

III International Seminar on Tourism Law: *“Challenges in Tourism Law”* **Conclusions**

Havana, Cuba
9-11 December 2025

Introduction

The third edition of the International Seminar on Tourism Law: *“Challenges in Tourism Law”*, held in Havana, Cuba, from 9 to 11 December 2025, constituted a high-level forum for legal analysis, deliberation and consensus-building regarding the profound transformations currently reshaping the global tourism sector. Organized with an academic and legal vocation and in continuity with the two previous editions, the Seminar brought together ministers, senior government officials, representatives of international organizations, academics, researchers, legal professionals and stakeholders from the tourism industry, reaffirming its status as a preeminent reference platform for the discussion of main legal issues affecting tourism and the development and consolidation of Tourism Law as an autonomous and strategic branch of law.

At a time marked by accelerated digital transformation, the emergence of artificial intelligence, the expansion of global platforms and growing demands for sustainability, accessibility, and responsible foreign investment, the Seminar provided an opportunity to assess the adequacy of existing legal frameworks and to explore innovative regulatory responses to some of the main legal challenges faced by the tourism sector. Tourism is no longer a peripheral economic activity, but rather a powerful driver of development that must be governed by clear, fair, and harmonized legal frameworks capable of ensuring that its growth contributes positively to host communities, protects consumers, preserves natural, historic and cultural heritage, and promotes social inclusion and universal accessibility.

In the opening remarks, Minister of Tourism of Cuba, H.E. Mr. Juan Carlos García Granda, underscored the country's commitment to a transformative, sustainable, just and inclusive vision of tourism. The Cuban experience demonstrated how creativity, innovation and legal adaptability can turn adversity into opportunity, while reinforcing the protection of cultural identity and environmental patrimony. The Seminar thus served not only as an academic exercise, but also as a practical space to connect legal analysis with concrete regulatory responses and public policy and community-oriented action.

UN Tourism played a central role as a vector for international coordination and leadership, reaffirming the urgent need for more coherent and harmonized legal frameworks at global and national levels. The discussions emphasized the importance of advancing international instruments such as the International Convention on Tourism Ethics, the International Code for the Protection of Tourists and ISO Standard 21902:2021 on Accessible Tourism, as well as strengthening education and training in Tourism Law. The Seminar also highlighted the value of multi-stakeholder cooperation, including collaboration with United Nations agencies, universities, national tourism administrations, and private sector actors, to ensure that legal innovation keeps pace with technological and social change.

The present document synthesizes the main conclusions and recommendations emerging from the Seminar's debates. It reflects a shared conviction that the legal challenges facing tourism at the close of the first quarter of the XXI century can and must be transformed into opportunities. Through coordinated, forward-looking, and inclusive legal dialogue and action, under the leadership of UN Tourism and with the active engagement of States, academia, and industry, Tourism Law is poised to function as a decisive instrument for sustainable development, peace and intercultural understanding

Legal Perspectives and Challenges of Sustainable Tourism within the United Nations System

Panellists:

- Ms. Anne Lemaistre, Regional Director, UNESCO
- Mr. Alejandro Sousa, Head of Evaluation and Strategic Planning Unit, Office of Legal Affairs, United Nations
- Mr. Chunyu Ding, Deputy Director of the Legal Affairs and External Relations Bureau, International Civil Aviation Organization
- Ms. Alicia Gómez, Director of Legal Affairs and International Standards, UN Tourism

The high-level panel explored legal perspectives and challenges of sustainable tourism within the United Nations system, highlighting how tourism law is shaped by a dense and interconnected normative ecosystem within the United Nations. Far from being governed by a single institution or legal discipline, sustainable tourism emerges at the intersection of international commercial law, environmental law, cultural heritage law, transport law and human rights, all of which are reflected in the normative action and legal instruments of different UN bodies.

Within this system, UN Tourism carries out a normative role in the field of tourism. Sustainable tourism is understood as a model that simultaneously ensures economic viability, environmental protection and tangible benefits for host communities, with inclusion and equity as cross-cutting principles.

Through its normative action, UN Tourism has undertaken a series of initiatives over time to address the contribution of Tourism Law to the development of sustainable tourism. These efforts have promoted international standards, principles, and recommendations in this field, as well as compilations of good practices that support the adoption of policy and regulatory frameworks already implemented by several countries.

The Global Code of Ethics for Tourism (1999) established nine universally applicable ethical principles covering the economic, social, cultural, and environmental dimensions of tourism. These principles were later consolidated into a legally binding international convention, namely the Framework Convention on Tourism Ethics (2017), designed to transform ethical commitments into mandatory obligations for Member States once it enters into force. The Convention reflects a growing effort to harmonize sustainable tourism principles at the international level and encourage their incorporation into national legislation, reinforcing legal certainty and predictability for both States and private actors.

During the COVID-19 crisis, UN Tourism adopted the International Code for the Protection of Tourists (2021), which addresses gaps in the legal protection of tourists in emergency situations and strengthens their rights as consumers. Although non-legally binding, the Code sets a comprehensive set of minimum international standards for the protection of tourists at the international level, relying on a “best efforts” approach, encouraging States to adapt their domestic legal systems accordingly and to report on implementation. The establishment of its technical committee, composed of member States adhering to the Code, represents a further step toward ensuring effective monitoring and implementation, although its application remains voluntary.

Through technical assistance in the development and optimization of tourism legislation, regulatory assessments and comparative analysis, particularly in relation to digital platforms and short-term rentals, and academic programmes in higher education, UN Tourism contributes directly to the promotion of Tourism Law activities and its consolidation as a distinct and evolving independent branch of law.

