INTERNATIONAL BEST PRACTICES RULES ON TOURISTIC COMPANIES
Transferring Knowledge Through Regulation

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ABSTRACT: The concept of touristic journey is centered in the notion that people commute from a location where they usually live to another place they will stay during a specific period of time.

The journey inherent to the concept of touristic journey very often is made to countries distinct from the tourist's country of nationality or residential area.

These factors cause the touristic services to have specific characteristics, which distinguishes them from other commercial activities.

The relationships, which are established among touristic companies and between them and their customers are generally flows between entities with diverse nationalities (Zhang e Jensen, 2007), and therefore it is even difficult sometimes to characterize what a market in tourism is meant to be (Bull, 2006).

In most of the touristic journeys, we have a commercial relationship, which puts in contact different legal contexts. On the one hand, that sometimes makes it difficult to identify the law that regulates a specific situation and on the other hand there may not be an equal domain by all stakeholders of the legal mechanisms, which allow them to defend their own interests in the best way they can.

Because of these characteristics of the touristic market, national laws have difficulties to regulate international relationships between travelers and touristic companies and between these corporations.

Since the 80s, these particularities were identified on tourism law in areas as sustainability. Therefore, to enable more easily the international application of rules, these areas have been regulated through non-binding legislative instruments, which are part of the soft law legislative technique.

The concept of soft law is complex that has not an univocal meaning. Usually attend the following elements: it is not a source of international law (Article 38 of the 38th Statute of the International Court of Justice, ICJ); soft law has no legally binding force, but may have certain legal relevance; soft law provides guidelines and principles, within an international, national or regional scope that influence the legislative situation; their non-compliance does not imply legal consequence or sanction (Feliu, 2017).

Soft law has been used to regulate international relationships in tourism not only on sustainability issues, but also, on protection of the resident population, of children, etc. with the aim to create guidelines and principles which stimulate the raise of standards on tourism activity.

The regulation through soft law is no more than the creation of best practice rules, in order to regulate relationships on an international level.

This has been done on instruments as Manila Declaration on World Tourism (1980), Charter for Sustainable Tourism (Lanzarote, Spain, 1995), Agenda 21 for the Travel and Tourism Industry (1996), World Code of Ethics for Tourism (1999) - UNWTO Convention on Tourism Ethics (2017), World Charter for Sustainable Tourism + 20 (2015), Draft UNWTO Convention for the Protection of Tourists and the Rights and Obligations of Service Providers (China, 2017). On all these cases we have assisted the creation of best practices rules by international organizations and private sector.
The best practices rules creation implies, however, a research which grants that the proposed rules are, in fact, the best practices for the regulated issue, which, necessarily, imposes theoretically investigation of the analyzed topics and its transfer to the market stakeholders in form of rules that will, not only, regulate relationships, but also transfer knowledge, bridging, therefore, theory to practice.

This research pretends to find out if the regulation through an institutionalized set of best practice rules, created under the auspices of a supra national entity, that throughout the world is representative of the touristic field, is an effective method to regulate commercial relationships amongst professionals on the supply chain in tourism, as it is on areas like sustainability and others.

For this investigation we have made a research of the way best practices have been treated on management, tourism and tourism law literature.

To measure the perception of importance for the organizations of the application of this kind of best practices rules, we have collected data from the major travel agencies and hotels of four and five stars operating in the Algarve, as well as international tour operators.

The methodology used is the HJ-BiPlot (Galindo, 1986) methodology, in the context of reduced dimensionality, clusters formation and to establish the relationship between the clusters and the related variables. We believe this methodology is the most adequate for the investigation to be carried on. Among the methods of multivariate analysis, BiPlot methods have been a source of continuous contribution to science since they were created in 1971 by Gabriel.

The methodology HJ-BiPlot can explain the relationship between the perception of the importance of the stakeholders about the application of the proposed international best practices rules, their role of importance within the company, as well as the indication of areas within the company where the regulation through best practices rules is most important.

**Keywords:** Best practices, soft law, touristic companies, regulation, HJ-BiPlot, Algarve.