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NAS RK is pleased to announce that Bulletin of NAS RK scientific journal has been accepted for indexing in the Emerging Sources Citation Index, a new edition of Web of Science. Content in this index is under consideration by Clarivate Analytics to be accepted in the Science Citation Index Expanded, the Social Sciences Citation Index, and the Arts & Humanities Citation Index. The quality and depth of content Web of Science offers to researchers, authors, publishers, and institutions sets it apart from other research databases. The inclusion of Bulletin of NAS RK in the Emerging Sources Citation Index demonstrates our dedication to providing the most relevant and influential multidiscipline content to our community.

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НАН РК сообщает, что научный журнал «Вестник НАН РК» был принят для индексирования в Emerging Sources Citation Index, обновленной версии Web of Science. Содержание в этом индексировании находится в стадии рассмотрения компанией Clarivate Analytics для дальнейшего принятия журнала в the Science Citation Index Expanded, the Social Sciences Citation Index и the Arts & Humanities Citation Index. Web of Science предлагает качество и глубину контента для исследователей, авторов, издателей и учреждений. Включение Вестника НАН РК в Emerging Sources Citation Index демонстрирует нашу приверженность к наиболее актуальному и влиятельному мультидисциплинарному контенту для нашего сообщества.

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DIFFERENTIATION OF POWERS OF STATE AUTHORITIES OF THE RUSSIAN FEDERATION AND LOCAL GOVERNMENTS IN THE CONTEXT OF SUSTAINABLE TOURISM

Abstract. This article provides the first legal justification for the thesis that involvement of regional authorities in development of the tourism industry is an international obligation of the Russian Federation in the field of sustainable tourism development. The key to its effective implementation should be a differentiated legal regulation of the powers of state bodies at various levels. In the study of the powers of the Russian Federation and its subjects in the field of sustainable tourism development, analysis and synthesis methods were used, as well as a combination of comparative and formal legal methods.

The study revealed legislative separation of competencies and powers between the Russian Federation and its entities in the tourism sector does not fully comply with international obligations of the state. The concentration of “tourist” powers in the hands of the federal authorities will not allow achieving the Sustainable Development Goals in the tourism sector of the economy, and also significantly reduces effectiveness of state tourism policy.

Key words: division and separation of authority and powers between government bodies, federal state, federalism, tourism policy, jurisdictions, laws on tourism, tourism, sustainable tourism development, international tourism cooperation, international commitment, implementation, Global Code of Ethics for Tourism (GCET), Framework Convention on Tourism Ethics, Sustainable Development Goals (SDGs).

Introduction. International background. The multifunctional nature of tourism is recognized internationally. Tourism performs various economic, social, humanitarian functions: it is a means of economic recovery, a factor of interstate integration, a form of leisure, a means of understanding the world and a source of human development, a tool for the communication of peoples and so on (Panzabekova, 2018, p. 83; Taylor, 1992, p. 248). The importance of international tourism as an instrument for ensuring international peace and security has been repeatedly emphasized in many international legal acts: e.g. Principle IV of Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples (1965), Manila Declaration on World Tourism (1980), Seoul Declaration "Peace and Tourism" (2001), etc. For quite a long time, the international community considered development of domestic tourism, the tourism industry a category of cases related, in essence, to the internal competence of the state, and, therefore, not subject to international obligations. Only at the end of the 20th century did states come to realize the need for a coordinated development of domestic and international tourism. The mentioned Manila Declaration and the Hague Declaration on Tourism (1989) specifically emphasizes development of foreign tourism should be accompanied by similar efforts to develop domestic tourism. Moreover, tourism was considered as a zone of responsibility of state as a whole. The solution to this issue has reached a new level in connection with proclamation and consistent implementation of the concept of sustainable development.

