

Legal Support of Tourism Development in the Republic of Kazakhstan

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Abstract. In tourism sphere in the last decade there are the essential changes reflecting serious processes of social and economic and political transformations in Kazakhstan society. Tourism became an attractive branch for business. Tourist business in our country is in a stage of structural reorganization, institutional establishment, formation of intra-branch, and inter-branch, inter-regional and foreign economic relationships. The tourist infrastructure is improved, the corresponding segment of a labor market is formed, and the new system of state regulation of tourist activity is created. There are new approaches to state policy formation in tourism sphere; its development gradually becomes a priority national problem. For normal development of the tourist industry the operating tourist legislation is necessary. In this connection the major goal of the legislature should be activity on association of legal rules and procedures, concerning tourism, in the universal legislation providing perfection and enforcement of tourist laws. The law "On the tourist activity in the Republic of Kazakhstan" marked itself a new milestone in legal development of tourism. It became a basis, a core of legal system in tourism sphere. It is the unique special regulatory legal act possessing the higher legal force in the field of tourist relationships.

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1. Introduction

Today different definitions are given to tourist activity. So, the concept "tourism" can designate temporary moving of people from a place of the constant residing to other country or the place which is in the country, at leisure for the purpose of pleasure and rest reception, and also in the health-improving, guest, informative or professional purposes, but not by business in a visited place. At the same time tourism is considered as the major means of satisfaction of human requirement for a variety. Legal regulation of tourist activity is in sphere of civil law and the majority of tourist norms are civil-law norms. To number of the regulatory legal acts regulating tourist activity concern: the Constitution of the republic of Kazakhstan [1-3], the Civil Code of RK [4], the Law of RK "On the tourist activity in the Republic of Kazakhstan", etc. Tourist activity as concept can be treated from the different points of view. Various strata of society often understand it as activity of tourism, rest, excursions, and leisure. In a context of economic mutual relationships tourist activity is defined as the industrial-serving activity consisting of various tourist services or activity on travel organization with the tourist purpose. Tourist services are services of tourist activity subjects concerning accommodation, food, transport, information-advertising service, and also service of institutions of culture, sport, lifestyle, entertainments, etc., directed on satisfaction of tourists' requirements.

Tourist product is a complex of the tourist services necessary for satisfaction of the tourist's needs during his travel.

The aim of the research consists in the complex analysis of various aspects of legal regulation of tourist activity in Kazakhstan.

2. The methods of research

Methodological basis of the research are general scientific and individual methods of cognition, in particular, formal-logic, methods of the system and complex analysis, dialectic, comparative-legal method, statistical and other methods.

Besides, the author uses the system approach and the interdisciplinary method as the points of the problem considered in the dissertation, mention theoretical principles both different institutes of civil-law science, and other sciences: philosophy, political science, management, etc.

3. The main part.

In the Republic of Kazakhstan, as well as in other CIS countries, tourism as the independent branch exists rather recently. As the formed branch tourism in our country is complicated, industrial and complex economy which activity is intended to promote the problems solution of economic, social, political, industrial and commercial nature. Certainly, the tourism sphere is one of factors of world integration processes, and now tourist business

becomes significant sector of economy that is why such extensive and considerable branch as tourism, requires organizational-legal regulation of the state.

Priority directions of state regulation of tourist activity are: tourism formation as highly profitable branch of economy of the Republic of Kazakhstan; account of the national interests, protection of natural, historical and cultural heritage of the Republic of Kazakhstan when using of tourist resources; introduction of concessionary terms for the organization of tourist and excursion work among children, teenagers, youth, invalids and lower-income strata; creation of favorable conditions for investment of the tourist industry; support and development of internal, entrance, social and independent tourism; creation of effective system of tourist activity to ensure needs of internal and international tourism[5].

