TOURISM LAW AND LEGISLATION

ASSIGNMENT 3

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1. Explain the role of the International Civil Aviation Organization (ICAO) in regulating international civil aviation and facilitating international air transport.

ICAO's principal function is to ensure that the aviation systems of different countries are compatible with each other so that an aircraft can fly from Adelaide to London and land in a system which is essentially the same as the one it departed from. It achieves this by developing Standards and Recommended Practices (SARPs) in all the areas of aviation including pilot licensing, aircraft safety, air traffic management, airport operations and security. These are published as annexes to the Convention and member states are expected to incorporate them into their national laws (though ICAO has no power to enforce them).

ICAO also facilitates air transport more generally. It promotes simpler border procedures, promotes harmonised rules for passports and machine-readable travel documents and supports model agreements which countries will then use as a basis when negotiating their bilateral air service arrangements. It is also very active on environmental issues (aircraft noise, CORSIA etc). In essence it provides the common rulebook which enables global air transport and therefore much of international tourism.

2. Discuss the role of the International Maritime Organization (IMO) in maritime safety, security, and environmental protection, particularly in relation to cruise tourism.

The IMO is responsible for safety, security and pollution prevention in international shipping. It sets the framework but it's down to the member states to implement and enforce it.

On safety the key instrument is SOLAS which was strengthened after Titanic and has been amended on numerous occasions since. It covers requirements for ship construction,

lifeboats, fire protection and navigation. For cruise tourism this is of course of paramount importance as you're talking about ships carrying thousands of people. T

On security the ISPS Code (introduced after 2001) requires ships and ports to carry out security assessments and have security plans which in turn affects how the cruise terminals screen passengers and baggage.

MARPOL is the principal convention on environmental protection and covers the regulation of oil, sewage, garbage and air emissions from ships. Cruise ships are of particular interest as they produce vast quantities of waste and fuel emissions in the coastal areas of the world's most sensitive destinations.

3. Explain how the World Trade Organization (WTO) influences international tourism through trade in services and relevant international agreements.

The WTO doesn't regulate tourism per se, it's primarily governed through the GATS (General Agreement on Trade in Services) which came into force in 1995. Tourism is a service that is traded in the sense that a foreign visitor is importing hotel, restaurant and transport services from the host country. Under GATS member countries make commitments as to how open their market is to foreign providers and tourism/travel related services is one of the sectors in which the most countries have made commitments. This has facilitated the establishment of foreign hotel chains, tour operators and travel agents abroad.

GATS is based on the principles of most-favoured-nation (mfn) treatment (i.e. no discrimination between trading partners) and national treatment (i.e. foreign providers are treated no differently from domestic providers where the commitments apply). The WTO also has a dispute settlement system which provides a formal mechanism for countries to

challenge restrictions. Other WTO agreements are also relevant, including the TRIPS agreement on intellectual property (which has implications for branding and franchising) and the rules on transparency of regulation.