sector illustrates how States, within the institutional framework of UN Tourism, navigate collective responsibility in the context of competing economic and national interests.

This paper has demonstrated, descriptively, that the evolution from the Global Code of Ethics for Tourism to the Framework Convention reflects a gradual institutionalization of ethical norms without a corresponding shift toward strong enforcement. The Framework Convention should be regarded as both an inflection point and a compromise, marking the transition to treaty form, while retaining a coordinative model of governance that accommodates political-economic realities and shifting power relations.

Normatively, the paper has argued that the hybrid model represents a pragmatic and functional approach to international cooperation in a sector characterized by high sovereignty sensitivity, economic interdependence and regulatory fragmentation. Ethics and sustainability in international tourism function less as the subjects of philosophical inquiries into normative values and more as contextual responses to legal pluralism, and divergent national priorities embedded in global tourism markets. They tend to manage, rather than resolve, the underlying institutional and distributional tensions between States, markets, and transnational actors.

More broadly, the analysis suggests that international law is not merely a set of rules, but a coordinated political and institutional framework in which ongoing engagement and managerial oversight are often as critical as formal legal commitments. Against this background, delayed entry into force and reservations filed by Member States should not be understood as a failure of the Framework Convention, but as institutional evidence of the structural constraints inherent in treaty-based tourism governance.

⁹⁹ See Abbott, K. W., Snidal, D., *op. cit.* note 28, p. 422 (on normative values in international law); and Koskenniemi, M.: *The Politics of International Law*, *op. cit.* note 31, p. 31, stating that “it is impossible to make substantive decisions within the law which would imply no political choice. (...) legitimizing or criticizing state behavior is not a matter of applying formally neutral rules but depends on what one regards as politically right, or just”.

This evolution exposes a more far-reaching transformation in international law away from its state-centrism into a pluralistic framework involving States, international organizations, private actors and hybrid legal frameworks. Beyond the sector itself, the current model of tourism governance holds promise for other complex and fast-changing policy areas, such as digital governance, in which traditional treaty law encounters political resistance.

In these settings, to paraphrase Martti Koskenniemi, public international law does not provide ready-made solutions to global problems, but leaves their articulation to the realm of politics.¹⁰⁰ International tourism governance captures this interplay of law, politics and ethics with particular clarity.

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