Thus, state regulation of tourist activity is carried out by means of: determinations of development policy of tourism industry, investments into tourism; passage of the normative legal acts directed on perfection of relationships in the field of tourist activity; licensing of tourist activity, standardization in the field of tourist activity according to the legislation of the Republics Kazakhstan on licensing and on technical regulation; budget allocation on development and realization of state programs of tourism development according to the budgetary legislation; promotion of tourist activity personnel; promotion to participation of domestic tourists, tour operators and travel agents and their associations in the international tourist programs; promotion of tourist product in the internal and world tourist markets; ensuring of rational and an effective use, account and protection of tourist resources of the country[6].

The international legal basis of the international cooperation of the Republic of Kazakhstan is determined by the law of the Republic of Kazakhstan "On international contracts", including tourism sector [7]. According to the Law on tourist activity in the Republic of Kazakhstan it is possible to allocate social, ecological, adventure, sport, business, congress, medical and health-improving, cultural-informative, religious and other kinds of tourism. The tourism sphere with other industries inseparably connected with service of tourists also represents the system which is called as "tourism industry". According to article 9 of the Act of the Republic of Kazakhstan one of priority directions of state regulation of tourist activity is tourism formation as highly profitable branch of economy of Kazakhstan [8]. Thus it is necessary to notice that experts of the World Tourist Organization specify that there is an accurate communication between tendencies of tourism development and general condition of

economy in the country. However not all money, spent by foreign tourists in host country, can automatically improve its balance of payments. The world practice knows a number of expenses which are born by the host country. First of all, they are spent objects and goods habitual for the foreign tourist, but not made and not consumed in host country. They are building and finishing materials of hotels, hotel and restaurant equipment, furniture, sports stock, also foodstuff and souvenirs. Thus the increase in reception of foreign tourists creates additional loading on a local infrastructure. With a view of realization of the task in view by the President and the Government of the Republic of Kazakhstan for the further development of tourism in the republic, the Concept of Kazakhstan tourism industry development until 2020 development was confirmed on Decree of the Head of the state was developed by the Ministry of tourism and sports.

- Creation of conditions for development of informative tourism at the cosmotron Baikonur within the limits of the project "Kazakhstan is the first space harbor of the planet". Nowadays the General plan for development of international tourist centre "Zhana-Ile" according to which centre creation is planned in two stages is developed: the objects created till 2012 (the first turn of construction) - 3 500 hectares, and in the long term till 2020. In July, 2008 between the ministry and the international company «Eighth Wonder International Limited» the agreement on centre construction intentions is signed. According to the agreement company "Ewil" will develop the draft for the centre development in the near future. For the purpose of complex development of modern tourism infrastructure and attraction of investments into construction, for growth of innovative activity in the territory of the Shchuchinskoye-Borovoye resort zone by the Decree of the President in 2008 the special economic zone "Burabai" of area 370 hectares is created. The draft of creation of the international tourist centre "Burabai" is developed and confirmed and the company-operator is determined. The beginning of the centre construction is planned for March, 2009. Also realization of the project "Aktau-city" started in Mangistau province. The project is directed on support and development of business tourism. In a basis of the project the experience of the construction which is realized in the United Arab Emirates and examples of town-planning of the developed European countries is used. There are involved the companies "Millennium Development", "KazEmir Development Almaty", "KazEmir Aktau", "Khatib and Alami" in its embodiment which developed and presented the projects of development of infrastructural engineering communications and the