The broader UN legal architecture reinforces these efforts through the work of the United Nations Office of Legal Affairs (OLA) and the international judicial system. Processes of codification and progressive development, the interaction and mutual reinforcement between soft law and hard law, efforts toward

harmonization and consolidation of international legal norms, have direct implications for sustainable tourism governance, especially in coastal and marine destinations. Recent advisory opinions requested from the International Court of Justice, together with significant legal developments in biodiversity conservation and the law of the sea -including the adoption of the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement) and ongoing proceedings before the International Tribunal for the Law of the Sea - underscore the growing legal recognition of States' obligations to prevent environmental harm, cooperate in good faith and ensure reparation for damage caused. These principles, while not tourism-specific, increasingly shape the legal boundaries within which also tourism activities must operate. They reinforce the need for coherent legal and regulatory frameworks that align tourism development with environmental protection climate responsibility, and States' obligations under international law, thereby embedding tourism governance within the broader system of international responsibility and sustainability.

The protection of cultural and natural heritage constitutes a core pillar of sustainable tourism law and is firmly anchored in the normative framework developed under UNESCO's mandate. Through binding international conventions - such as the 1972 World Heritage Convention, the 2001 Convention on the Protection of the Underwater Cultural Heritage, and the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage - UNESCO establishes clear legal obligations that directly affect tourism planning, regulation and management. These instruments emphasize long-term conservation, community participation, and the safeguarding of cultural diversity, while warning against the risks of over-tourism, commodification and cultural homogenization.

UNESCO's operational tools, including sustainable tourism toolkits, visitor management strategies and community-based tourism initiatives, translate these legal obligations into practical governance models that influence how tourism law is implemented at destination level, particularly in heritage sites, biosphere reserves, and creative cities.

Tourism's structural reliance on global mobility places international air transport law, under the mandate of the International Civil Aviation Organization (ICAO), at the core of the tourism legal framework. The Chicago Convention on International Civil Aviation and its annexes establish a comprehensive system of standards and recommended practices that affect safety, security, facilitation, consumer protection and accessibility, which are directly transposed into national legal and regulatory regimes. Legal provisions relating to denied boarding and passengers rights, assistance to passengers with disabilities and reduced mobility, facilitation of border controls and family assistance and compensation in the event of aircraft accidents have a direct and tangible impact on national tourism regulation and consumer protection legislation.

Moreover, ICAO's long-term commitments to safety and environmental sustainability, including the objective of net-zero carbon emissions by 2050, further integrate climate and sustainability considerations into the regulatory framework governing tourism-related transport.

Beyond sector-specific mandates, tourism law is increasingly influenced by cross-cutting UN frameworks such as the 2030 Agenda for Sustainable Development, particularly Goals related to decent work, responsible consumption, climate action and the protection of terrestrial and marine ecosystems. International environmental treaties, human rights instruments and trade-related legal frameworks all shape the regulatory space in which tourism operates, even when tourism is not explicitly mentioned. This normative overlap underscores the inherently interdisciplinary nature of tourism law and highlights the persistent challenge of ensuring regulatory coherence and legal consistency across institutional and sectoral boundaries

The discussions demonstrated that sustainable tourism law within the UN system is not the product of a single institution, but rather the result of dynamic interaction between ethical norms, binding international conventions, judicial and quasi-judicial interpretations, technical standards and policy-oriented guidance. The challenge ahead lies in strengthening coordination among these frameworks, reducing fragmentation and supporting States in translating international commitments into effective national legislation that ensures tourism contributes to economic development while safeguarding

communities, culture and the environment.

Within this complex legal landscape, UN Tourism exercises a central role in promoting structured intergovernmental dialogue, advancing legal coherence, promoting harmonization and supporting Member States in the interpretation, coordination, and implementation of the diverse international legal instruments, standards, and principles applicable to sustainable tourism governance.

Purpose and Objectives of the 3rd International Seminar on Tourism Law

Panellists:

- Ms. Alicia Gómez, Director of Legal Affairs and International Standards, UN Tourism
- Mr. Juan José Álvarez Sardiñas, Legal Director, Ministry of Tourism, Cuba

The introductory panel clarified at the outset that the Seminar was conceived not merely as a space for legal and academic reflection, but as a practice-oriented platform aimed at providing concrete and operational guidance to Member States through the exchange of regulatory experiences, best practices, and lessons learned, as well as the comparative analysis of legislative and policy responses. Particular emphasis was placed on ensuring that legal debates translate into concrete tools, normative guidance and implementable solutions capable of supporting countries in the effective application, adaptation and optimization of tourism-related legal and regulatory frameworks in an increasingly complex and fast-changing environment.

The Seminar set out to analyze the most pressing contemporary legal and regulatory challenges affecting the tourism sector, recognizing that the sector is undergoing continuous updating driven by digital transformation, environmental and climate change, new business models and global policy agendas. Key areas identified included sustainability, accessibility, climate action, artificial intelligence, short-term rentals and the growing influence of digital platforms. These issues were not treated as isolated phenomena, but as interconnected elements that require coherent regulatory responses and harmonized legal frameworks, particularly in regions such as Latin America and the Caribbean, where territorial planning and land-use regulation play a decisive role in tourism development and governance. In this context, the Seminar reaffirmed the strategic role of UN Tourism's Tourism Law Observatories, noting the progress of the Observatory for Latin America and the Caribbean, the establishment of the first Observatory for the Middle East, and the creation of a community of practice on governance and spatial planning aimed at developing a model tourism law.

Special attention was given to the relationship between tourism, legislation and climate change, as well as to the regulatory implications of artificial intelligence in tourism services and destination management. The regulation of short-term rentals and digital platforms emerged as a priority challenge, given their impact on housing markets, urban governance, consumer protection and fair competition. Similarly, the adaptation of tourism spaces to international accessibility standards was identified as an important objective, based on the understanding that accessible tourism cannot be partial or fragmented; it must be global in order to be meaningful and effective.

A central objective of the Seminar was to advance toward greater normative convergence and harmonization, including the long-term aspiration of developing model tourism legislation that could be adapted at regional or subregional levels. In this regard, the panellists acknowledged the value of structured cooperation through thematic and regional working groups, allowing countries facing shared challenges to exchange experiences and develop common legal responses.

