

## Legal basis and prospects of international cooperation between Kazakhstan and China in the field of protection the rights of tourists

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**Abstract.** The purpose of the study was to analyse the legal and regulatory framework and assess the possibilities for developing international cooperation between Kazakhstan and China to protect the rights of tourists. The study used a comparative analysis of legal acts, an analysis of intergovernmental agreements regulating the tourism sector, as well as a content analysis of reports of government agencies and industry associations. The paper examined the main mechanisms of legal regulation of tourist rights protection in Kazakhstan and China. The study analysed the effectiveness of existing institutional mechanisms of cooperation, in particular the functioning of the Kazakhstan-China Tourism Forum and joint border coordination groups operating under bilateral agreements. The study identified key problems, including insufficient coordination between national consumer protection authorities, the lack of a unified system for administrative review of tourist complaints, and difficulties with judicial settlement of disputes, which causes significant financial and time costs for tourists. It was found that a significant number of conflict situations are resolved through the mechanisms of self-regulation of the tourism business and out-of-court dispute resolution, in particular with the participation of industry associations and insurance companies. Prospects for cooperation were analysed, including the possibility of creating a single electronic database of tourist complaints between Kazakhstan and China, harmonising

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travel insurance standards, and expanding alternative dispute resolution mechanisms, including international arbitration. Effective legal regulation of tourism activities is an important factor in the development of cross-border tourism and ensuring its sustainability, and the introduction of coordinated mechanisms for protecting the rights of tourists will help increase confidence in the tourism market and strengthen bilateral relations between Kazakhstan and China

**Keywords:** legislation; regulations; liability; agreements; safety; cross-border travel

## Introduction

The topic of the legal framework and prospects for international cooperation between Kazakhstan and China is particularly relevant in the context of growing tourist flows and the globalisation of the tourism market. The intensification of tourism exchanges between the two countries necessitates the development of effective legal mechanisms that ensure both the safety of travellers and the protection of their rights and freedoms. This issue reflects a broader trend of increasing interdependence in international tourism and highlights the need for coordinated legal solutions to cross-border challenges. However, the current cooperation between Kazakhstan and China in the tourism sector still faces several problems, including insufficient harmonisation of legal standards, bureaucratic difficulties in visa processes, and a lack of clearly defined procedures for protecting tourists' rights in the event of violations.

In the study by A. Mussabayeva *et al.* (2024) and Q. Shi *et al.* (2024) examines the issue of harmonisation of legal norms in the field of tourism between countries with different legal traditions. The authors note that Kazakhstan and China use different approaches to regulating tourism activities: Kazakhstan is guided by international standards and the European model of tourism law, while China uses a more centralised approach with strict state regulations. This makes it difficult to develop unified mechanisms for protecting the rights of tourists within the framework of bilateral cooperation. According to a study by Z. Chen (2020), one of the main challenges in the field of international tourism law is to ensure effective protection of tourists' rights in the event of breach of contract or force majeure. The author emphasises that it is necessary to improve the mechanisms of judicial and pre-trial settlement of tourism disputes, in particular by establishing a joint arbitration centre or a specialised mediation service.

G. Makenova *et al.* (2020) emphasise that an important challenge is the issue of the responsibility of tour operators for the quality of services provided. In many countries, including China and Kazakhstan, there are no clear legal mechanisms regulating the liability of tour operators in the event of poor-quality services or changes in the terms of the tourism product. This creates situations where tourists face violations of their rights, but do not have effective legal tools to protect their interests.

As noted by A. Kalkabayev (2024) notes that digitalisation and the use of artificial intelligence technologies to monitor the observance of tourist rights play a significant role in the protection of tourist rights. The introduction of digital complaint registration mechanisms and online compensation systems helps to increase the effectiveness of human rights mechanisms. Similarly, B. Shilibekova *et al.* (2024) emphasise that digitalisation is transforming tourism by reshaping its organisation and technological infrastructure.

Research by Y. Chen *et al.* (2022) indicates that interstate cooperation in the field of tourism largely depends on political factors. The authors emphasise that Kazakhstan

and China have different models of state regulation of tourism, which can create difficulties in developing common approaches to protecting the rights of tourists. At the same time, the political will of both countries to strengthen tourism ties opens up opportunities for adapting their legal systems to international standards. Based on a study by A. Sultanova and G. Ilyassova (2022), an important aspect of international tourism law is to ensure effective protection of tourists' rights in the event of breach of contractual obligations or force majeure. The authors emphasise the need to create transparent legal mechanisms that allow tourists to seek compensation or damages without complicated legal procedures. In particular, it is important to develop standards for establishing liability for violations of tourists' rights by both tour operators and public authorities.

The problem of the analysed studies is that, despite the comprehensive coverage of certain aspects of legal regulation of international tourism cooperation between Kazakhstan and China, most scientific works focus on general issues of harmonisation of legislation, liability of tour operators and digitalisation of tourism, without paying sufficient attention to a number of critical topics. In particular, the legal features of the implementation of mechanisms for cross-border protection of tourists' rights in case of violation of their rights in the territory of another state, the role of consular offices in resolving conflict situations, and the lack of analysis of judicial and administrative practice in tourism disputes between citizens of Kazakhstan and China remain outside the field of research. In addition, certain aspects of the political and legal interaction between the parties in the field of tourism security have not received adequate coverage, in particular in the context of interaction between border and migration services. The study partially fills these gaps by focusing on a comprehensive analysis of the legal framework for bilateral cooperation, mechanisms for protecting the rights of tourists in the border, visa and post-conflict contexts, as well as on assessing the institutional potential for further deepening the legal dialogue between Kazakhstan and China in the field of tourism.