draft of creation of international tourist centre "Aktau-city". In the same region the draft of creation and development of tourist sector in the province, including construction of a resort zone of rest "Kenderli", determined the basic directions till 2015 is developed and confirmed. Also within the limits of the program realization there is held a complex of actions for revival of the Kazakhstan piece of the Great Silk Road, first of all in the South Kazakhstan province, as historical, spiritual and cultural centre, in particular creation of objects of the tourist industry in the city of Turkestan and Otyrar province. Together with the Korean agency on the international cooperation "Koica" there is done work on working out of the detailed draft on tourism development on the Kazakhstan site of the Great silk way in Kyzylorda province, in the city of Baikonyr, and also in an ancient site of ancient settlement Saraichik in Atyrau province and on a new highway Western China - Western Europe. With a view of development of internal tourism under the international standards, construction of the Eurasian centre of innovative technologies, cultural and sports leisure on Lake Balkhash there is planned construction of a tourist complex "Balkhash-Nursaja". The project is carried out by the company «Alamo Group» together with Association of the Kazakh-Japanese business and humanitarian cooperation "Progress" [9]. It is spoken about necessity of tourist sector creation in the Message of the President of the Republic of Kazakhstan to the people of Kazakhstan of February, 18th 2005 "Kazakhstan is on a way of the accelerated economic, social and political modernization". Kazakhstan's entry as a full member in the World Tourist Organization (further WTO) in 1993 and the international legal agreement on cooperation in the field of tourism became one of steps to tourism development [10]. In October, 2009 in Astana there was held the XVIII General Assembly of the World tourist organization (UNWTO). The Republic of Kazakhstan co-operates with UNWTO more than 16 years. In 2007 the Republic of Kazakhstan was selected as a member of Executive council of UNWTO who was the executive body of the organization and included the fifth part from total of member countries. Within the limits of session the secretary of UNWTO Taleb Rifai was selected. During the session work there were discussed questions of tourist output and the services interfaced to it from the developed crisis situation. Within the limits of session there was a meeting under the project "Silk Road", initiated by the Head of the state in which course the international experts considered a state of affairs in this direction and exchanged opinions on restoration and activization of the most ancient trading-information through-passage. For

young, but quickly developing tourist sector of Kazakhstan holding session of General Assembly of the WTO is very important. So, strengthening of contacts with representatives of other countries will help Kazakhstan to improve service, to study modern demand in the industry market, and also to declare itself as the tourist state. Annual training seminars for businessmen of tourist business on drawing up of business plans and creation of investment projects with attraction of grants, technical help and investments are provided. For presentation of tourist possibilities of Kazakhstan the catalogue of investment projects, guidebooks, booklets and other advertising-information production on paper and electronic forms are published abroad[11]. The great promotion in formation of positive tourist image of Kazakhstan and attraction of investments into the tourist industry is done by working group of Council of foreign investors (CFI) with the President of The republic of Kazakhstan in which frameworks in 2005 the subgroup on tourism from among interested members of CFI working groups is created. Also the decision on Internet page opening "Tourism in Kazakhstan" on CFI web site was accepted. Today practically all existing kinds of tourism are presented in Kazakhstan. Within the limits of tourist sector development in the Republic there were allocated priority directions of development.

4. Conclusion. One of the most intensively developing and perspective sectors of economy of the modern world is the tourism industry. Its influence on economy is great. The tourist enterprises receive considerable profit and create new workplaces. Tourism brings into existence the new form of a consumer demand - demand for rest. It expands the market for the branches which outputting consumer goods, promotes to development of entertaining and informative business, increases incomes of transport firms, communication services, forms incomes of manufacture of tourist equipment, increases demand for souvenir production, products of local crafts. The increase in incomes of tourist firms of this sphere promotes stabilization of currency receipts in budgets of various levels through taxes[12].

Today one of the actual problems of development of tourism sphere is creation of image strategy of Kazakhstan, as the tourist centre with the developed infrastructure and the rich tourist potential, opened to all world and safe for tourists. Our republic has huge potential for tourism development. The various geographical landscapes, rich flora and fauna, original national culture creates all preconditions for successful development of tourism industry in our country [13].

5. Summary At the present stage in sphere of tourism owing to an involvement of a large quantity of people and resources, necessities of bases of social protection of the population, there is an interaction of private and public interests. However it cannot be considered as state intervention in private relationships as it is focused on an optimum parity of interests of a society and the state. Feature of legal regulation of tourist activity consists in a combination private-legal and public-legal means.

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