In this context, the Seminar resulted in strengthened cooperation among Member States, the development of practical recommendations and guidance to support the effective integration of sustainability, accessibility, climate change considerations, and technological innovation into tourism legislation, and the identification of concrete follow-up actions. These included the organization of a

dedicated event on “Tourism Law and Climate Action” in 2026 at the request of the Government of Brasil, aimed at further advancing dialogue and the exchange of normative solutions in this area.

The discussion also addressed the evolving interplay between hard law and soft law in tourism regulation. In a sector marked by rapid technological, economic and social transformation, non-binding instruments - such as codes, guidelines, declarations and recommendations- were acknowledge as playing a significant normative role. While sometimes criticized for their lack of enforceability, such instruments were recognized for their flexibility, and adaptability, particularly when operating in complementarity with binding legal frameworks, including international conventions and domestic legislation.

From the perspective of the host country, the discussions were framed as the result of close cooperation between UN Tourism, the Ministry of Tourism of Cuba and the academic sector. It was acknowledged that no country or institution has a complete or definitive understanding of the challenges that lie ahead, nor all the answers required to address them. Many of these transformations, particularly those driven by technology and new platforms, will unfold regardless of political or regulatory preferences, making it essential to incorporate solutions proactively rather than reactively.

The increasing distance between consumers and service providers created by digital intermediaries, the integration of tourism into broader territorial processes and the pervasive influence of artificial intelligence were identified as examples of developments that are already reshaping the legal landscape.

The panel also emphasized a fundamental legal insight: social reality advances faster than law, and life itself remains the primary source of legal evolution. In this context, the growing importance of international standards was underscored, reflecting a broader trend toward the standardization of tourism-related practices across borders. This trend reinforces the relevance of international instruments such as the International Code for the Protection of Tourists and the Framework Convention on Tourism Ethics, not only as normative references but as mechanisms through which States gradually assume international obligations and update tourism-related issues within the agendas of political decision-makers.

Regional perspectives were also highlighted, including discussions on a Convention on Sustainable Tourism in the Caribbean, as well as the shared challenge faced by many countries of conserving tourism resources while fully realizing their development potential, an objective that remains, in many cases, only partially achieved.

The Cuban experience illustrated how Tourism Law can serve as a central organizing framework: from the absence of a comprehensive tourism law to the near completion of a legal instrument designed to function as the backbone of tourism governance, complemented by extensive secondary regulations to ensure effective implementation.

UN Tourism’s Law Observatories

Panellists:

- Mr. Samer Al-Kharashi, Director, Regional Office for the Middle East, UN Tourism
- Ms. Emily Steinmayr, Legal Officer, UN Tourism
- Mr. Julio Facal, Academic Coordinator, Tourism Law Observatory for the Americas and the Caribbean, Uruguay

The panel highlighted the strategic importance of Tourism Law Observatories as institutional tools designed to provide a space where tourism laws and regulations can be collected, disseminated, analysed, and adapted to a respond to the unprecedented transformations currently affecting the

tourism sector. Tourism Law Observatories were presented not merely as repositories of legal information, but as dynamic mechanisms that support analysis, cooperation and legislation development at national, regional and international levels.

Approved as a Flagship Initiative of the 2024–2025 Programme of Work by the 25th General Assembly through Resolution 757(XXV), Tourism Law Observatories aim to contribute to the progressive harmonization of tourism-related legislation across jurisdictions and to the development of smart regulation for tourism. In a context marked by rapid technological change, new business models and evolving social expectations, tourism increasingly requires legal frameworks that are flexible, up to date and capable of adapting to local realities without losing sight of shared international principles. The observatories respond to this need by providing pioneering digital platforms that collect, organize, analyse and disseminate tourism legislation and regulatory developments.

Tourism Law Observatories operate as publicly accessible digital platforms, hosted by the UN Tourism Secretariat that systematically collect, organize, analyze, update, and disseminate tourism laws and regulations at the regional level, with the support of a network of individual experts and academic collaborators. This collaborative model enables the elaboration of comparative analysis on the status of tourism legislation, the identification of regulatory gaps and good practices, and the formulation of recommendations for legislative improvement. The process follows a structured and sequential methodology: it begins with the systematic and organization of legal information, then proceeds to its comparative legal analysis, subsequently continues with identifying areas of convergence and potential harmonization, and ultimately serves to foster and accelerate regulatory cooperation among countries facing similar challenges. Functionally, the observatories are composed by several interconnected components. They maintain legislative database called “Turismo Lex” and a section dedicated to comparative studies and analytical reports, provide up-to-date information on news and events related to Tourism Law, and are expanding toward interactive tools such as newsletters, virtual classrooms and communities of practice that hosts working groups and thematic discussions for the exchange of knowledge and best practice.

These elements are complemented by projects of technical assistance for the development, revision and optimization of tourism legislation, subject to UN Tourism’s rules and regulations for extra-budgetary contributions, allowing UN Tourism to support Member States directly in legislative drafting, regulatory reform and capacity-building. In this way, the observatories bridge the gap between legal research and practical regulatory implementation.

Tourism Law Observatories operate at the regional level and are currently established in the Americas through the Tourism Law Observatory for Latin America and the Caribbean, based at the Thematic Office of UN Tourism in Montevideo, Uruguay, while a Tourism Law Observatory for the Middle East is in the process of being established at the Regional Office of UN Tourism in Riyadh, Saudi Arabia.

From a regional perspective, the Tourism Observatory for the Americas and the Caribbean (“LAC Observatory”) was initially established in collaboration with, and with seed funding from, the Inter-American Development Bank (IDB). It operates as a publicly accessible digital platform, hosted in Uruguay within the United Nations House in Montevideo. Its programme of work is defined by the Member States of the Americas through targeted surveys; for the 2025 Programme of Work, based on a survey conducted in 2024, the main thematic priorities include sustainability in its economic, environmental and social dimensions, universal accessibility, digitalization and new technologies, and territorial planning and land-use management. This participatory governance model ensures that the observatory’s priorities respond to real regulatory needs in a region characterized by fragmented and often poorly coordinated tourism legislation.