The purpose of this paper was to analyse the legal framework for Kazakhstan-China cooperation in protecting tourist rights and to identify key challenges and development prospects. To achieve this goal, the author will study the legislative framework of the two countries, assess the effectiveness of international agreements in the field of tourism, analyse the key issues arising in the field of protection of tourist rights, and propose possible ways to improve the legal mechanism of cooperation between Kazakhstan and China.

## Materials and methods

This study applied a comprehensive approach to analysing the legal framework and prospects for international cooperation between Kazakhstan and China in the field of tourist protection. At the first stage, a comparative legal analysis was applied to collect and systematise data on existing

bilateral agreements, memoranda, and regulations governing the protection of tourist rights between Kazakhstan and China. Particular attention was paid to the legal mechanisms laid down in such Agreement on China-Kazakhstan Border Ports and Their Management System (2023) and analysis of the communiqué of agreements as the Memorandum of Understanding on Deepening Cooperation on the China-EU Trans-Caspian Transport Lines with the Government of Kazakhstan (2023). In addition, the study analysed the participation of Kazakhstan and China in international organisations such as the United Nations World Tourism Organisation and the Shanghai Cooperation Organisation (2024a; 2024b), which provide a common legal framework for tourism regulation.

In the second stage, an institutional analysis was conducted to assess the differences in the approaches of Kazakhstan and China to the protection of tourist rights within their different legal systems. This analysis focused on jurisdictional issues and problems of harmonisation of legal standards. The role of state authorities in law enforcement and dispute resolution mechanisms was analysed. The effectiveness of out-of-court mechanisms, including arbitration and consumer protection institutions. The report by the Astana International Financial Centre (2024) provided insights into the functioning of international arbitration in Kazakhstan, with emphasis on accessibility for foreign and domestic parties in tourism-related disputes. The annual report of the Beijing Arbitration Commission (2025) highlighted procedural innovations in resolving transnational consumer conflicts, particularly in the tourism and hospitality sectors. Legislative materials compiled by the Institute of Legislation and Legal Information of Kazakhstan (Law of the Republic of Kazakhstan No. 126, 2000) were instrumental in mapping the national legal framework for out-of-court dispute resolution, while the strategic program of the Ministry of Tourism and Sports of the Republic of Kazakhstan (2024a) identified institutional priorities and ongoing reforms in consumer rights protection within the tourism industry.

The third step used political and economic analysis to examine how factors such as geopolitical tensions and trade relations affect the development of legal frameworks for tourism cooperation. A comparative institutional analysis was conducted to assess government initiatives, joint commissions, and private sector participation, including the role of travel agencies, insurance companies, and industry associations in protecting the rights of tourists (Yu, 2023; Ministry of Tourism and Sports of the Republic of Kazakhstan, 2024a). The study also examined promising legal strategies, such as the introduction of a single electronic database for tourist complaints.

## Results and Discussion

**Legal foundations of bilateral cooperation in the protection of tourists' rights.** Kazakhstan and China have developed a comprehensive contractual and legal framework governing bilateral cooperation in the field of tourism. Over the past ten years (2015-2025), several key documents have been signed aimed at expanding tourist flows, eliminating administrative barriers, and creating mechanisms for the legal protection of tourists. Among them: the Agreement between the Government of the People's Republic of China and the Government of the Republic of Kazakhstan on Mutual Visa Exemption (2023), which simplified cross-border mobility for citizens of both countries, the Joint Declaration

on New Stage of Comprehensive Strategic Partnership Between the People's Republic of China and the Republic of Kazakhstan (2015), which emphasises the importance of people-to-people exchanges and the development of tourism, Memorandum of Understanding on Deepening Cooperation on the China-EU Trans-Caspian Transport Lines with the Government of Kazakhstan (2023).

In Kazakhstan, the main legal document is the Law of the Republic of Kazakhstan No. 211-II "On Tourism Activities in the Republic of Kazakhstan" (2001), which establishes the rights and obligations of suppliers and consumers of tourism services, and also outlines the mechanisms of state regulation. In China, tourism is regulated by the Tourism Law of the People's Republic of China (2017), which also ensures the rights of tourists, defines clear terms of contracts, and regulates the behaviour of travel agencies. In addition, both countries have separate legal acts regulating the status of foreigners: the Law of the Republic of Kazakhstan No. 2337 "On the Legal Status of Foreigners" (1995) defines the legal framework for the stay, rights and obligations of foreign citizens, including tourists, while the Exit and Entry Administration Law of the People's Republic of China (2019) regulates the visa regime, administrative procedures and conditions of stay of foreigners.