Without dwelling on history of origin and legal content of the concept of sustainable development (Kukushkina, 2017, p. 29-39; Lukasheva, 2011, p. 5-35; Zybaylo, 2011, p. 87-88), it should be noted its adaptation to tourism did not happen immediately. The UN Agenda 21, adopted in 1992, reinforced the need for sustainable development of economic development, environmental protection and poverty

alleviation (Babenko, 2011, p. 61-63). It is clear this approach was intended to cover all areas of human life. Tourism was no exception, although not a single chapter was devoted to it on Agenda 21. Already in the 1997 Program of Action for its Implementation, tourism was featured as sectoral topics. Two years earlier World Tourism Organization, together with non-governmental organizations, developed the Agenda 21 for the travel and tourism industry. Thus, the organization developed the principle of sustainable tourism, formulated by it in 1988, which meant "managing all resources in such a way that economic, social and aesthetic needs can be met while maintaining cultural identity, basic environmental processes, biological diversity and life support systems". The UN Commission on Sustainable Development, which functioned as a subsidiary body of the UN General Assembly until 2005, as well as the World Tourism Organization (UN WTO), which acquired the status of a UN specialized agency in 2003, made a significant contribution to establishment of the concept of sustainable tourism.

The relationship of tourism and sustainable development is manifested in two points. Firstly, tourism policy should be based on the concept of sustainable development, and, therefore, the need to develop such types of tourism that more than others meet the relevant criteria comes to the fore (Ponomareva & Malafiy, 2010, p. 210). A generic term for these types of tourism has become "sustainable tourism" (Timofeeva, 2007, p. 183).

Secondly, tourism itself is a tool for sustainable development. This is due to the fact that the tourism industry is one of those sectors of the economy have relatively little impact on environment. In addition, multiplier effect of tourism is generally recognized, that is, the implementation of transformations in the tourism sector affects related industries (Saidasheva, 2013, p. 17). Presumably, this applies not only to financial investments in the tourism sector, but also to the consequences of legal decisions and organizational measures carried out by state central and local authorities.

Thanks to activities of universal and regional international institutions, the content of the concept of sustainable tourism development has been enriched, significantly going beyond the framework of agreed economic and environmental policies (Sharpley, 2009, p. 60-62). Already in 2005, the UN WTO, together with UNEP, formulated 12 goals for sustainable tourism, including social justice, access to tourism, local control and so on. Currently, the topic of sustainable tourism has received a new impetus with the adoption in 2015 of the UN Sustainable Development Goals (Transforming our world: the 2030 Agenda for Sustainable Development – A/RES/70/1) after the implementation of the Millennium Development Goals 2000 (Myasnikova, 2019, p. 135). It emphasizes the determination to "promote sustainable tourism" (paragraph 33). The SDGs consist of 17 global goals and the associated 169 targets, «which are integrated and indivisible».

Tourism is directly linked to achievement of three global goals:

- Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.9);
- Goal 12. Ensure sustainable consumption and production patterns (target 12.b);
- Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.7).

In all three cases, the need to preserve and develop local culture, resources, and industry is noted.

A key factor in sustainable development was proclaimed, inter alia, the active involvement of local authorities in solving problems (Dyachenko, 2016, p. 81-82). In a concentrated form, the nature and directions of public influence on the tourism sector based on the concept of sustainable development are recorded in UNESCO Sustainable Tourism Charter (Lanzarot, 1995) and the Global Code of Ethics for Tourism (hereinafter GCET), approved by UN WTO General Assembly in 1999.

Both UNESCO and UNWTO are specialized agencies of which the Russian Federation is a member. Their resolutions reflect the collective practice of Member States (Barre, 2011, p. 2). I. I. Lukashuk noted: "The charters of organizations are based on the assumption that each member will conscientiously fulfill their obligations, achieve the goals and principles of the charter. And this is simply not possible if member states do not take into account the adopted resolutions" (Lukashuk, 1993, p. 170). Many bilateral agreements of the Russian Federation on cooperation in the field of tourism contain obligations on cooperation within organs of UNWTO and will be included among the basic principles enshrined in the acts adopted with its participation. In the Resolution of the Plenum of the Supreme Court of the Russian Federation of 10.10.2003 No. 5 "On the application by courts of general jurisdiction of generally

recognized principles and norms of international law and international treaties of the Russian Federation" acts of specialized institutions are designated as a possible source of content and a means of interpreting generally recognized principles and norms of international law (Clauses 1, 16).

