

Review Paper

Sustainable Tourism and Legislation, the Challenges of Tourism After the Pandemic, Tourism Development Through Efficient Policies and Legislation

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ABSTRACT

The purpose of the research is to analyse the state of implementation of the concept of sustainable tourism development in the Albanian legislation regulating the tourism industry. The following research methods were used in the research: logical and legal method, formal and dogmatic method, qualitative analysis method, correlation analysis method, and systematic approach. The publication highlights the main approaches to understanding the concept of sustainable tourism development both from the standpoint of international organisations (in particular, the World Tourism Organisation) and from the standpoint of theory. The research reflects a comprehensive analysis of the Law of the Republic of Albania No. 93/2015 "On tourism" with a focus on the concept of sustainable tourism development in this regulation. Particular attention in the publication is devoted to the understanding of the concept of sustainable tourism provided for in the Law of the Republic of Albania No. 93/2015 "On tourism", and to the identification of its characteristic features. The conducted research allowed for establishing the correlation between the normative provisions of the Albanian legislation in the field of tourism and the system of key features of sustainable tourism developed in the theory of tourism development science.

HIGHLIGHTS

- The study allowed for developing recommendations for amendments to the Law of the Republic of Albania No. 93/2015 "On tourism" at the level of detailing the concept of sustainable tourism for each type of tourism sector, which indicates the practical significance of the work.

Keywords: Regulation, COVID-19 pandemic, United Nations, report, programme

The concept of sustainable tourism is a progressive theoretical construct, as its key characteristics include an emphasis both on the development of social and economic factors of tourism and on protecting the environment from possible adverse effects of high tourist flow. Notably, 2017 was declared the International Year of Sustainable Tourism for Development based on United Nations General Assembly Resolution 70/193 (United Nations, 2020). Therewith, the Law of the Republic of Albania No. 93/2015 "On tourism" (2015) (Law No. 93/2015), which establishes the main approaches to sustainable tourism development, which indicates

the progressiveness of the Albanian legislation. Thus, the necessity of exploring the main provisions of the concept of sustainable tourism development in the legal framework of the Republic of Albania is conditioned upon the prospects of this area of research as one which is intended both to improve the economic performance of the tourism industry in the Balkan region and to demonstrate the intention of the legislator of the Republic of Albania

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to consider the latest theoretical developments in tourism science when adopting relevant regulations. The importance of exploring the current state of the tourism industry in the Republic of Albania is primarily explained by the fact that the Albanian government has identified the tourism sector as a key sector of the economy (International Trade Administration, 2021). Therewith, the adverse effects of the COVID-19 pandemic have not spared the tourism industry in the Balkan region. Statistics in this context are disappointing: in 2020, only 2.65 million foreign tourists visited Albania, compared to 6.4 million in 2019 (International Trade Administration, 2021). Considering the above facts, the issue of developing and implementing effective instruments (both legal and economic) designed to overcome the adverse impact of the COVID-19 pandemic, including on the tourism industry, is of particular importance. Consideration should be given to the fact that a rapid and appropriate response to the consequences of anti-epidemic measures at the level of national policy will ensure economic stabilisation in the Albanian region, and, as a result, an increase in the living standards of the citizens of the Republic of Albania.

Among the most recent scholarly works relevant to the subject of the research are the following. S.M. Rasoolimanesh *et al.* (2020) discussed the role and importance of sustainable tourism indicators for ensuring its purposes of continuous development. Researchers have emphasised the significance of sustainable tourism indicators as integral elements of tourism planning and management.

The publication by F. Xu *et al.* (2020) discusses methodological tools for researching the development of the concept of sustainable tourism. Scientists are convinced of the necessity to use the latest innovations to explore the concept of sustainable tourism. According to F. Xu *et al.* (2020), using innovations will allow solving, for example, socio-environmental problems of the tourism sector or problems associated with the necessity to prepare analytics of a large amount of data related to the tourism industry.

C.L. Chang *et al.* (2020) prepared a work on the development of the tourism industry after the COVID-19 pandemic. The researchers emphasised the adverse impact of the COVID-19 pandemic

on international travel, travel demand and the hospitality industry, and expressed concern about the inability to predict more or less accurately how quickly the tourism industry will recover from the COVID-19 pandemic and what measures should be taken to achieve this.