The long-term strategic partnership between Kazakhstan and China, enshrined in the Joint Declaration on New Stage of Comprehensive Strategic Partnership Between the People's Republic of China and the Republic of Kazakhstan (2015), created the preconditions for deepening cooperation in the tourism sector. The document contains general provisions on economic integration, including the development of tourism infrastructure, stimulating investment in the hotel business, expanding transport accessibility, and simplifying border crossing procedures. Further consolidation of the strategic partnership in the context of tourism took place in 2019, when the presidents of Kazakhstan and China reached an agreement to expand tourism cooperation within the framework of a long-term strategic partnership at the Second Forum for International Cooperation "One Belt, One Road" (Ministry of Foreign Affairs the People's Republic of China, 2019). Within the framework of this meeting, the parties confirmed their intention to increase the number of tourist exchanges, develop infrastructure for joint tourism projects, and simplify border crossing conditions. As part of the implementation of the agreements, the "Year of Tourism of Kazakhstan in China" was officially opened in Beijing the same year, which included a number of joint events, including tourism exhibitions, cultural festivals, and business meetings between representatives of the tourism business of the two countries. In addition, an intergovernmental agreement was signed to harmonise policies in the tourism sector, in particular, in the areas of simplifying the issuance of group tourist visas and establishing direct flights between the main tourist centres of Kazakhstan and China.

The intergovernmental agreement on the mutual abolition of visa requirements signed in 2023 provides for the right of citizens of both countries to make short-term trips without the need to obtain a visa (Ministry of Foreign Affairs the People's Republic of China, 2023). It entered into force on November 10, 2023 and allows Kazakh and Chinese citizens to stay in the territory of another state for up to 30 days without additional permits. This document is key in reducing bureaucratic restrictions for tourists and helps

to increase the number of mutual visits. Its implementation has led to a significant increase in tourist flows between the two countries. According to the Border Guard Service of Kazakhstan and Kazinform, the number of Chinese tourists who visited Kazakhstan increased from 18,000 in 2022 to 367,000 in 2023, a 20-fold increase. In 2024, this upward trend continued, with the number of Chinese tourists visiting Kazakhstan increasing by another 50% (Zhanibekov, 2024). Data from the Ministry of Sports and Tourism of Kazakhstan show that between January and June 2024, 69,918 Chinese tourists visited Kazakhstan, making them

the second-largest group of foreign visitors during this period (Ministry of Tourism and Sports of the Republic of Kazakhstan, 2024a) (Table 1). Conversely, the number of Kazakhstani tourists travelling to China has also increased significantly. From 2023 to 2024, the number of trips by Kazakh citizens to China increased to 217,000, reflecting the mutual benefits of the visa-free agreement (State Council of the People's Republic of China, 2024). This statistic emphasises the significant impact of the visa-free agreement on enhancing tourism exchanges between China and Kazakhstan.

**Table 1.** Number of foreign tourists in China and Kazakhstan

Year	Foreign tourists in Kazakhstan	Chinese tourists in Kazakhstan	Foreign tourists in China	Kazakh tourists in China
2023	9.2 million	367 thousand	35.4 million	No data available
2024	11.5 million	655 thousand	64.8 million	No data available

**Source:** National Immigration Administration (2025), Kazakhstan welcomes 11.5 million tourists in 2024 (2024), D. Omirgazy (2024), S. Sakenova (2025)

However, the agreement does not contain any mechanisms for resolving disputes over violations of tourists' rights, which remains a problematic aspect in the event of consumer conflicts. The absence of provisions on the procedure for filing and reviewing complaints, determining the responsible authority, and compensation procedures creates legal uncertainty for citizens of both countries. In case of violation of tourists' rights, such as refusal to provide paid services, inadequate quality of tourist services or fraud, the lack of direct dispute resolution mechanisms under the agreement forces victims to turn to national legal systems, which is complicated by jurisdictional limitations and differences in legislative approaches between Kazakhstan and China.

In 2024, Kazakhstan declared the Year of Tourism in China, which was an important milestone in strengthening tourism ties between the two countries. The official opening took place on March 28-29 in Beijing with the participation of high-ranking officials and representatives of the tourism industry of both countries. Over the course of the year, more than 30 joint projects were implemented, including cultural events, tourism forums, and exhibitions aimed at popularising Kazakhstan's tourism potential among Chinese citizens. The successful celebration of the Year of Tourism laid a solid foundation for the further development of cooperation in the tourism sector between China and Kazakhstan. Tourism cooperation between Kazakhstan and China is a component of broader economic cooperation within the framework of the One Belt, One Road initiative (McBride *et al.*, 2023). Considerable attention is paid to simplifying legal procedures for tourists, which contributes to an increase in tourist flows. In 2023, an Agreement between the Government of the People's Republic of China and the Government of the Republic of Kazakhstan on Mutual Visa Exemption was signed to simplify the visa regime between the two countries, which contributed to an 11-fold increase in the flow of tourists (Zijun, 2024). In addition, both countries are working to harmonise the regulatory framework in the tourism sector, including ensuring the rights of tourists and harmonising service quality standards.

Kazakhstan and China actively cooperate in the field of tourism within the framework of international organisations such as the World Tourism Organisation and the Shanghai Cooperation Organisation. As members of the World Tourism Organisation, they actively cooperate in the field of tourism, adhering to international standards and principles of sustainable development. The World Tourism Organisation, as a specialised agency of the United Nations, is responsible for promoting responsible, sustainable and inclusive tourism. Both countries participate in World Tourism Organisation activities and initiatives aimed at improving the quality of tourism services, protecting the rights of tourists and developing sustainable tourism. They are obliged to comply with the Global Code of Ethics for Tourism (2002), which establishes principles of ethical behaviour for all participants in tourism activities. Kazakhstan and China's participation in the World Tourism Organisation promotes the exchange of experience and best practices in the field of tourism, as well as strengthening bilateral relations between the countries. Working together within the organisation allows them to coordinate efforts to ensure the safety of tourists, improve the quality of services and promote cultural exchange.

