



Munich Personal RePEc Archive

The need for the establishment of a legislative framework for sustainable tourism in Kosovo

Krasniqi, Armand

Economic Faculty - University of Prishtina, Business Faculty - Peje

2009

Online at <https://mpra.ub.uni-muenchen.de/22249/>

MPRA Paper No. 22249, posted 28 Apr 2010 00:15 UTC

THE NEED FOR THE ESTABLISHMENT OF A LEGISLATIVE FRAMEWORK FOR A SUSTAINABLE TOURISM IN KOSOVO

Abstract

Having into account trends and dynamics of global contemporary developments in respect to a sustainable economic and tourism development, such social actions are considered essential and are converted into standards and principles that need to be effectively implemented in our life. The tourism as economic activity is considered a very heterogeneous nature activity as in the theoretical study aspect also in its positive and negative reflection that is introduced in post modern world. Certainly, the post modernism and the globalization process itself have determined a rational approach and teamwork for all interested actors in the way that the new logic of new economic developments is based upon the principles of sustainability, balancing, and planned consumption of natural resources. The enormous development of technological techniques and the race to penetrate into global markets, in light of free trade, has caused that the exploitation of resources not just that is becoming very atrocious, but is seriously endangering the biodiversity of the global environment. The new paradigm “ for a sustainable development” requires setting of a legislative framework which requires not only the support of international convention, declaration and actions, in order to be easily implemented and acceptable by the society but to ensure and guarantee effective modern strategy for a development.

The key notions: Economy, tourism, sustainability, strategy, international convention, declarations, conferences.

Introduction

In the recent decades, tourism in positive point of view as well as in the negative one is developed and aligned as an important factor in the context of a sustainable development. According to the reliable data within EU countries, the tourism is one of the most important economic sectors with 9% of the employment and with 9% participation in consumption. It also represents one of the main five categories of export with 83% throughout the world and its one of the main sources of currency incomes in almost 38% of the countries¹. In many countries is one of the main sources of the economy as the source of employment and as an effective strategy against the poverty. According to the prediction of World Tourism Organization (WTO) it is expected an increase of tourists in Europe which will be duplicated until 2020 with approximate incomes of €720 million. On the other hand this expected development means and carries a significant risk for the environment and population welfare, as well as for tourism in general.

¹ Data from World Tourism Organization

With the increase of free time, and personal incomes, based on the current trends of touristic movements, approximately 180 million Europeans go in holidays yearly. A characteristic of these tourists is the adventurous spirit with activities in the nature, culture, recreation etc. It has been noticed that most of the tourists avoid the turbulent and unsafe environments. It is evident that currently tourists are moving towards Central and East Mediterranean. Due to development of technology for travel which are increasingly becoming faster and easier to reach long distance destinations that relatively easy to achieve.

In this sense the new concept of tourist development certainly has to base upon trade principles, private initiatives, small economy, new values, complementarities of various resources, lakes and rivers and the territory (the continental part), ecologic balance and region development principles as a whole. All of those mean that new marketing concept for tourism which in itself means positioning of the region and its components, tours products and its production in certain markets, touristic alternatives. The logic of a sustainable environment based upon the above mentioned components must have a strong legislative framework. Therefore is a duty for the government in all the levels, offices or touristic relations in association with the stakeholder to give their serious contribution and be engaged in the legislative framework which has to be rationale, effective and integrative.

☞ **Conception and importance of the theory for a sustainable tourism**

The development expansion of tourism and uncontrolled tourism, particularly in the recent decades is followed by many unwanted ecological, social, cultural consequences due to the lack of a concept for a sustainable development. The sustainability of the touristic development as for the other activities primarily depends from living environment and the basis for a long term development. Firstly, a clear request has to be made to all participants and carriers of the tourist activities to respect and maximally implement the necessity of sustainable development through strategic development and other means of treatment of this issue.