The Thematic Office of the LAC Observatory, located in Montevideo, is the first UN Tourism thematic office with a specialized focus on the legal aspects of Tourism Law, approved by the 121st session of the Executive Council and endorsed by the 26th session of the UN Tourism General Assembly. Strategically, the Office serves as a collaborative hub for countries in Latin America and the Caribbean, promoting the exchange of best practices, knowledge and innovation in Tourism Law, and supporting the development of legal frameworks capable of addressing key sectoral challenges such as digital transformation, sustainability and the impact of emerging technologies, including artificial intelligence.

Building on this experience, the establishment of a second Tourism Law Observatory in the Middle East, operating within the UN Tourism Regional Office in Riyadh, was presented as a strategic expansion of the model. The Middle East is one of the most dynamic tourism regions globally, where rapid development and investment require solid and predictable legal frameworks to avoid regulatory uncertainty and missed opportunities. The observatory is intended to support regional learning, promote exchange of knowledge and draw on successful comparative experiences, while also fostering close collaboration and synergies with the Tourism Law Observatory for Latin America and the Caribbean. This inter-regional cooperation aims to strengthen regulatory dialogue, encourage the convergence and harmonization of legal approaches, and contribute to the development of more consistent and interoperable tourism regulatory frameworks.

The Observatories also incorporate a growing analytical dimension, including the integration of jurisprudence and the organization of regional congresses and comparative legal studies. These activities aim to deepen understanding of the current status of tourism legislation, identify emerging trends and generate evidence-based recommendations for public authorities. By examining how courts and administrative bodies interpret tourism-related norms, the observatories contribute to greater legal clarity and consistency.

The panel also highlighted the central role of ethics as the backbone of Tourism Law and, by extension, of the Observatories' work, with specific reference to the Framework Convention on Tourism Ethics as a key normative instrument. In regions where tourism legislation is dispersed and coordination is weak, the promotion of common ethical principles enshrined in the Ethics Convention serves as a minimum shared foundation upon which more detailed regulation can be built. These principles inform four main thematic axes guiding the observatories' analytical and support activities: sustainability, inclusion and accessibility; destination management and governance; tourism contracting; and the protection of tourists.

Beyond regulatory technique, the Observatories were presented as instruments that reinforce the deeper values underpinning tourism. These include mutual understanding and respect between visitors and host communities, the responsible use and planning of resources, the avoidance of trivialization or overexploitation of destinations, and the fair distribution of tourism benefits within local communities. Tourism agents bear obligations that extend beyond minimum legal compliance, encompassing a duty of care toward both destinations and tourists.

The panel also situated Tourism Law within a broader rights-based framework, emphasizing the right to tourism as a concept linked to human dignity, personal development and equal access to opportunities. Emerging rights of tourism workers and the need to build trust in destinations were likewise highlighted as integral components of a modern and ethical tourism legal system. In closing, the panel issued a clear call to action, urging Member States to ratify the Framework Convention on Tourism Ethics, emphasizing that adherence to this international instrument should be understood not merely as a formal legal commitment, but as a human, political and institutional affirmation of shared values that underpin responsible, inclusive and sustainable tourism governance. that adherence to this international instrument should not be understood merely as a legal commitment, but as a human and institutional affirmation of shared values that underpin responsible, inclusive and sustainable tourism governance.

Territorial Planning and Sustainable Tourism: Legal Developments and Common Challenges

Moderator: Mr. Enrique Mota, professor, Universidad del Caribe, Mexico

Panellists:

- Mr. Freddy Hung Gil, Vice-Dean of the Faculty of Law at the Universidad de la Habana, Cuba
- Ms. Evelyn Murillo Rivas, Legal Advisor, Honduran Institute of Tourism, Honduras

- Mr. Márcio Luís Dutra de Souza, Legal Advisor, Ministry of Tourism, Brazil
- Mr. Feliciano Torres O'Reilly, Geographer, Territorial Physical Planning Unit of Panama, Panama
- Mr. Luis Fernando Rojas, Legal Advisor, The Costa Rican Tourism Board (ICT), Costa Rica

The purpose of this panel, composed of representatives from Member States, was to analyse legislative progress and shared challenges in regulating territorial planning within the framework of promoting sustainable and responsible tourism. During the discussion, participants presented national legal and regulatory frameworks and actions implemented by their countries, as well as the key legal challenges involved in designing and implementing effective regulations in this area

The panel underscored that land-use regulation and territorial governance are foundational to ensuring tourism development is sustainable, legally coherent and capable of delivering long-term economic, social and environmental benefits. Across the region, speakers converged on the importance of clearly articulated legal frameworks that define clear competencies and responsibilities among national, regional and local authorities, and provide legal certainty for investment, destination management and environmental protection.

A recurring theme throughout the panel was the need to move beyond aspirational or declaratory statutes toward effective legal implementation. Panellists emphasized that territorial planning legislation must be supported by technical expertise, institutional coordination and regulatory mechanisms that allow for administrative flexibility without undermining legal certainty. In jurisdictions with multiple layers of government, this requires a clear delineation of intergovernmental competencies, as ambiguities and overlaps in responsibilities often result in regulatory fragmentation, conflicting mandates and enforcement gaps. The concept of a model tourism territorial planning law was proposed as a normative instrument that could assist States in harmonizing legislative frameworks, clarifying the allocation of responsibilities and promoting consistent and coherent governance of sustainable tourism and territorial planning.