Cooperation between Kazakhstan and China within the framework of the Shanghai Cooperation Organisation (2024a) covers a wide range of areas. The countries regularly participate in the Shanghai Cooperation Organisation summits at the highest level. In July 2024, the presidents of both countries met in Astana during the 24<sup>th</sup> Shanghai Cooperation Organisation summit to discuss regional security and cooperation. Kazakhstan and China are actively developing cultural exchange by organising joint events, festivals, and educational programs, which promotes mutual understanding between the peoples and strengthens friendly relations. Cooperation within the Shanghai Cooperation Organisation is multifaceted and contributes to strengthening stability, economic development and cultural exchange in the region. In 2023, the Shanghai Cooperation Organisation (2024b) member states, including Kazakhstan and China, signed the Shanghai Cooperation Organisation Tourism Cooperation

Program for 2024-2025, which provided for joint measures to develop tourism and protect the rights of tourists.

The legislative approaches of Kazakhstan and China to protecting the rights of tourists demonstrate significant differences, rooted in their distinct legal systems and national priorities. Kazakhstan, as a country adhering to the continental (civil law) system, bases its legal regulation of tourism on codified acts, in particular the Law of the Republic of Kazakhstan No. 211-II “On Tourism Activities in the Republic of Kazakhstan” (2001). This law clearly defines the rights and obligations of tourism actors and includes, for example, Article 17, which outlines the duties of tourism operators, and Article 20, which defines the procedure for resolving disputes with tourists, including the application of administrative penalties for breaches of contract.

In contrast, China follows a mixed legal system with strong administrative-legal characteristics, where the main regulatory emphasis is placed on subordinate normative acts, regulations, and administrative instructions issued by the State Council and relevant ministries. One of the core documents is the Tourism Law of the People’s Republic of China (2017), where Article 69 stipulates the procedure for handling complaints by tourists, and Article 77 defines the supervisory powers of tourism authorities. However, unlike Kazakhstan’s law, China’s law does not define tourism entrepreneurship in a unified framework, and key terminology such as “tourism product,” “tourism operator,” or “tourist service contract” may differ in scope and legal weight.

These discrepancies result in non-harmonised legal interpretations of core concepts. For example, while Kazakhstan’s law requires licensing for tour operators under Article 10 of the Law of the Republic of Kazakhstan No. 211-II “On Tourism Activities in the Republic of Kazakhstan” (2001), China allows operation upon registration, without a licensing procedure of the same legal effect. This difference may create legal uncertainty for joint Kazakh-Chinese tourism enterprises or cause complications when tourists seek legal protection across borders.

Law of the Republic of Kazakhstan No. 211-II (2001) provides a clear mechanism for compensating tourist losses in case of service failure, while the Tourism Law of the People’s Republic of China (2017) (Art. 80) allows for administrative fines against companies but gives tourists fewer direct channels for reimbursement, relying instead on internal complaint resolution by companies. Such asymmetry may negatively impact cross-border tourism flows due to perceived legal insecurity, especially from the side of tourists coming from countries with stronger consumer protection mechanisms.

Thus, the lack of harmonisation in tourism legislation, both in conceptual and procedural dimensions, may hinder the formation of a unified tourist space between Kazakhstan and China. Differences in complaint resolution procedures, inconsistent obligations for tour operators, and divergent enforcement mechanisms contribute to uncertainty and could reduce the attractiveness of cross-border travel for tourists and investors alike.

The harmonisation of tourist protection standards between Kazakhstan and China faces a number of legal challenges due to significant differences in their legal systems and enforcement mechanisms. Firstly, Kazakhstan is governed by continental law, which provides for clearly codified rules, while China applies a complex system of legislative and administrative regulations that change frequently and

have regional characteristics. This complicates the harmonisation of regulations, as each party is guided by its own approaches to legal regulation of the tourism sector.

Second, differences in the methods of quality control of tourism services lead to differences in the level of consumer protection. Kazakhstan has a unified state system of supervision over the tourism market, which includes mechanisms for certification and control of operators. At the same time, China’s tourism industry is regulated by numerous departmental regulations that set differentiated requirements depending on the region and type of service. The absence of uniform standards makes it difficult to mutually recognise safety guarantees and service standards, which can pose risks to tourists.

Another problem is jurisdiction and enforcement in cross-border disputes. In the event of a violation of a tourist’s rights in another country, the question arises as to the competent court, applicable law, and the mechanism for enforcing court decisions. Differences in consumer dispute resolution procedures and limited access to judicial mechanisms in China for foreigners create difficulties for Kazakhstani citizens trying to assert their rights. The absence of bilateral agreements that would clearly regulate the mechanisms for resolving legal conflicts in the tourism sector increases legal uncertainty and complicates access to effective protection for tourists. Currently, there are no joint institutions or special procedures that would facilitate the prompt resolution of complaints and provide equal guarantees for tourists from both countries. This creates risks for the further development of tourist flows and requires the development of new mechanisms for international cooperation in the legal regulation of tourism activities.