The definition of a sustainable tourism is not précised yet and during its review is still experiencing continuous changes. As the definition itself on tourism, the process of précising the sustainable tourism definition probably will continue in the coming years until ultimately an acceptable option is found from the majority of the scholars. According to World Tourism Organization the Program of United Nations for living environment, sustainable tourism as an economic activity is accepted as a development and logical process based exclusively on respecting and satisfying the needs of tourists, in the role of carrying the offer, including the

preservation of environment and the possibilities that a certain touristic place possesses. In other words the sustainable development concept has to be based on direction of touristic activities which will enable achievement of economic, social and esthetic goals and simultaneously will preserve the values and resources related to social integrity, substantial ecological process and biological diversity. In the documents of the federation of nature and national parks in Europe – EUROPARC with the term sustainable tourism is meant “*any kind of tourism which contributes in preservation of living environment, economic and social integration and the advancement of natural and cultural resources*”²

The current situation can be ascertained in the following: degradation of the living environment by tourist side with progressive tempo; indicators for insufficient degree of awareness for a sustainable development ; massive development of tourism, followed by gathering of many visitors in certain places in certain times which consists a serious issue; together with 3 (three) parameters mentioned above the potential possibilities for a conflict among the local population and the tourists which is manifested with the *loss of love, decrease of incentives, increase of aggressivity etc; endangerment of local culture as the primary tourist attraction; provision of wrong information to the tourists; and* weak effect on masses brought with the purpose of preventing negative trends³

The exclusive intention by which has to be determined and which has to be called as a supporter to the sustainable tourism is the harmonized tourism based upon the integrated approach which focuses on five components: *preservation of the living environment; affirmation of the social integrity; respecting the local cultural diversity; optimal fulfillment of tourist requirements and profit generation.*

In order to make the sustainable tourism work in practice in our routine lives, is inevitable to set out a model of development which will maximally emphasize positive relationship between the above mentioned categories and the intentions and in the other hand with the same interest to emphasize , minimizing of all negative effects. Those intentions are prerequisite that needs a compulsory execution. Particularly has to be emphasized that in contrast with the current practice, the new process for touristic development needs to be based in the plan where is stipulated the preservation of living environment and at the same time the economy does not loses its relative concept.⁴

² Loving Them to Deth – Sustainable Tourism in Europe’s Nature and National Parks, Federation of Nature and National Parks of Europ, Grafenau, Germany, 1993 and in website <http://www.europarc.org>

³ <http://www.europarc.org> - EUROPARC Federation Strategy *Challenges and opportunities for European protected areas*

⁴ Kripendorf, J., Reconciling Tourist Activities with Nature Conservation Council of Europe, Trasbourg, 1992

It is a fact that a tourism orientated towards economical point of view can bring good business results in a short term period and can fulfil sufficiently the needs for tourists, but on the other hand will generate consequences- negative effects for living environment and the local population. This is the way when the tourism mainly is developen during the last decades. An evidence to this is the service behavior that different tourist organizations provide particulary catering services , traffic and travel agencies. Accordingly, in the past period: profit, employment, participation in gross national production and tourist satisfaction were head lighted as essential elements of assessment of the successful tourist development.

Having into account the existing definitions, positions and comments in regard to the sustainable tourism we were determined for the definition which has the following meaning: *the sustainable tourism means the integrated and complex development by which simultanoesly are realized heterogeneous intentions by which nobody has the possibility to be dominant in relation to another and such are:* generation of economic profit, preservation of social integrity of the local population, affirmation of cultural identity of reception areas; preservation of the living environment ; optimal fulfillment of tourist requirements.

In accordance to what was mentioned above, it comes out that tourism is supposed to be directed together with other complementary activities, within the broad strategy of sustainability in a certain area. Such presence of tourism enables creation of satisfactory social effects in long term basis, where primarily does not endanger natural resources nor the life of the people.