GCET has an international implementation mechanism – World Committee on Tourism Ethics. Now its functions are (a) monitoring, evaluating and reporting on the implementation of GCET; (b) the research and issuance of reports, recommendations and observations on ethical matters related to tourism; (c) the proposal and approval of texts of conventions and other legal instruments on specific issues related to GCET provisions; and (d) identification main priority areas on which to concentrate its attention in terms of possible ethical impacts of the tourism sector (UN WTO General Assembly resolutions 607(XIX) of 2011, 708(XXII) of 2017). The implementation of GCET was also the subject of discussion at meetings of the UN General Assembly (A/RES/70/200 of 2015, A/RES/65/148 of 2010, A/RES/60/190 of 2005, A/RES/56/212 of 2001).

Additionally, GCET along with the 1989 Hague Declaration on Tourism and the Charter of Tourism and the Tourist Code, approved in 1985, are called Decision No. 24 of the Supreme Eurasian Economic Council by international standards are taken into account by the competent authorities in regulating trade in services, institutions and activities, and also in the process of its liberalization.

Forms of participation of local authorities in the sustainable development of tourism in accordance with international standards. It must be recognized the commitment to the sustainable development of tourism has become a universally recognized norm of international law. It is unacceptable to identify a universally recognized norm of international law and an international standard. They may vary in form of expression, legal force, addressees of prescriptions, level of detail. A general legal commitment to the sustainable development of tourism in order to fulfill it most effectively requires adherence to international standards in this area. It is noteworthy that the UN WTO has developed a Framework Convention on Tourism Ethics on the basis of GCET (Nikanorova, 2017, p. 144-145). Developed in 2017 (707(XXII) of 2017), the text of the convention was submitted for approval by the UN WTO General Assembly in 2019. Therefore, it is not ruled out that international standards will provide legal force to international universal treaty norms. The World Committee on Tourism Ethics should become both the implementation mechanism of the Framework Convention and the body for the optional resolution of disputes between its member states, as well as disputes of participants in the tourism process (including private individuals). Articles 4 to 12 of the Framework Convention actually duplicate Articles 1 to 9 of the GCET. However, GCET does not terminate (Article 13 of the Framework Convention).

However, the very provisions of GCET and the Framework Convention are heterogeneous.

Firstly, the objective criterion of their systematization was used (which continues the tradition of the Hague Declaration of Tourism of 1989 and the Manila Declaration on World Tourism of 1980).

Secondly, nature of the requirements varies (a) from self-implementation to non-self-implementation, that is, requiring mainly from States to take appropriate legislative and / or organizational measures; (b) from regulatory to declarative.

Thirdly, the provisions of GCET and the Framework Convention are addressed to different categories of entities: public authorities (central, regional and local administrations), tourism industry entities, tourists, the media and host communities (population of tourist destinations). Only part of the provisions is common to all subjects, the main part is formulated as "individual rights and obligations." The definition of individual rights and obligations is explained by the different role that actors play in increasing the social value of tourism. At the same time, documents in some cases distinguish participants in the tourism process (in terms of documents), host communities and tourists, referring to the first only public authorities and subjects of the tourism industry and their associations. In addition, GCET and the Framework Convention highlight the local participants in the tourism process and the government (central authorities).

Fourth, GCET and the Framework Convention distinguish between measures that must be taken at the national level, at the corporate level, at the local level, and measures requiring international cooperation in accordance with international law.

Thus, speaking about the role of public authorities in the implementation of international standards, it is necessary to take into account these circumstances.