Scholars emphasise the importance of bilateral agreements in ensuring legal protection of tourists. The research of U. Khalid *et al.* (2022) indicates that formalised agreements between states create a legal basis for cooperation, especially in resolving cross-border disputes and establishing common standards of consumer protection. In particular, M. Baimuratov *et al.* (2024) note that such agreements contribute to the harmonisation of legal norms, which avoids conflicts between national laws and provides tourists with an equal level of legal protection regardless of the country of residence.

Multilateral cooperation plays an important role in shaping the legal framework for tourist protection. Studies by W.-C. Chao (2021) and H. Go and M. Kang (2023) show that participation in organisations such as the United Nations World Tourism Organisation or the Shanghai Cooperation Organisation helps to align national policies with global best practices. Kazakhstan and China are members of these organisations and have ratified key international conventions on tourist rights. However, as noted in this study, the commitment to international norms is not always reflected in national legal systems. While China is actively promoting mechanisms for regulating tourism within the framework of the One Belt, One Road initiative, Kazakhstan has limited institutional capacity to effectively implement international obligations.

J. Zhu *et al.* (2021) note that Chinese tourism diplomacy is closely linked to the development of outbound tourism and government regulation. China uses tourism as an economic tool based on a legal system with socialist principles that focuses on state control and administrative regulation. A. Aday *et al.* (2024) emphasise that the tourism industry

in Kazakhstan is showing rapid growth, but structural problems accompany its development. Despite the increase in total revenue and the number of tourists, tourism enterprises remain small in scale and insufficiently competitive. The main challenges of the industry are related to the market structure and institutional capacity to enforce regulations, which affects the effectiveness of bilateral agreements in the tourism sector. This thesis is confirmed in this study, which indicates that differences create legal uncertainty for tourists, especially in the case of cross-border disputes. The lack of unified mechanisms for resolving them remains a serious obstacle to effective legal cooperation.

Another challenge in the field of legal protection of tourists is the issue of jurisdiction in cross-border disputes. In the study by G.M. Vaccaro-Incisa (2021) and R. Zhamiyeva *et al.* (2022) emphasise that in order to effectively resolve such situations, it is necessary to have clear provisions on the choice of court and applicable law. As noted in this study, the Chinese legal system provides for a significant role of domestic courts in the consideration of such cases, which may complicate access to justice for foreign nationals. Kazakhstan, for its part, is actively developing alternative dispute resolution mechanisms, including mediation, which can be an effective tool in the field of tourism rights. However, the absence of generally accepted standards complicates the harmonisation of legal protection mechanisms, which confirms the need to further improve bilateral and multilateral cooperation in this area.

**Institutional mechanisms and law enforcement practices.** In the area of legal protection of tourists between Kazakhstan and China, national executive authorities play a central role. The Ministry of Tourism and Sports of the Republic of Kazakhstan regulates the tourism industry and monitors the implementation of legislation in the field of tourism services (Turysbek *et al.*, 2025). The Ministry of Culture and Tourism of the People's Republic of China is responsible for regulating tourism policy, issuing licences and coordinating the activities of travel companies in China. The Consumer Protection Agency of Kazakhstan and the State Administration for Market Regulation of the People's Republic of China monitor the observance of tourists' rights as consumers, including complaints and supervision of the quality of tourist services (Mukasheva & Ybyray, 2023).

Legal issues of tourism cooperation are regulated by ministries and agencies on the basis of signed cooperation documents (Beisbekova *et al.*, 2019). The Kazakhstan-China Tourism Forum is a platform for discussing problematic aspects of tourist transport, insurance, and the development

of tourism infrastructure; it operates on the basis of a Memorandum of Understanding on Deepening Cooperation on the China-EU Trans-Caspian Transport Lines with the Government of Kazakhstan (2023). Joint border coordination groups monitor tourist flows and promptly resolve issues related to border crossings. They operate within the framework of the Agreement on China-Kazakhstan Border Ports and Their Management System (2023).

Despite the existence of intergovernmental mechanisms, the effectiveness of joint commissions and working groups between China and Kazakhstan remains uneven. There are a number of problems in the implementation of joint projects and coordination of actions in the tourism sector that limit the effectiveness of cooperation. One of the main obstacles is the bureaucratic complexity of decision-making at the intergovernmental level, particularly in relation to the approval of bilateral agreements, harmonisation of tourism standards, and coordination between responsible agencies. These processes often involve multiple ministries, such as foreign affairs, internal affairs, tourism development agencies, and border control services, each of which operates under its own procedural rules and priorities. As a result, decisions on key issues – such as simplifying visa regimes, recognising licences for tourism services, or allocating funding for cross-border infrastructure – are subject to prolonged negotiations, interdepartmental inconsistencies, and repeated revisions. This multi-layered bureaucratic structure reduces institutional responsiveness and makes it difficult to quickly adapt to market dynamics or emerging challenges in the tourism industry.

Insufficient coordination between the national consumer protection authorities in China and Kazakhstan creates significant difficulties for tourists who encounter problems during their travels. The absence of agreed procedures and a single mechanism of interaction between the Consumer Protection Agency of Kazakhstan and the State Administration for Market Regulation of China makes it difficult to resolve complaints in cross-border disputes. In cases where tourists encounter breaches of contractual obligations, fraudulent schemes or poor quality services, they are forced to apply directly to local authorities in the host country, which significantly complicates the process of protecting their rights. Due to the lack of agreed procedures, administrative conflict resolution is often ineffective. This forces victims to apply to judicial or arbitration institutions, which significantly increases financial and time costs. Despite the mechanisms for judicial protection of tourists provided for by the laws of Kazakhstan and China, there are significant difficulties in accessing justice (Table 2).