In Cuba, the Law on Territorial Planning and Urban Development (*Ley No. 145/2022*) was cited as a key legal advancement. This law integrates concepts of land-use planning with sustainable development principles, including environmental sustainability, equitable distribution of land uses and accessibility. It reflects an understanding that different land categories (urbanised areas, non-developable land and protected zones) must be managed in ways that allow tourism activities to co-exist with other public interests.

Novel elements include provisions on special zones and differentiated regulatory treatment to account for the unique needs of tourism areas, illustrating how general territorial planning law can adapt to tourism's specific realities. These provisions align with broader global practice, where land-use laws incorporate sustainability principles to regulate tourism growth in sensitive areas (for example, Spain's *Ley de Ordenación Urbanística de Canarias* emphasises land-use guidelines that protect environmental and landscape values).

In Brazil, regulatory experience reinforces the complexity of linking territorial governance and climate law. Brazil's legal framework for territorial planning sits alongside its National Policy on Climate Change and environmental protection laws such as the Brazilian Forest Code (Law No. 12.651/2012), which governs land-use practices to safeguard biodiversity and ecosystems. It was noted that effective sustainable tourism governance requires interaction among these instruments; the principles of decentralisation and regional integration embedded in Brazilian law reflect the constitutional arrangement of competencies across the Union, states and municipalities.

Nonetheless, regulatory fragmentation and overlapping competencies can undermine environmental licensing and climate policy integration, challenges that weaken municipal capacity to manage tourism destinations in compliance with legal obligations. The availability of education, manuals and toolkits is consistent with Brazil's broader efforts to support municipal governance (e.g., the National Urban Development Policy, Law No. 13.089/2015, which encourages capacity building for local governments).

Panama's contribution highlighted the importance of legal certainty for investment and destination

development, describing how tourism planning must rest on a solid delineation of competencies and collaborative planning across sectors. This approach, anchored in municipal planning supported by national agencies, emphasises public consultation and forward-looking visioning to ensure that tourism plans are not retrospective but prepare communities for future opportunities and risks. The reference to gentrification as an environmental and planning concern reflects a broader global challenge, where tourism-induced gentrification intersects with environmental regulation and urban planning objectives, requiring integrated governance mechanisms.

In Costa Rica, a transformative constitutional and legal shift occurred with the 1992 constitutional reform that recognised the right to a healthy and ecologically balanced environment as a fundamental right. This constitutional recognition has driven the development of territorial planning tools that prioritise environmental protection alongside economic development. Costa Rica's planning regime, which includes Management Plans (*Planes de Manejo*) for protected areas and Territorial Planning Instruments (*Instrumentos de Ordenamiento Territorial*), aims to reconcile tourism growth with biodiversity conservation and social well-being.

Challenges remain, such as the time required to approve coastal management plans (e.g. the first 200 metres of the shoreline), but the broader legal framework prioritises sustainability and comprehensive development. Scholars and practitioners in Costa Rica often highlight the need to shift perceptions of planning instruments from being merely restrictive to being enablers of sustainable development, a perspective that resonates with sustainable tourism planning practice internationally.

The panel also considered the Honduran planning framework, where the Constitution and the General Law of Territorial Planning and Spatial Management regulate land use alongside environmental legislation governing protected and tourism-relevant areas. Honduras's system foregrounds environmental licensing and monitoring, and the participation of local governments is a prerequisite for approving tourism development projects. This reflects a broader legal principle in international environmental law that environmental impact assessment and public participation are essential components of sustainable land-use and tourism planning.

In addition to national frameworks, the audience contributed ideas that extend legal thinking into emerging areas, such as regenerative tourism, a concept that goes beyond sustainability by emphasising restoration and renewal of ecosystems and communities. This aligns with evolving policy discourse, including UN Tourism's advocacy for tourism's contribution to the Sustainable Development Goals and climate action policies.

Proposals for "smart repositories" capable of offering contextual legal suggestions indicate a desire for knowledge platforms that support policymakers in real time.

The panel illustrated that effective territorial planning for sustainable tourism is grounded in comprehensive legal frameworks that clearly delineate governmental competencies, integrate environmental and climate law obligations, enable municipal participation and facilitate multi-sector collaboration. While individual country experiences vary, common legal and institutional challenges include regulatory fragmentation, overlapping mandates, local capacity limitations and the need for legal instruments that operationalise sustainability principles. By promoting legislative clarity, targeted technical assistance and intergovernmental coordination mechanisms, States can establish governance structures that ensure that tourism contributes positively to territorial development without compromising environmental integrity or community well-being.

Tourism, Legislation and Climate Change: Challenges for Sustainable Coastal Management

Moderator: Ms. Laurence Jegouzo, Professor, Université Paris 1 Panthéon – Sorbonne, France

Panellists:

– Mr. Daymar Cánovas González, Deputy Minister, Ministry of Science, Technology and

Environment, Cuba

- Ms. Dagniselys Toledano Cordero, Full Professor of Environmental Law and Maritime Law, Faculty of Law, Universidad de La Habana, Cuba
- Mr. Mario Nuila Coto, Secretary General, Honduran Institute of Tourism, Honduras
- Mr. Christophe Lachieze, Professor, Université Paris 1 Panthéon – Sorbonne, France
- Mr. Alejandro Sousa, Head of Evaluation and Strategic Planning Unit, Office of Legal Affairs, United Nations

The panel examined, from a legal perspective, the complex intersection of tourism, legislation, and climate change, with particular emphasis on the legal challenges facing the sustainable management of coastal areas., highlighting both national experiences and the broader framework of international law, particularly the United Nations Convention on the Law of the Sea (UNCLOS). Coastal areas are among the most visited and economically significant tourism destinations globally. In France, for example, coastal tourism accounts for more than 64% of the total tourism sector. However, the sea is not limited to coastlines and seaside resorts. It also encompasses water quality, pollution, and the high seas. The law of the sea therefore addresses not only coastal issues but also broader questions of public international law governing maritime spaces and their exploitation.