B. Ramaj-Desku and F. Ukaj (2021) used the experience of Albania and Kosovo to explore the process of developing an e-marketing strategy in the tourism industry. The researchers interviewed 36 tourism industry experts from Albania and Kosovo, which allowed them to identify the factors influencing the development of an e-marketing strategy in the tourism industry. These factors include, in particular, an entrepreneurial approach and entrepreneurial knowledge of the appropriate level, management support, customer and supplier relationships, information technology costs, correct identification of competitors and competitiveness analysis, and use of innovations (Ramaj-Desku and Ukaj, 2021).

Although the legal doctrine contains scientific works on the theory of sustainable tourism development, the impact of the COVID-19 pandemic on the tourism industry, and particular issues of tourism development in the Republic of Albania, the problem of fixing the concept of sustainable tourism at the level of particular provisions of the Law No. 93/2015 (2015) has not been the subject of scientific research.

The purpose of the study is to assess the state of incorporation of the concept of sustainable tourism development into the legislation of the Republic of Albania and to explore the adverse effects of the COVID-19 pandemic on the tourism industry and measures designed to overcome them.

MATERIALS AND METHODS

The logical-legal method was used to explore the state of compliance of the Law No. 93/2015 (2015) with the main theoretical features of the concept of sustainable tourism. The formal-dogmatic method was used in conducting a legal assessment of the Law No. 93/2015 (2015) for the presence of both positive and adverse aspects of the regulation of the concept of sustainable tourism. Such an approach allowed the author both to state that the Albanian legislator is systematic in reflecting the concept

of sustainable tourism at the legislative level and to present some comments designed to improve the content of the relevant Law. The method of qualitative analysis allowed reflecting on the main provisions of the Law No. 93/2015 (2015), which are related to the concept of sustainable tourism or fix this concept at the level of the considered regulation.

The research methods chosen by the author allowed for a comprehensive reflection both of the source base necessary for systematic consideration of the incorporation of the concept of sustainable tourism development into Albanian tourism legislation and a professional assessment of the state of foresight of the theory of sustainable tourism at the regulatory level of the Republic of Albania, identification of the main range of problems of the tourism industry that have arisen due to the spread of the COVID-19 pandemic and description of the main set of measures designed to promote the recovery and development of the tourism industry in the Republic of Albania.

RESULTS

The theory of tourism details the approach outlined by the World Tourism Organisation and emphasises that the primary, characteristic feature of sustainable tourism is the consideration of three areas of interest: environment, society and economy (United Nations, 2020).

The most recent approach is the one outlined in R. Adillon's (2019) scientific research, which discusses the so-called diamond model of sustainable tourism development. The essence of it is to support unpopular decisions to limit the number of visitors for the sake of sustainable tourism development. R. Adillon (2019) has developed a system of actions designed to implement the diamond model of sustainable tourism development, including determining the tourist capacity of the region, developing key indicators of the most pressing issues affecting the state of tourism development in the region, conducting sociological research on the level of tourist satisfaction with the quality of tourist services provided, and the opinions of residents regarding the positive and adverse impact of the tourism segment on the relevant area, developing a proper action plan to respond to all identified problems in the tourism sector, and using demand management methods (Adillon, 2019).

In the author's opinion, the above system of signs of sustainable tourism is sufficient to understand the essence of this phenomenon, thus, the main regulation in the field of tourism of the Law of the Republic of Albania No. 93/2015 "On tourism" (2015) will be analysed further to consolidate the concept of sustainable tourism. To start with, Article 1 of the Law No. 93/2015 (2015) enshrines support for the development of sustainable tourism as one of the objectives of the Law No. 93/2015 (2015).

Article 4 of Law No. 93/2015 (2015) outlines key concepts, including sustainable tourism, which entails meeting the needs of tourists, host communities, tourism enterprises, and local and central authorities. This is achieved through effective management of tourism resources and the preservation of economic, social, cultural, and environmental values. The ultimate goal of these measures is to maintain the appeal of the tourism industry while creating opportunities for its future development.

Article 4 of the Law No. 93/2015 (2015) contains another reference to sustainable tourism in the context of the definition of "agritourism". Thus, Article 4 of the Law No. 93/2015 (2015), after the definition of agritourism, refers to agritourism's support for the development of sustainable tourism in rural areas through environmental protection, preservation of traditions and promotion of typical local products. Curiously, this mention of the relationship between agritourism and sustainable tourism fully correlates with the system of theoretical key features of sustainable tourism outlined above, as environmental protection is a consideration of the interests of the ecological sphere, preservation of traditions is a consideration of the interests of society, or more precisely, the cultural sphere, and promotion of typical local products is an economic one.