**Table 2.** Comparison of the rights of tourists in the legislation of Kazakhstan and China

Category	Kazakhstan	China
Refunds for services not provided	The tourist is entitled to a full refund if the service was not provided through the fault of the tour operator	It is decided on the basis of a contract with a travel company. The Law guarantees a refund in case of fraud or breach of contract
Responsibility of tour operators for the quality of services	The tour operator is financially liable for the improper provision of services. In case of violations, a fine or licence revocation may be imposed	The tour operator is liable only within the scope of the contract, unless malice is proven. The Tourism Law of the China obliges tour operators to compensate for the losses of tourists in case of proven fault

Table 2, Continued

Category	Kazakhstan	China
Compensation for non-pecuniary damage	The law allows claiming compensation for non-pecuniary damage in case of proven violations	The legislation does not provide for specific provisions on non-pecuniary damage in the tourism sector
Entitlement to accident insurance benefits	Mandatory travel insurance is provided	Insurance is not mandatory but recommended

**Source:** Law of the Republic of Kazakhstan No. 274-IV (2010), Law of the People's Republic of China No. 7 (2013), Law of the Republic of Kazakhstan No. 34-VII (2021), Consumer Protection Laws and Regulations China 2024-2025 (2024)

The absence of intergovernmental agreements on simplified filing of claims by foreign nationals complicates the process of initiating court proceedings. The consular services of Kazakhstan in China and the China in Kazakhstan have limited legal assistance functions (Decree of the..., 2016; Consular Legalisation/Apostillisation, 2024), which significantly limits the possibilities of legal support for cases. First and foremost, consulates can provide tourists with information support, advice on legislation and consumer rights in the host country, and help in the process of finding local lawyers or attorneys to resolve legal issues. However, consular services do not have the right to represent citizens in judicial or administrative bodies, which greatly complicates access to legal assistance in the event of serious legal conflicts.

At the same time, consular services can provide assistance in cases involving violations of the rights of Kazakh citizens, in particular in cases of arrest or detention, as well as in cases where access to medical services or repatriation is required. However, for more complex legal issues, such as tourism disputes, consulates can only provide advice and facilitate the engagement of local lawyers, as their role is limited by diplomatic norms.

Due to the limitations of traditional dispute resolution mechanisms, alternative methods, such as international arbitration centres, are becoming increasingly important, providing a faster and more efficient process for resolving disputes between tourists and operators. One such mechanism is the International Arbitration Centre in Beijing, which offers an expedited procedure for handling cases. However, the effectiveness of arbitration largely depends on whether there are arbitration clauses in contracts between tourists and tour operators. In the absence of such provisions, the possibility of recourse to arbitration may be limited.

In Kazakhstan, a similar function is performed by the Astana International Arbitration Centre, which operates under English common law and focuses on resolving cross-border disputes, including in the tourism sector. Despite the growing use of such mechanisms, there are important legal challenges concerning the mutual recognition and enforcement of arbitration awards. While both Kazakhstan and China are parties to the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, practical application may be hindered by differences in national legislation, judicial discretion, and procedural obstacles.

Although both countries are signatories to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), practical enforcement remains inconsistent. In China, courts retain broad discretion to refuse to recognise foreign arbitral awards on grounds of public policy, insufficient notice to the parties, or procedural

irregularities. Although such refusals are relatively rare, they create legal uncertainty, particularly in international tourism disputes, where standards of service and consumer protection vary widely. Furthermore, the lack of a bilateral agreement specifically regulating the mutual recognition and enforcement of arbitral awards between Kazakhstan and China further exacerbates this legal fragmentation. Without agreed procedural rules or mutual enforcement protocols, arbitration risks being reduced to a theoretical mechanism with limited practical impact, especially for individuals such as tourists who may not have the legal knowledge or resources to navigate complex transnational enforcement procedures.

The situation is further complicated by the regulatory framework and legal status of online mediation platforms. In China, the China Consumer Protection Platform, established by the State Administration for Market Regulation, is designed to improve administrative efficiency and accessibility. However, the platform's decisions do not have the legal status of enforceable court or arbitration decisions and largely rely on voluntary compliance by businesses. In Kazakhstan, similar digital consumer protection platforms exist under the Ministry of Trade and Integration, but they also lack clear enforcement mechanisms in cases involving foreign entities or service providers operating abroad.

These discrepancies highlight the broader problem of insufficient harmonisation of the legal treatment of alternative dispute resolution mechanisms. Unlike in the European Union, where directives and regulations create a common legal space for consumer arbitration and mediation, legal interaction between Kazakhstan and China remains largely uncoordinated. The lack of uniform procedural standards, mutual recognition provisions and transparent monitoring of alternative dispute resolution outcomes significantly reduces the ability of tourists to rely on such mechanisms as effective tools for legal redress.

Despite the potential of international arbitration centres and digital mediation platforms as modern tools for protecting tourists' rights, their effectiveness is limited by structural and legal differences between the two countries. To improve the situation, it would be necessary to develop bilateral treaties or memoranda of understanding that define the conditions for the recognition of arbitral awards, define standards for online dispute resolution and establish joint supervisory bodies to ensure procedural fairness and legal compatibility.