In fact, tourism, particularly mass tourism, can damage and overuse the maritime public domain, including beaches, ports, and coastal paths. Tourism has a significant climate impact, accounting for approximately 8% of global greenhouse gas emissions. It directly affects ecosystems in highly visited areas through pollution, habitat destruction, the spread of invasive species, destructive fishing practices, and intensive coastal development.

Tourism also increases demand for energy, food, and water, for example through hotel swimming pools in regions where water resources are already scarce. Finally, restrictions on the free movement of tourists are increasingly implemented to protect fragile maritime areas, particularly in response to overtourism—a topic addressed in our most recent conference.

This scenario underscores the need for legal frameworks that balance tourism development with environmental protection and climate action.

National and regional legislation, including European Union directives such as the EU Marine Strategy Framework Directive (2008/56/EC) and the EU Habitats Directive (92/43/EEC), play a critical role in guiding sustainable coastal management by requiring states to maintain or achieve “good environmental status” in marine waters and protect biodiversity, which in turn shapes national tourism regulations. The European Court of Justice has been instrumental in interpreting these directives, establishing the legal responsibility of states and operators to prevent environmental degradation linked to tourism activities.

Cuba’s approach to integrating climate change into coastal tourism governance provides a concrete example of how legal instruments can operationalize sustainability objectives. The Environmental Strategy of the State (2021–2025) and the Law on Environmental Protection (Law 150/2022), which entered into force in March 2024, set out planning, cross-sectoral responsibilities and state control over resource use based on predefined criteria. Specific provisions for sustainable tourism require balancing the needs of the environment, service providers and visitors, ensuring that mitigation and adaptation actions are part of a coherent regulatory framework.

The Decree 86/2023 further mandates renewable energy use and energy efficiency measures in tourism operations, improving both environmental outcomes and operational performance. Coastal planning under these laws considers ecosystem sensitivity, delineates permissible land uses and regulates construction to avoid encroachment on shorelines, reflecting an alignment with international legal instruments, such as the Global Code of Ethics for Tourism (1999), and best practices.

Speakers emphasized that the protection of coastal ecosystems cannot be divorced from hazard management. Cuba’s legislation and regulations now account for the impact of tropical storms,

hurricanes and sea-level rise, linking tourism planning with disaster risk reduction. Development is approached as compatible with environmental preservation, promoting tourism that is both economically viable and ecologically responsible. These efforts echo international norms which encourage integrating climate adaptation into sectoral planning, including tourism.

Participation at the subnational level and engagement with private-sector stakeholders emerged as another critical element for sustainable coastal tourism. Tourism planning must account for the carrying capacity of destinations, ensuring that tourism does not diminish accessibility or rights for local populations. Regulatory frameworks are complemented by incentive schemes that encourage sustainable practices among tour operators and service providers. Soft-law instruments such as the UN Tourism's International Code for the Protection of Tourists and Global Code of Ethics for Tourism provide guidance, often informing national legislation and judicial decisions. In Europe, soft-law principles have sometimes been codified into binding regulations, demonstrating the dynamic interplay between normative guidance and enforceable legal standards.

The panel also highlighted the importance of international maritime law in governing coastal and marine tourism. Legal frameworks such as the United Nations Convention on the Law of the Sea (UNCLOS, 1982), the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ, 2023) and international fisheries agreements define states' rights and obligations regarding maritime resources, navigation and biodiversity protection. These instruments are essential to manage shared marine spaces, prevent overexploitation and ensure that tourism development does not compromise the ecological integrity of areas beyond national jurisdiction. Biological resources in marine areas, including genetic resources, are recognized for their potential value in medicine, energy and other sectors, further reinforcing the need for careful regulation and international cooperation.

National experiences from Honduras demonstrated how tourism institutions can operationalize environmental and coastal legislation. Although tourism authorities may not directly enforce laws, they play a key role in evaluating project feasibility, integrating local communities into planning and promoting renewable energy, waste management and sustainable cruise tourism. Early legal frameworks from the 1990s established protected zones and environmental oversight mechanisms, which are now integrated into national tourism strategies to balance conservation with development. These practices resonate with broader UN guidance, including UNEP and UN Tourism's recommendations on sustainable coastal management, emphasizing participatory governance, infrastructure for environmental protection and alignment with local development objectives.

The sustainability of coastal tourism requires an integrated and coherent governance framework, combining national legislation, regional regulatory mechanisms, international law obligations and relevant soft-law instruments. Effective governance relies on clear delineation of competencies among different governmental levels, enhanced cross-sectoral collaboration and strict adherence to environmental standards, climate-related obligations and human rights principles. By systematically incorporating climate change adaptation and mitigation measures into tourism planning, regulating visitor impacts and promoting community participation, legal frameworks play a decisive role in ensuring that coastal tourism contributes positively to sustainable economic development, social inclusion, and long-term preservation of coastal and marine ecosystems.

Regulation of Artificial Intelligence in the Tourism Sector: Challenges and New Legal Horizons

Moderator: Ms. Antonia Paniza Fullana, Full Professor, Universidad de las Islas Baleares, Spain

Panellists:

- Mr. Javier Melgosa, Full Professor, University of Salamanca, Spain
- Mr. Pavel Pavón Vargas, Director of Technologies and Systems at the Ministry of Tourism, Cuba

– Mr. Alejandro Delgado Castro, Vice-Rector, Universidad de La Habana, Cuba

The panel addressed, from a legal perspective, one of the most disruptive transformations currently reshaping the tourism sector: the regulation of AI in the tourism sector. A central premise of the discussion was that artificial intelligence is no longer a future scenario but a present reality, already embedded across the entire tourism value chain. From destination promotion to booking systems, customer experience and post-travel engagement, AI increasingly mediates the relationship between tourists, service providers and public authorities. This shift requires urgent legal, institutional and educational responses.