The own role of local authorities is to ensure respect for visiting tourists, including from the local population (Article 1 of the GCET / Article 4 of the Framework Convention), to take into account the interests of the local population when implementing tourism policy (Article 5 of GCET / Article 8 of the Framework Convention), to solve the problem of tourism seasonality (Article 3 of GCET / Article 6 of the Framework Convention), and to ensure prompt and unhindered access to local administrative services (Article 8 of GCET / Article 11 of the Framework Convention), as well as an obligation to integrate tourist centers and accommodation facilities in local socio-economic environment as much as possible into local socio-economic environment during urban planning and architectural planning (Article 5 of GCET / Article 8 of the Framework Convention).

Together with other public authorities, local authorities should support, including financially stimulating resource-saving and non-waste tourism technologies, rationing visits to especially vulnerable and specially protected natural areas, with particular attention to ecological tourism (Article 3 of the GCET / Article 6 of the Framework Convention).

Particular attention is paid to the criteria for effective tourism policies implemented by all public authorities. These include the following requirements (Articles 1 – 4, 8, 9 of the GCET / Articles 4 – 7, 11, 12 of the Framework Convention):

- taking into account the socio-cultural traditions and customs of all peoples, especially national minorities and indigenous peoples;
- taking into account the humanitarian function of tourism;
- ensuring equal rights and taking into account the special needs of socially vulnerable categories of the population;
- equal protection of personal data of all tourists;
- taking into account the special rights of local communities regarding access to tourism resources;
- sustainable development;
- preservation and protection of natural and cultural heritage;
- promotion of access to cultural heritage, regardless of ownership of the property;
- ensuring the conservation of cultural and natural diversity;
- special consideration of the interests of small and medium-sized businesses in the tourism sector.

Both instruments do not predetermine the structure of tourism management in state, do not fix the requirements for legal status of tourism administration units. Local authorities are structures operating locally within tourism destinations. However, it is the state authorities are responsible for:

- ensure the safety and protection of tourists and their property, especially foreign;
- inform and provide assistance to tourists (Article 1 of GCET / Article 4 of the Framework Convention);
- ensure the protection of health in the field of tourism and the prevention of accidents (Article 6 of GCET / Article 9 of the Framework Convention);
- oblige the tourism business to conduct studies of the environmental impact of tourism projects, as well as ensure their transparency (Article 5 of GCET / Article 8 of the Framework Convention);
- ensure social partnership of the tourism business, tourism industry workers and the local population (Article 5 of GCET / Article 8 of the Framework Convention);
- inform citizens about the threats and dangers that may be encountered during a foreign tourist trip (Article 6 of GCET / Article 9 of the Framework Convention);
- to support social and especially collective tourism, family, youth and student tourism, as well as tourism for the elderly and disabled (Article 7 of GCET / Article 10 of the Framework Convention);
- provide access to communications, medical and legal services (Article 8 of GCET / Article 11 of the Framework Convention).

The legislation should provide for measures for prevention and suppression of violations of rights of tourists and workers of the tourism industry, damage to tourist facilities; to combat exploitation of people in the field of tourism; measures for liability insurance and for fair compensation in case of non-fulfillment of contractual obligations by tourism industry entities, as well as with the repatriation of tourists in case of insolvency of companies that organized their trips; guarantees of labor and social rights of workers in the tourism industry "taking into account specific restrictions related, in particular, to the

seasonal nature of their activities, the global scale of the tourism industry and the flexibility that is required of them in connection with the nature of their work"; minimum legal and administrative restrictions on access to the tourism sector for investors and entrepreneurs; the gradual abolition of taxes and fees "burdening the tourism industry and damaging its competitiveness" (Articles 1, 2, 6, 8, 9 of GCET / Articles 4, 5, 9, 11, 12 of the Framework Convention)

That is, in this case, GCET and the Framework Convention determine not only the level of measures taken (state, central advantage), but also their nature (law-making).