The role of travel agencies, insurance companies and industry associations in protecting tourists is a key element in the regulation of cross-border tourism between Kazakhstan and China. A significant number of conflict situations are resolved outside the judicial system through self-regulation and out-of-court dispute resolution mechanisms. The

associations of tourism operators in both countries act as intermediaries in the consideration of tourist claims, facilitating the rapid achievement of compromise solutions. In China, tourist disputes are resolved through the China International Economic and Trade Arbitration Commission, which provides online conflict resolution, which significantly speeds up the complaint process. In Kazakhstan, a similar function is performed by specialised arbitration bodies, including the Astana International Arbitration Centre. Insurance companies play an important role, offering policies that cover not only medical expenses but also legal services in the event of legal claims. In Kazakhstan, this practice is enshrined in the Law of the Republic of Kazakhstan No. 126 "On Insurance Activities" (2000), which regulates the terms of insurance coverage for tourists. Chinese insurance companies, such as Ping an Insurance and China Life Insurance, also include legal protection in their insurance products for foreign tourists.

In addition, Kazakhstan and China are actively working to improve the legal environment for tourists. A significant step was the opening of the Astana International Financial Centre (2024) office in China, which simplifies access to dispute resolution mechanisms for Chinese tourists in Kazakhstan. The possibility of creating a unified electronic database of tourist complaints is also being discussed, which will help to increase transparency and efficiency of claims processing.

The development of tourism cooperation between China and Kazakhstan is taking place in a challenging geopolitical and economic environment. Both countries recognise the strategic importance of tourism as a driver of economic growth and regional integration, as evidenced by the initiatives under the One Belt, One Road (McBride *et al.*, 2023) and the Kazakhstan 2050 Strategy (Address by the President..., 2012). However, despite the expansion of bilateral agreements and investments in infrastructure, legal mechanisms for protecting the rights of tourists remain underdeveloped. Geopolitical tensions and specifics of trade relations directly affect the effectiveness of legal regulation in this area, creating both opportunities and challenges for further cooperation.

Despite strong economic and political ties, tourism cooperation between Kazakhstan and China is hindered by unresolved issues related to border control, visa procedures, and the lack of unified legal protection for tourists. Economic asymmetries influence regulatory decisions, often prioritising China's interests and creating imbalances in the protection of travellers' rights. Although trade-driven travel is growing, legal safeguards such as consumer protection, compensation mechanisms, and dispute resolution remain underdeveloped (Shtal *et al.*, 2023; 2024). The absence of bilateral agreements and harmonised legal frameworks forces tourists to rely on national systems, which limits access to justice in cross-border situations.

According to studies by C. Haibo *et al.* (2020) and Y. Jin *et al.* (2022), the Ministry of Culture and Tourism of China has broad regulatory powers that allow it to effectively monitor compliance with tourism legislation. In Kazakhstan, as noted by L. Lipkova (2020) and A. Tleuberdinova *et al.* (2022), the Ministry of Tourism operates in a fragmented institutional system that limits its ability to effectively protect consumer rights. Although both countries have established joint working groups, their effectiveness remains low due to bureaucratic obstacles and the lack of coordinated

enforcement mechanisms.

An important area for improving tourism legislation is the development of alternative dispute resolution mechanisms. As noted by researchers A. Shaimenova *et al.* (2020) and S.M. Rasoolimanesh *et al.* (2021), the system of arbitration and mediation in the tourism sector is underdeveloped in both Kazakhstan and China. At the same time, the practice of other countries shows that such mechanisms can significantly simplify conflict resolution and reduce the burden on the judicial system. This suggests the need for more active involvement of both public and private institutions in creating a more effective system of tourism rights protection.

Political and economic factors also influence the development of legal cooperation in the tourism sector. According to R. Vogler (2023) and J. Shepherd (2024), legal frameworks in the tourism sector are often shaped by diplomatic considerations, rather than solely by consumer protection. Although economic cooperation promotes tourism development, political sensitivities sometimes hinder the strengthening of legal protection for tourists. This is in line with the findings of this study, which argues that China's broader geopolitical strategies, including its economic expansion in Central Asia, are shaping the legal framework for cross-border tourism. Kazakhstan is forced to balance economic dependence on China with maintaining regulatory sovereignty.

Geopolitical risks further complicate legal cooperation between Kazakhstan and China. The study by S. Saha *et al.* (2022) and J. Duan *et al.* (2022) show that regional instability, including border security issues, affects bilateral tourism policy. As noted by A.S. Purnomo and M.S. Rofii (2024), problems with visa policies, surveillance and legal transparency continue to pose significant barriers for tourists, complicating the process of obtaining entry permits, increasing administrative costs and causing uncertainty about the legal status of stay.

H. Uyar (2022), B. Atasoy *et al.* (2023), and M. Vasvári *et al.* (2025) emphasise that regional instability not only reduces tourist flows but also forces governments to adapt their tourism development strategies to security challenges. This is confirmed by the study, which notes that while some countries impose restrictions on tourism during political crises, others, on the contrary, seek to maintain a stable level of tourist flows by adapting marketing strategies and offering special incentives to attract foreign tourists.

A comparative analysis of legal regulation in the tourism sector in China and Kazakhstan reveals significant institutional differences and challenges that hinder effective cooperation. China demonstrates a centralised model with powerful regulatory levers, while Kazakhstan operates under a fragmented administrative system, which complicates consumer protection. Despite the creation of joint working groups, their effectiveness is limited by bureaucratic barriers and the lack of coordinated control mechanisms.