Artificial intelligence was framed as both an opportunity and a source of legal risk. On the one hand, AI enables more efficient destination management, personalized services, improved competitiveness and smarter allocation of resources. On the other, it raises complex legal concerns related to data protection, transparency, algorithmic bias, misinformation, consumer manipulation and accountability. These risks are particularly acute in tourism, where consumers are structurally vulnerable as they navigate tourism digital platforms and where automated systems influence decisions at every stage of the so-called “digital travel journey”: inspiration, planning, booking, experience and sharing.

Within the European Union, the discussion was anchored in the Artificial Intelligence Act (Regulation (EU) 2024/1689), the world’s first comprehensive, binding legal framework on AI. The Regulation establishes a risk-based approach, imposing strict obligations on high-risk AI systems, including requirements related to transparency, human oversight, data governance and accountability. Although tourism is not singled out as a standalone sector, many AI applications commonly used in tourism, such as recommender systems, dynamic pricing, biometric identification and automated decision-making affecting consumers, fall within the scope of the Regulation. The AI Act complements existing EU law, notably the General Data Protection Regulation (GDPR), which continues to apply fully to AI systems processing personal data, reinforcing rights such as informed consent, data minimization, and protection against automated decision-making without safeguards.

The panel also highlighted the relevance of other EU legislative developments that directly affect AI use in tourism. The revised Package Travel Directive, ongoing reforms in digital consumer protection and Regulation (EU) 2024/1028 on short-term rental data sharing illustrate how algorithm-driven tourism platforms are increasingly subject to harmonized rules designed to restore balance between platforms, consumers and public authorities. These instruments reflect a broader EU policy choice: rather than prohibiting technology, the law seeks to regulate its use to ensure fairness, transparency and trust.

From a governance perspective, a recurring concern was algorithmic opacity. While businesses often resist explaining how algorithms function, EU law increasingly requires at least functional explainability: clarity about what data are used, for what purpose and with what effects. This is particularly important in tourism, where algorithms influence visibility, pricing, availability and recommendations, creating what was described as an “algorithmic consumer” facing a powerful digital intermediary. The asymmetry between platforms and users raises questions of unfair commercial practices and reinforces the need for regulatory oversight.

The Cuban experience illustrated how AI regulation in tourism cannot be detached from broader digital transformation strategies. National digital agendas, aligned with government policies on informatization, cybersecurity and innovation, provide the framework within which AI is deployed in tourism. AI outputs are inherently limited by training data and design choices and may contain errors or omissions with legal consequences. This reinforces the principle that AI systems must remain subject to human responsibility and oversight.

Education and capacity-building emerged as a critical legal and policy challenge. The lack of understanding of AI technologies among professionals, public officials and even children was identified as one of the greatest risks. This concern is consistent with UN positions, including those expressed by UNESCO in its Recommendation on the Ethics of Artificial Intelligence (2021), which calls on States to promote AI literacy, ensure human-centred AI governance and prevent harm arising from misuse or misunderstanding of automated systems. Although non-binding, the Recommendation has become a

key international reference for ethical and legal approaches to AI across sectors, including tourism.

The panel also addressed AI's implications for public administration and inspection systems. Automation can enhance efficiency, but it also raises the classic legal question of "who supervises the supervisor." If inspection, monitoring or enforcement processes rely on automated tools, legal frameworks must clearly assign responsibility, ensure auditability and preserve procedural guarantees. These concerns align with both EU administrative law principles and broader UN discussions on the rule of law in the digital age.

From a destination management perspective, AI was closely linked to the concept of Smart Tourism Destinations, promoted by public authorities as a model for integrating technology, sustainability, governance and accessibility. These programmes rely on data-driven decision-making and AI tools to manage flows, resources and services more effectively. However, speakers stressed that smart destinations are not about technology for its own sake, but about intelligent governance, with law playing a central role in defining limits, responsibilities and safeguards.

Finally, the issue of misinformation and AI-generated false content, including deepfakes, was mentioned as a growing threat to destinations and businesses. While the dissemination of false information is already punishable under existing legal frameworks in many jurisdictions, AI complicates enforcement by obscuring where in the technological chain the unlawful act occurs (design, training, deployment or use).

The panel demonstrated that the regulation of artificial intelligence in tourism should not be understood as an impediment to innovation but rather as a mean to integrating technological changes within robust and enforceable legal frameworks. Such frameworks are essential to protecting consumers, ensuring fair competition, preserving trust and supporting sustainable development. In this context, Tourism Law is entering a new phase in which technological competitiveness, regulatory compliance and legal responsibility must advance together in a coordinated and mutually reinforcing manner.

Short-Term Rentals and Digital Platforms: Regulatory Challenges and Best Practices

Moderator: Mr. Julio Facal, Professor, Universidad de la República (UDELAR), Uruguay

Panellists:

- Mr. Andrej Mićović, Professor, University of Kragujevac, Serbia / Vice President of the International Forum of Travel and Tourism Advocates
- Ms. Valentina Seferian, Assigned to the Directorate General of Secretariat, Ministry of Tourism, Uruguay
- Ms. Tjaša Tajmer, Tourism Directorate, Ministry of the Economy, Tourism and Sport, Slovenia
- Mr. Yuri Pérez Martínez, Full Professor of Constitutional and Administrative Law at the Faculty of Law, Universidad de La Habana, Cuba

The panel addressed one of the most complex and contentious legal and regulatory challenges facing contemporary tourism governance: the regulation of short-term rentals (STR) and the challenge of reconciling innovation in accommodation markets with the protection of urban life, housing availability, social cohesion and fair competition. Across jurisdictions, STR are no longer a marginal or ancillary phenomenon but a structural component of tourism systems, generating significant legal, economic and social implications that require coherent and adaptive regulatory responses.

Many destinations have reached, or exceeded, their social and functional carrying capacity. Tourist numbers increasingly affect not only environmental sustainability but also residents' quality of life, housing affordability and the ethical acceptability of tourism growth. The rise of digital platforms has accelerated this dynamic by enabling a new commercialization model for accommodation, blurring

traditional legal distinctions between professional hospitality services and private residential use.