☞ **Fundamental principles for a sustainable tourism**

Goal achievements that derive from the sustainable tourism development concept means decision-making and implementation of many decisions that need to adjusted with the future trends in a broader concept and in a long-term period which differ from the traditional ones related to planning and decision making. In our opinion , the sustainable tourism concept presents an essential ethical change for all participants within the sustainable touristic process out of touristic economy which includes the performer and the creator of the offer up to tourist as a customer of this offer. If this consensus is achieved in accordance to core ethical principles as prerequisites to be converted into a ground component in decision-making, we might expect positive results and tourism development in sustainable basis.

The ethical tourism principles are closely related with two meanings: “**need-demand** and “**responsibility**”. Today touristic demands or travel demands are considered as essential for

peoples' enjoyment needs and which is fulfilled by the local reception population which will also fulfill its needs such economic and social needs. The concept of the sustainable development imposes that such demands need to fulfill in order that the same resources can be used for the future generation in the same level as the present generation are using it. Today's generation is to respect the rights of their successors which will enable the successors to enjoy the same level of these natural resources and simultaneously will enable a sustainable tourism development in long term basis. This indeed is the first core principle of the sustainable tourism. Thus, the tourism development has to implement in such way that will enable a rational use of the living environment resources, respect of cultural values, and affirmation of authentic values specifically in certain areas, spirit and tradition of the respective country which has value for the local population. When issuing such decisions, it is compulsory to assess more alternative possibilities in relation to producing of concrete positive and negative effects , which according to us is to respect the following rules:

- ↳ *Prevention of negative effects*: While there are minimal possibilities that planned activities might cause any negative effect; it is to be determined provision of other development options.
- ↳ *Assessment of negative effects*: If not possible to avoid the negative effects we are to determine which out of those are less negative and are shorter in time period basis.
- ↳ *Minimization of negative effects*: Out of ethical aspect are only those activities which have a negative effect and there is a possibility to largely reduce them.

Based on the above rules it results that the assessment of economic and social impacts in the living environment has to lead each development project in medium and a large level in which is based touristic development of a certain country. Each touristic development phase is to be monitored closely from the critical perspective in order to verify the decision effects and to respond in cases that are not planned properly. In order to achieve a sustainable development and toward its planning and implementation it is required an integrated approach.

☞ **The principles that can regulate the legal framework for a sustainable tourism**

The process of integration in these spaces and the need for a sustainable development is ongoing and the current situation in the area of social transformation and transition is considered complex and complicated. Based upon this ascertainment it has to be presented to the relevant institutions the need of response that which

path is to be followed? Which methods, legal, economic and social engagements are to be undertaken in order that tourism and catering shall be positive factors of sustainable social development and profitable activities for business firms? How to do tourism or how we can use the tourism as an approach factor towards the EU? Based upon the development need and the above identified difficulties as well as based on the issues that are identified as problematic which certainly are to be treated urgently in order to minimize or prevent such difficulties, we believe that such measures have to be taken as soon as possible: Despite working on the legislation supported by promotional statements of World Organization of Tourism which refer to a sustainable tourism⁵, the following tasks have to be accomplished:

- ‡ Sub-legal acts in the area of tourism and catering, which are translated from various countries and failed to be adjusted with the conditions which would generate sustainable economic and tourism opportunities, such sub-legal acts need to be reviewed, supplemented and in this way will be more proficient, real and flexible with aim of adjustment with the local circumstances;
- ‡ Although tourism and catering are similar and they serve the same mission, in light of quality, special laws need to be regulated but under no circumstances we must not allow that tourism and catering to be regulated with one single Law;
- ‡ The lack of systematic laws, which in particular would have regulated the tourism and catering, indicates the need to issue other laws that will be granting a successful transitional phase which over time will be substituted with the ones of EU.
- ‡ The relevant professional bodies, professional associations and stakeholders are to be identified, systemized, codified and published in the appropriate areas within the country and a priority shall be granted to those that compatible with the highest standards of EU countries.
- ‡ Members from civil society and stakeholders that represent the business interest and citizens need to be involved in the parliamentary groups in order that certain legal acts on tourism are sustainable and applicable in practice;