Domestic measures of sustainable tourism development. When adopting legal acts in the field of tourism, the Russian Federation and its subjects must correlate their content with international obligations that lie with the state. This follows from the basic principle of international law – principle that States shall fulfil in good faith the obligations assumed by them.

The obligation to ensure sustainable development of tourism is an obligation under general international law. Its implementation is ensured by all elements of state mechanism, including local structures (Kapiki, Nurgaliyeva Z. & Nurgaliyeva A., 2014, p. 36-37). It seems such content should be given to the wording of laws on tourism, which enshrines development of the tourism industry and / or tourism as goals, principles, and functions of state regulation. In particular, this approach is demonstrated by the Law of the Republic of Kazakhstan of June 13, 2001 No. 211-II "On Tourism Activities in the Republic of Kazakhstan" (Articles 8, 9, 12).

It is in this context that the powers of the subjects of the Russian Federation to "create favorable conditions for development of tourism in the subject of the Russian Federation" should be considered, which is enshrined in Federal Law of 06.10.1999 No. 184-FZ "On General Principles of Organization of Legislative (Representative) and Executive Government Agencies subjects of the Russian Federation" (art. 26.3). Not being constitutionally enshrined in joint jurisdictions, but referred to as the aforementioned Federal Law, this power was developed by Article 3.2 of the Federal Law of November 24, 1996 No. 132-FZ "On the Basics of Tourism Activities in the Russian Federation" (hereinafter Tourism Law).

The Russian Constitution enshrines the federal structure of the state (Articles 1, 5). Consequently, from the point of view of international and administrative law with regard to the Russian Federation, one can speak of at least three types of local authorities: (a) local branches of the central authorities; (b) the authorities of the constituent entities of the Russian Federation; (c) local authorities (municipal authorities). The first category of bodies is not provided for by applicable legal acts, and the competence of second and third ones is formulated in a similar way. Modern researchers note "in Russian federal laws, division of authority and powers between subjects of the Russian Federation and municipal formations in sphere of development of tourism development is based on a fragile balance that is based on ambiguously interpreted norms of the Constitution of the Russian Federation" (Sergeev, 2019, p. 303).

Scarcity of the provisions of these federal laws is partially offset by the norms of other federal laws. The dependent nature of regional rule-making does not allow filling in legal lacunae in determining the competence of local authorities.

Comparison of the Code and the Framework Convention, on the one hand, and the Tourism Law, on the other hand, shows a variegated national legal picture.

(1) In terms of fixing goals, the principles of state regulation of tourism, there are no omissions, except for the sustainable development of tourism as an internal state legal concept (Maksanova, 2017, p. 87-89). The concept is fixed only at the federal by-law level in strategic planning documents.

(2) Particularization of powers of local authorities in the Tourism Law cannot be considered as a successful legal decision. On the one hand, the subject of regulation of the Tourism Law defines tourism activities, not tourism, that is, the movement of individuals. On the other hand, tourism, due to its multifunctional nature, affects many areas of public life, as well as a wide range of human rights. Consequently, strict terminological coordination of the provisions of the Federal Law of 1999 and the Tourism Law formally excludes other laws from the sources of regulation of regional powers in the tourism sector.

(3) The Tourism Law fully regulates those issues that affect interests of tourists. On the contrary, labor issues, issues of social partnership in the tourism sector, issues of transparency of strategic forecasting for the tourism business, issues of encouraging the use of resource-saving tourism technologies and so on, remain outside the Tourism Law. To some extent, the exception is so-called "special

consideration of the interests of small and medium-sized businesses in the tourism sector” (Maksanova, Kaurov & Oshirov, 2016, p. 56-57). The centers for the development of rural and ecological tourism are assigned to the infrastructure for supporting small and medium-sized enterprises by the Federal Law of 1997 "On the Development of Small and Medium-Sized Enterprises in the Russian Federation" (Article 15). But this legal situation does not mean that the regulation of other issues assumes the character of exclusive competence of the subjects of the Russian Federation. Regional authorities have the right to rulemaking on these issues only to the extent established by federal law.