The Law No. 93/2015 (2015) has a separate structural element dedicated to the principles of sustainable tourism design and investment in its development – Article 5 provides for the basic principles of sustainable tourism development, and Article 6 – the procedure for investing in sustainable tourism development. Thus, the objectives of the Law No. 93/2015 (2015) stated in Article 1 to support the development of sustainable tourism cannot be considered declarative – they are regulated in detail

in Articles 5 and 6 of the Law No. 93/2015 (2015). Article 7 of the Law No. 93/2015 (2015), which deals with institutional structures related to the tourism industry, refers to the principles of sustainable tourism, in particular, to the observance of such principles in the development of the main areas of national policy in the tourism sector.

The guiding principles of sustainable tourism are embodied in the understanding of the activities of local governments of the Republic of Albania in the tourism industry (Article 24 of the Law No. 93/2015 (2015)). In addition, one can observe the interconnection of the three key features of sustainable tourism from the perspective of tourism theory, similar to the situation analysed about the regulatory understanding of the relationship between agrotourism and sustainable tourism in Article 4 of the Law No. 93/2015 (2015). The content of these features varies – consideration of the interests of environmental protection can be regarded as providing for the responsibility of local governments for the protection, enhancement and use of tourism resources, the transformation of tourism resources into tourism products can be interpreted as considering the interests of the public sphere, and maximisation of economic potential – the economic sphere.

And the last thing to note in the context of analysing the provisions of the Law No. 93/2015 (2015) from the standpoint of implementing the concept of sustainable tourism is the content of Article 31, which requires that sustainable development be ensured by programmes to support tourism projects developed by the Ministry responsible for tourism in the Republic of Albania.

In the author's opinion, the content of the Law No. 93/2015 (2015) would benefit from the fact that Article 4 of the Law No. 93/2015 (2015), in addition to agritourism, provides for the definition of such types of tourism as, for example, recreational tourism, gastronomic tourism, cultural tourism, pilgrimage tourism, etc. and details how the concept of sustainable tourism can be implemented in each of these types of tourism, following the approach provided for agritourism. Notably, in 2020, the Republic of Albania adopted a Law of the Republic of Albania No. 43/2020 "On sea tourism activities" (2020) regulating maritime tourism, but this law

does not explicitly address the legal construct of sustainable tourism.

The author proposes to emphasise the consideration of some provisions of some programmes that have been or are currently in place in the Republic of Albania and are relevant to the subject of the study. The first programme that the author believes should be mentioned is the Cooperation Program for sustainable development between the Council of Ministers of the Republic of Albania and the United Nations 2017-2021 (Council of Ministers of the Republic of Albania, 2017). This programme refers to the necessity of using the tools and experience of the United Nations to ensure sustainable development of tourism in the Albanian region and states the attractiveness of the Republic of Albania for investment in the tourism industry. Another programme the author would like to mention is the programme developed by the Government of the Republic of Albania – the Government Program 2021-2025 (Council of Ministers of the Republic of Albania, 2021). To achieve the above purposes, the programme proposes measures such as investing in road infrastructure and constructing more airports.

The programme developed by the Government of the Republic of Albania – the Council of Ministers for 2021-2025 includes a separate structural unit to combat the effects of the COVID-19 pandemic. This subsection refers both to the anti-epidemic measures introduced in the Republic of Albania in connection with the COVID-19 pandemic and to the system of economic guarantees received by citizens of the Republic of Albania (primarily those who have lost their main source of income) (International Trade Administration, 2021).

To ensure the positive outcomes of tourism development in Albania, the author argues for the implementation of a dedicated state program for the tourism sector in the coming years. This program should encompass legal and economic measures, instruments, and guarantees tailored to the unique characteristics of the Balkan region. The author suggests that the specific content of this program can be explored further through research and academic discourse.

DISCUSSION

There are numerous scientific works on the

study of the concept of sustainable tourism. The following are worth highlighting. The work of D.A. Fennell and C Cooper (2020) is fundamental, providing a comprehensive review of sustainable tourism through the lens of the United Nations. They reviewed the genesis of sustainable tourism development, mechanisms for managing the tourism sector in the public and private sectors, and the system of values, ethics, and human nature as priorities for sustainable development of the tourism industry (Fennell and Cooper, 2020).