⁵ Manila declaration on world tourism in 1980; The Acapulco documents on the Rights to Holidays; The Tourist Rights and Tourist Code, Sofia 1985, Hague Declaration on Tourism 1989, Lanzarote Charter on sustainable tourism in 1995 (in association with UNEP, UNESCO and EU); Berlin Declaration on sustainable tourism in 1997; Charter on sustainable tourism, General Ethics Code for Tourism, 1999, Hainana Declaration- sustainable tourism in Asia and Pacific 2002; Quebec Declaration on Ecotourism, 2002; Declaration on tourism and climate change.

- ☞ The legal acts, sub-legal acts, international contracts should not be barriers for the local business just because they are in compliance with acts, standards and contracts of EU and the contrary;
- ☞ The Kosovo Government respectively the Ministry of Trade and Industry needs to establish a Tourist Office in Kosovo which will play the role for international cooperation and will
- ☞ Providing incentives and encouraging non-governmental organization in establishing and implementing projects on education, awareness and acknowledging the business subjects and citizens about a sustainable tourism in accordance with the Agenda 2010;
- ☞ Explore all the possibilities for issuance and implementation of tax exempts for certain subject that successful in sustainable tourism forms, especially to stimulate such subjects that orientated towards the development of eco-touristic capacities;
- ☞ I would not be a mistake if a intergovernmental mixed authority is established or a TASK FORCE which will be responsible authority to contribute on development strategy implementation and elimination of difficulties in reference to the implementation of the legislation.

Recommendations

Having into account the liabilities of our country towards the concept itself for a sustainable development, although Kosovo was not involved in signing the documents in Rio 0 Agenda 21 (Rio de Janeiro 1992), Implementation Plan 41- Count Rio Summit 10 (Johannesburg, South Africa 2002), the major part of the legislation, but not entirely, is compatible with acts, strategies and respective international statements. Among general legal acts of such character is considered the Law on Environmental Protection in Kosovo⁶. (General provisions, Article 7, instruments for environment protection). Commencing with this present ground we may conclude that there are no obstacles to have an applicable comprehensive strategy which would ensure:

- ☞ approval and implementation of laws and decisions that enable an equilibrium bwtween environment protection and economic growth through integration of environment protection within all sector policies;

⁶ Law on Environment Protection in Kosovo No. 03 / L – 025

- Modern development of tourism mainly based in original spatial quality and in resource quality.
- Plan and appropriate use of natural resources, goods and energy;
- Government's role should foster the area of infrastructure, financial, communication etc. additionally a noted increase on tourism market that would provide the destinations for the persevered nature.
- Creation of a political, economic and institutional sustainable environment in regards to the implementation of the development in touristic areas.

The characteristics of Kosovo territory, the natural resources and the values created are relatively convenient for the concept of a sustainable tourism. Although Kosovo still has a traditional touristic model, regarding the forest, rural tourism, destination etc, this strategy can change this static concept into a dynamic one. However, the possible diversity of Kosovo is capable to fully meet the active requirements of the modern tourism as well as they can be introduced through “*Tourist destination programs in Kosovo*” in compliance with the sustainable development and protection and preservation of the environment.

The sustainable tourism includes activities that are likely to have a negative impact in the environment. Unfortunately in Kosovo it is apparent the lack of adequate infrastructure which would assist in a sustainable development of tourism. Additionally there is a lack of effective and appropriate management planning in reference to solid waste management in the touristic zones, which in this case influences negatively in touristic activities. It has to be emphasized that in order to make this concept work in practice we are to be led by the principle “*development of technologies that ecologically friendly*” . This a global platform in regard to the changes that need to be made such documents are: The Global Code of Ethics for Tourism issued by World Tourism Organization, Quebec Declaration on Ecotourism , there are other documents that provide recommendations for a sustainable development of tourism in the endangered areas, the directive for preservation of biodiversity which guides and directs a new paradigm for tourism growth through: multispectral planned activities, maximal social access-local by contributing in proper environment management and ensuring cultural exchange that enables necessary dialogue within all levels.