(4) The cornerstone of sustainable development – the conservation of tourism resources – is regulated in the Tourism Law by blanket provisions (Article 13). And special legislation on environmental protection reduces ecological tourism to tourism in specially protected natural areas. Among the laws on the protection of historical and cultural heritage, the Federal Law of 05.26.1996 No. 54-FZ “On the Museum Fund of the Russian Federation and Museums in the Russian Federation” is the furthest advancement in tourism. In particular, museums-reserves have been assigned to create tourism conditions. The issue of local population’s access to resources that may be of tourist interest is very contradictory in law, in Tourism Law, this is a declaration. But the relationship between tourism and local population has another aspects. Just as a tourist should respect local customs and traditions, so the local population should respect visitors (Maksarova, 2008, p. 348). But the Tourism Law is silent on the second obligation. The legal acts do not address the issue of involvement of local population in tourism activities. The strategic planning documents give only a positive assessment of tourism as a source of jobs. At the same time, the economic literature focuses on the difficulties of sustainable development of tourism in areas where it is the main branch of economy (Accinelli, Brida & Carrera, 2007, p. 521-530).

(5) There are tourism policy issues that can only be successfully resolved at local level (Maslennikova, 2007, p. 8-9). Objective criteria for determining powers of local authorities are territorial criterion, nature of tourism resources, type of tourism (outbound tourism should not be regulated by regional authorities). At the same time, it is not clear why main responsibility for creating and ensuring conditions for unhindered access for tourists (sightseers) to communications, medical, legal, and other types of emergency care is vested in local authorities. The assignment of authority to development of tourism among schoolchildren by regional authorities raises questions. This is a purely non-profit type of tourism that requires substantial budgetary injections (Chernykh, 2015, p. 66; Rassokhina, 2015, p. 87).

(6) The concept of sustainable tourism implies the equality of individuals in exercise of their right to tourism, regardless of place of residence (Smirnova, 2013, p. 14). However, legal capabilities of regional authorities are made dependent on availability of their own budget funds. Consequently, there is territorial inequality. It is aggravated by the federal tourism policy, the essence of which is “focusing efforts and concentrating state support on the territories with the greatest tourism potential” (Strategy for the Development of Tourism in the Russian Federation for the period up to 2035, approved by Order of the Government of the Russian Federation of September 20, 2019 No. 2129-r). However, world experience shows that tourism can become a tool to boost the economy of the backward regions (Mowforth & Munt, 2009, p. 335-343; TESIS, 2016, p.4), “proved the advantage of regions in obtaining benefits from the development of tourism” (Khachmamuk, 2004, p. 7).

Thus, the legislative separation of powers between federal and local authorities in Russia does not allow for the effective implementation of the country's international obligations in the field of sustainable development (Sakharov & Kolmar, 2019, p. 203). The participation of Russia in the processes of economic integration objectively requires the approximation of legal systems (Ayupova, Kussainov & Nagan, 2019, p. 103), participation in the international trade in tourism services also determines the harmonization of tourism legislation on the basis of common standards.

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**РЕСЕЙ ФЕДЕРАЦИЯСЫ МЕН АЙМАҚТЫҚ БИЛІК ӨКІЛЕТТІГІН
ТУРИЗМНІҢ ТҰРАҚТЫ ДАМУ ТҰРҒЫСЫНАН САРАЛАУ**

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**ДИФФЕРЕНЦИАЦИЯ ПОЛНОМОЧИЙ РОССИЙСКОЙ ФЕДЕРАЦИИ
И РЕГИОНАЛЬНЫХ ВЛАСТЕЙ В КОНТЕКСТЕ УСТОЙЧИВОГО РАЗВИТИЯ ТУРИЗМА**

Аннотация. В настоящей статье впервые дается юридическое обоснование тезису о том, что вовлечение региональных властей в развитие туризма вытекает из международного обязательства Российской Федерации по его устойчивому развитию. Выдвигается предположение о том, что такое обязательство имеет характер общепризнанной нормы международного права, сформировавшейся в практике международных межгосударственных организаций, в том числе тех, членом которых является Российская Федерация.