The panel discussion drew on the conclusions of the I Regional Congress of the Tourism Law Observatory and was structured around a premise firmly established in legal doctrine and comparative jurisprudence: the leasing of a property under civil law is legally distinct from its use for the provision of temporary tourist accommodation services, which involves an organized economic activity pursued for tourism purposes and accompanied by ancillary services, thereby justifying the application of a specific regulatory regime.

This distinction is central to market regulation, consumer protection, and the reconciliation of tourism activity with land-use planning and the general interest. Building on this foundation, the discussion examined the common legal and governance challenges faced by countries in the regulation of STRs including regulatory fragmentation, competitive distortions, territorial and social impacts, enforcement deficits, platform regulation, and the need for legal certainty in an evolving accommodation market.

Several regulatory models were identified internationally. Some jurisdictions rely primarily on registration systems, others on time-based limits on rental days, while others differentiate between professional hospitality activity and private leasing through service criteria or legal presumptions. Despite these variations, the objective is broadly shared: managing the urban, social and housing impacts of STR while preserving tourism's economic contribution.

From a Latin American perspective, Uruguay and Cuba illustrated how STR regulation is closely tied to broader questions of state intervention, constitutional legitimacy, and policy development. In Uruguay, the absence of clear traceability has generated concerns related to rising prices, neighbourhood conflicts and lack of public oversight. The proposed regulatory framework seeks to introduce registration requirements, define STR through criteria such as transitoriness and the provision of additional services, and enable public authorities to regain visibility over who operates, who stays and under what conditions. Regulation is being framed not as a restriction on tourism, but as a prerequisite for orderly cooperation, legal certainty and responsible destination management.

In Cuba, tourism regulation cannot be isolated from its political, economic and social context. STR challenge traditional administrative intervention models by shifting tourism activity into residential spaces. This requires a careful balancing of interests: encouraging tourism as a development vector while safeguarding community rights, protected zones, fiscal compliance and quality standards. Excessive intervention risks discouraging innovation, yet insufficient regulation can undermine legitimacy, enable tax evasion and damage destination reputation. Digital platforms were identified as both enablers of development and vectors for regulatory circumvention, particularly when listings bypass registration and quality controls.

The Slovenian experience offered a detailed example of a hybrid, multi-level regulatory model combining national standards with strong municipal autonomy. Slovenian law clearly distinguishes between long-term residential rentals and short-term tourist accommodation, treating STR as a service activity rather than a tenancy. Hosts must register accommodation, report guests, collect tourist taxes and obtain consent from co-owners in multi-apartment buildings. Importantly, municipalities are empowered to limit the number of permitted rental days based on locally justified analyses of housing availability, spatial planning, infrastructure capacity and tourism pressure.

This approach reflects a broader European principle, rooted in the European Charter of Local Self-Government, that municipalities have original competence to regulate matters directly affecting residents' daily life, including housing, hospitality and tourism. At the same time, national legislation ensures uniform minimum standards and data integration across registries, improving transparency and enforcement. Slovenia's Hospitality Act further refines this model by identifying high-risk municipalities and enabling differentiated time limits, illustrating how STR regulation can evolve dynamically based on evidence rather than one-size-fits-all rules.

The Serbian framework provided a contrasting yet complementary approach, centred on legal clarity and enforceability. Serbian law introduces a bright-line 30-day rule, whereby rentals of up to 30 days are legally presumed to constitute hospitality services, automatically triggering tourism regulation, registration, taxation and guest reporting obligations. This statutory presumption was designed to

eliminate ambiguity and suppress the grey economy, which had previously exploited the lease–hospitality distinction.

Beyond duration, Serbian practice relies on a substance-over-form analysis, considering factors such as transience, immediacy of occupation, market behaviour, guest rotation and service provision. STR are thus treated as “hybrid objects of regulation”, subject to tourism law, fiscal rules and, indirectly, urban and social considerations. While Serbia currently lacks explicit caps, zoning bans or platform-specific obligations common in some EU cities, it compensates through centralized digital systems that make STR activity visible and inspectable in real time.

Across jurisdictions, digital platforms are a central regulatory challenge. Platforms have dramatically increased market access, visibility and scale, but they also complicate enforcement when hosts operate informally or when platforms are established outside national jurisdictions. A recurring challenge is that host-only obligations are insufficient in a platform-mediated market. Without some degree of platform co-responsibility, such as mandatory display of registration numbers or data sharing with authorities, enforcement remains fragmented and resource intensive.

There is no single optimal model for regulating short-term rentals. However, successful approaches share common elements: legal clarity in defining STR, strong municipal involvement, robust registration and data systems, balanced enforcement and emerging forms of platform accountability. At the same time, speakers cautioned against overly restrictive frameworks that may drive activity underground, inflate hotel prices or push hosts and travellers toward unregulated channels. STR regulation should not be framed as an anti-tourism measure, but as an essential component of sustainable tourism governance, one that protects housing, communities and destination integrity while allowing innovation to continue within clear legal boundaries.

In this context, UN Tourism is currently assisting its Member States through a technical cooperation project dedicated to the review and assessment of legal and regulatory frameworks governing STR offered via online platforms in selected European countries, with particular attention to the needs of Southeast European destinations. By undertaking a comparative assessment of national and cross-border regulatory regimes in both EU and non-EU contexts, the project contributes to identifying legal gaps, promoting good practices, and supporting evidence-based policy reform, particularly in Southeast Europe.

The forthcoming knowledge-sharing events in February 2026 will further strengthen regional dialogue and cooperation among tourism authorities and stakeholders. Overall, this initiative reaffirms UN Tourism’s commitment to supporting Member States in navigating technological transformation while ensuring legal certainty, fair competition, and sustainable tourism development.