## Conclusions

A study of the legal framework and prospects for international cooperation between Kazakhstan and China in the field of tourist protection has revealed both achievements and key challenges in this area. An analysis of existing bilateral agreements and memorandums has shown that Kazakhstan and China are actively developing the legal framework for regulating tourist flows. The Memorandum of

Understanding in the field of tourism and the agreement on simplified border crossing laid the foundation for coordination in the protection of tourists, but contain a limited number of specific legal protection mechanisms. At the same time, the participation of both countries in international organisations such as the United Nations World Tourism Organisation and the Shanghai Cooperation Organisation ensures a certain level of harmonisation of standards, although national legal systems remain heterogeneous.

A comparative analysis of legal mechanisms for tourist protection has revealed significant differences between the approaches of Kazakhstan and China. The Kazakh system is based on continental law, which ensures transparency and predictability of legal regulation. China, on the other hand, has a model of socialist law with national peculiarities, which complicates the mutual adaptation of legal norms. The main problems are differences in approaches to jurisdiction, the complexity of cross-border disputes, and different levels of access to judicial and extrajudicial conflict resolution mechanisms. The institutional analysis has shown that Kazakh and Chinese government agencies regulate the tourism industry, but coordination between them remains ineffective. Despite the existence of joint commissions and working groups, the mechanisms for implementing intergovernmental agreements are complicated by differences in administrative procedures. The private sector plays a special role in protecting tourists. Travel agencies and insurance companies are actively developing policies that cover legal costs in the event of disputes, and industry associations promote out-of-court settlements. However, the absence of a unified electronic database of tourist complaints between the two countries makes it difficult to monitor problematic issues and resolve them promptly. Political and economic factors have a significant impact on the development of legal mechanisms in the tourism sector. Despite the growth of tourist flows between Kazakhstan and China, periodic political tensions, trade disputes and economic instability may create obstacles to expanding bilateral cooperation in this area.

A comparative analysis of the legal framework of Kazakhstan and China in the field of protection of tourists'

rights has shown the presence of significant inconsistencies that complicate the effective implementation of joint initiatives. The legal system of Kazakhstan is based on continental law and international standards in the field of tourism, in particular in terms of consumer protection, which provides for transparent mechanisms of legal protection and access to judicial and extrajudicial dispute resolution. China, on the other hand, adheres to a model of socialist law with national specifics, where the resolution of disputes often depends on administrative intervention, and enforcement may be less predictable. This creates problems in the recognition and enforcement of arbitration or court decisions made in another country, and also complicates the coordination of procedures for filing complaints and obtaining compensation. The difference in approaches to jurisdiction, consumer protection, as well as the level of digitalisation of procedures (in particular, the lack of an integrated database of tourist complaints) leads to low efficiency of interstate response tools. Thus, despite the existence of bilateral agreements and the participation of both countries in international organisations, the lack of regulatory harmonisation remains a key barrier to the development of a common legal system for the protection of tourists' rights.

Prospects for further research may focus on analysing the effectiveness of joint initiatives of Kazakhstan and China in the field of tourism legislation. An important area is the study of the practical implementation of international legal norms in the context of tourism and the impact of global economic and political changes on the tourism market of the two countries. In addition, it is promising to analyse models for resolving cross-border disputes in the tourism sector on the example of other international partnerships.

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## Правові основи та перспективи міжнародного співробітництва між Казахстаном і Китаєм у сфері захисту прав туристів

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**Анотація.** Метою дослідження був аналіз нормативно-правової бази та оцінка можливостей розвитку міжнародного співробітництва між Казахстаном і Китаєм у сфері захисту прав туристів. У дослідженні використано порівняльний аналіз нормативно-правових актів, аналіз міжурядових угод, що регулюють туристичну сферу, а також контент-аналіз звітів державних органів і галузевих асоціацій. Розглянуто основні механізми правового регулювання захисту прав туристів у Казахстані та Китаї. Проаналізовано ефективність існуючих інституційних механізмів співпраці, зокрема функціонування Казахстансько-китайського туристичного форуму та спільних прикордонних координаційних груп, що діють в рамках двосторонніх угод. Дослідження виявило ключові проблеми, серед яких недостатня координація між національними органами захисту прав споживачів, відсутність єдиної системи адміністративного розгляду скарг туристів, а також труднощі з судовим врегулюванням спорів, що спричиняє значні фінансові та часові витрати для туристів. Виявлено, що значна кількість конфліктних ситуацій вирішується через механізми саморегулювання туристичного бізнесу та позасудового врегулювання спорів, зокрема за участі галузевих асоціацій та страхових компаній. Були проаналізовані перспективи співпраці, включаючи можливість створення єдиної електронної бази даних скарг туристів між Казахстаном і Китаєм, гармонізацію стандартів туристичного страхування, розширення альтернативних механізмів вирішення спорів, включаючи міжнародний арбітраж. Ефективне правове регулювання туристичної діяльності є важливим фактором розвитку транскордонного туризму та забезпечення його стійкості, а впровадження узгоджених механізмів захисту прав туристів сприятиме підвищенню довіри на туристичному ринку і зміцненню двосторонніх відносин між Казахстаном і Китаєм

**Ключові слова:** законодавство; нормативно-правові акти; відповідальність; угоди; безпека; транскордонні подорожі