В работе обозначено соотношение устойчивого развития туризма и Целей в области устойчивого развития (ЦУР – Преобразование нашего мира: повестка дня в области устойчивого развития на период до 2030 года), принятых ООН. Связь устойчивого развития с туризмом несомненна. С одной стороны, устойчивое развитие – это требование, которое должно выполняться всеми участниками туристского процесса. С другой стороны, туризм – это та сфера человеческой деятельности, которая сама по себе в значительной степени позволяет обеспечить устойчивое развитие. Поэтому так называемый устойчивый туризм должен стать инструментом достижения не только трех из семнадцати ЦУР.

Всемирная туристская организация ООН (ЮН ВТО) в сотрудничестве с другими международными учреждениями выработала стандарты политики устойчивого туризма, которые в концентрированном виде нашли отражение в Глобальном этическом кодексе туризма. В работе анализируются положения данного акта и разработанной на его основе Рамочной конвенции по этике туризма применительно к тематике статьи, выявлены те из них, которые адресованы местным властям. Выделяемые функции местных властей разделены на две группы: а) осуществляемые только на локальном уровне; б) осуществляемые совместно с центральными властями. Кроме того, выделены требования, предъявляемые ЮН ВТО к внутригосударственной туристской политике.

Автор утверждает, что залогом эффективного осуществления устойчивого развития туризма должно стать дифференцированное правовое регулирование полномочий органов публичной власти разных уровней. В исследовании выявлено, что законодательное разделение предметов ведения и полномочий между Российской Федерацией и её субъектами в туристской сфере не в полной мере соответствует международным стандартам, а, следовательно, не позволяет государству эффективно выполнять обязательства в области устойчивого развития.

Во-первых, собственно концепция «устойчивого туризма» не фиксируется законодательно, все остальные целевые установки воплощены практически в полном объеме.

Во-вторых, заданные федеральными законами рамки полномочий субъектов РФ как «полномочий по созданию условий для развития туризма» создают ситуацию правовой неопределенности, порождают коллизии, а также препятствуют региональному нормотворчеству. В то же время недопустимо использование одинаковых формулировок применительно к компетенции и предметам ведения субъектов РФ и органов местного самоуправления, поскольку туризм – это ответственность государства.

В-третьих, законодательство о туризме пренебрегает интересами туристской индустрии, акцентируя внимание на интересах туристов.

В-четвертых, пробельный характер носит регламентация вопроса о сохранении туристских ресурсов, также частично урегулировано участие местного населения в туристском процессе. Без этого устойчивое развитие туризма не представляется возможным.

В-пятых, законодатель игнорирует объективные обстоятельства, обуславливающие особую роль регионов в получении выгод от туризма, а также то, что часть проблем наиболее эффективно может быть решена только на локальном уровне.

В-шестых, дисбаланс финансовых полномочий и экономическое неравенство субъектов РФ создает препятствия для доступа населения к туризму.

Таким образом, сосредоточение «туристских» полномочий в руках федеральных властей не только не позволит достичь Цели в области устойчивого развития в туристском секторе экономики, но и существенно снижает эффективность государственной политики в данной сфере.

В ходе исследования использовались методы анализа и синтеза, а также сочетание компаративистского и формально-юридического методов. В работе учтены исследования не только ученых-юристов, но и экономистов, социологов, специалистов-практиков.

Ключевые слова: разделение предметов ведения и полномочий между органами государственной власти, федеративное государство, федерализм, туристская политика, предметы ведения, законы о туризме, туризм, устойчивое развитие туризма, международное туристское сотрудничество, международное обязательство, имплементация, Глобальный этический кодекс туризма (ГЭКТ), Рамочная конвенция по этике туризма, Цели в области устойчивого развития (ЦУР).

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