D. Streimikiene *et al.* (2021) prepared a comprehensive review of the literature on the relationship between sustainable tourism development and competitiveness.

Having stated the problem of conceptual vagueness and terminological confusion in the field of defining the concept of “sustainable tourism”, S. Zhang and E.S. Chen (2020) decided to develop their own, more accurate understanding of the category of research. According to their work, sustainable tourism should be interpreted through the ethics of tourism development, based on using resources, which is based on the ever-increasing human needs (Zhang and Chan, 2020).

J. Saarinen (2020) thoroughly highlighted the problems of tourism and sustainable development purposes in terms of the geography of specific regions. The book, prepared by J. Saarinen (2020), presents a critical reflection on the Sustainable Development Goals prepared by the United Nations in 2015 from the perspective of tourism geographers and related disciplines. Notable is D. Scott’s (2021) work on sustainable tourism and recent climate change. D. Scott (2021) stated the impact of global climate change on investment, planning, operations, and demand in the tourism sector, and described several factors that should be considered when developing strategies to mitigate the impact of climate crises on the tourism industry.

Despite the numerous available publications on sustainable tourism, the main feature of the author’s study in this context is the focus on the state of implementation of the concept of sustainable tourism development in Albanian legislation, which is important for both legal doctrine and tourism science. A separate layer of scientific research is devoted to the impact of the COVID-19 pandemic

on the tourism industry. F. Higgins-Desbiolles (2021) states the serious damage to the tourism industry as a result of the spread of coronavirus disease and describes the content of the main arguments of the debate that has arisen in academic circles about the restrictions on the tourism industry as a result of the COVID-19 pandemic and the prospects for overcoming them. M. Sheller (2021) identified ways to restore a sustainable environment and economy after the coronavirus pandemic, considering the ongoing climate crisis. In addition, M. Scheller used the theoretical concept of “fair mobility” as a way to understand the problems of sustainable development of tourist mobility.

The author considers it necessary to reflect on the content of several works that dealt with the subject of the tourism industry in the Albanian region. Thus, J. Holland (2000) highlighted the socio-economic challenges of sustainable tourism in South Albania. The researcher developed some recommendations, considering the ongoing Balkan crisis, to overcome the problems of local community development in the tourism sector. D.R. Hall (2000) focused on the Albanian experience of “transition” in the context of sustainable tourism development. A. Ciro (2019) prepared an assessment of political levers of influence on the tourism sector in Albania.

In general, the prepared and presented results of the work have their system of characteristic features that significantly distinguish them from previous studies. In particular, such features include an assessment of the status of implementation of the concept of sustainable tourism development in the legislation of the Republic of Albania, a description of the consequences of the anti-epidemic measures taken for the Balkan region and consideration of the system of tools designed to overcome them, a substantiated criticism of some provisions of the Law of the Republic of Albania No. 93/2015 “On tourism” (2015) and the development of positions to improve its content.

CONCLUSION

The proper incorporation of theoretical achievements in the field of sustainable tourism into the legislation of the Republic of Albania related to the tourism industry demonstrates the progressiveness of the Albanian legal sphere. Therewith, the author has

identified some shortcomings of the Law of the Republic of Albania No. 93/2015 “On tourism” and offered his own opinion on the ways to overcome them. Such shortcomings are primarily related to the fact that Article 4 of the Law of the Republic of Albania No. 93/2015 “On tourism” actually provides for only one type of tourism – agritourism. In the author’s opinion, it would be advisable to supplement Article 4 of the Law of the Republic of Albania No. 93/2015 “On tourism” with other types of definitions of the tourism industry and to specify in what aspects the concept of sustainable tourism can be manifested for each of these types, following the approach provided for agritourism.

The author would like to emphasise that at the level of state programmes of the Republic of Albania, the government – the Council of Ministers – responded to the challenges of the pandemic as quickly as possible and provided a system of economic guarantees for Albanian citizens who were adversely affected by COVID-19.

The foundation for further scientific research can be the development of theoretical guidelines for the content of the development programme for the tourism sector of the Republic of Albania in the coming years. Some recommendations for the development of such a programme have been outlined by the author in this research.

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