Conclusion

The development orientations of the contemporary world are directly related to the challenging activities and human existence. This is not a phrase, but a reality that people are facing throughout the globe, and why shouldn't it be according to an intensity and standard. Since for some the understanding of the development has some magical content and opportunity for further achievements, for others this concept means a warning and the need to overcome this crisis. For both parties there is hope that engagement and development will bring a better life.

Tourism is a part of our routine life, and its part that we live in today and the majority of the globe and certainly it's the future of our planet. While we are able to apprehend the present and to analyze the future, based in a projection, we may predict based on information and scientific methods, with the aim of assessment and determination of actions that will lead us towards the success. Although is relatively new, on peoples awareness, this phenomenon in countries that has been developed has brought positive effects and sometimes negative effects. For the importance of this phenomenon it has been argued, and researched were conducted from scientific and academic point of view and from the community in general.

The tourism perspective based on legal regulation and economic actions comprises essentially two components that ultimately have a strong impact on sustainable development. Certainly, based on these reviews , we have made conclusions for their logical solution, and exactly based upon these reasons this paperwork is made. The intention of this study is the response to the question: Does Kosovo has a joint legal-economic development strategy for a sustainable tourism?

Almost in all strategic economic documents we find notes in regard to the need for legislation and the rule of law. But on the other hand, we are nowhere able to find that which in reality are the necessary laws- which content will serve to bodies and relevant institutions in order to set them to work and into action and by this to implement the sustainable economic and touristic development.

During the review of this problematic we have ascertained that tourism and catering as social phenomenon are characterized by the complexity in both legal aspect and economic aspect. This fact has to eliminate at the start by reviewing and adopting the local legislation and by establishing a new legislative framework based on acceptable and standardized international legislation. There are no doubts, that Kosovo territory has potentials and opportunities to develop a sustainable tourism but except the strategy which involve institutional and non-institutional

actors, and to achieve granted success, the legal framework and an uncompromised commitment for its implementation is the key foundation for the development.

Literature used and consulted:

1. Hetemi Dr. Mehdi, E drejta me njohuritë themelore të së drejtës afariste, Prishtinë 1996
2. Folsom R., *European Union Law*, Ts. Paul, v.1999
3. Goldštajn, A., Privredno ugovorno pravo., Informator, Zagreb 1980
4. Inskepp E., *Tourism Planning. An Integrated and Sustainable Development*, New York, v.1990
5. Krasniqi Mr. Armand., E drejta në turizëm dhe hotelieri, Pejë 2004
6. Krasniqi Mr.Armand Administrimi i shërbimeve në turizëm dhe hotelieri, Pejë 2005
7. Kripendorf, J., Reconciling Tourist Activities with Nature Conservation Council of Europe, Trasbourg, 1992
8. Jovanović Dr. Spirović Lucija., Privredno Pravo, Beograd 1999
9. Ligji mbi veprimtarinë Turistike dhe hoteliere i Kosovës, Nr. 2004 / 16
10. Viša sila i slušaj u obligacionom pravi., Pravni informator.,
http://www.informator.co.yu/informator/tekstovi/sila_607.htm, marrë me 01.10.2007
11. *EUROPARC Federation Strategy Challenges and opportunities for European protected areas*
12. Ligji për mbrojtjen e mjedisit në Kosovë Nr. 03 / L – 025
13. Ligji për vlerësimin strategjik mjedisor në Kosovë Nr. 03 / L – 015
14. Ligji për vlerësimin e ndikimit në mjedis ne Kosovë Nr. 03 / L – 024
15. Ligji për veprimtaritë turistike dhe hoteliere në Kosovë Nr. 2004 / 16

Web faqe :

1. <http://www.europarc.org>
2. <http://www.unwto.org>