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**Regulation on cross-border tourism between China and Kazakhstan:
dilemmas & reflection**

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Abstract: As China's "Belt and Road" initiative and Kazakhstan's "Bright Road" initiative become more and more popular, cooperation between China and Kazakhstan is booming, and the legal system is becoming more and more perfect. However, as part of China-Kazakhstan service trade, the development of cross-border tourism is slightly sluggish under such a background. This article starts with the dilemma of the construction of the cross-border tourism industry and the corresponding legal system between China and Kazakhstan and presents the dilemma. Then, the reasons for the dilemma are analyzed from the perspectives of market orientation, international environment and geographical factors, and implementation issues. Furthermore, this article attempts to construct a new paradigm for the development of the legal regulation system of cross-border tourism between China and Kazakhstan. From the perspective of what the two governments can do, it is advocated to sign a national-level legal agreement or memorandum on bilateral tourism cooperation between China and Kazakhstan, and jointly plan and promote tourism routes. And countermeasures are proposed from different perspectives of the implementation of supporting systems by the administrative system and the guidance of private development. With the help of China's unswerving expansion of all-around opening up, it is hoped that the tourism legal systems of the two countries can be improved.

Keywords: Tourism, China, Cross-border tourism, Legal framework, Regulation, China-Kazakhstan

Introduction

China and Kazakhstan are geographically adjacent and have profound "The virtue of Confucius is to follow the Tao", and the development of all things in the world is inseparable from the "Tao". At a time when the rule of law is regarded as a necessary way of international

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governance and national governance, the rule of law is undoubtedly the way of development. China and Kazakhstan are geographically adjacent, and the economic and cultural exchanges between the two have a deep historical foundation.

Kazakhstan is the window of China's Belt and Road Initiative and the economic belt of the Silk Road. Therefore, the economic cooperation between the two countries is of great significance to regional economic cooperation and security maintenance in terms of history and geography. The tourism industry can greatly enhance bilateral understanding and strengthen bilateral friendship. Furthermore, the tourism industry can promote harmonious exchanges along the Silk Road between China and Kazakhstan and promote the economic take-off of China and Kazakhstan under the Belt and Road Initiative. However, as the most important communication industry to deepen the exchanges between the ordinary people of the two countries, the tourism industry still lacks treaties and detailed domestic legislative regulations.

The construction of the legal system of cross-border tourism between China and Kazakhstan can help improve policies from a legal level and provide impetus for the development of cross-border tourism between China and Kazakhstan. It can not only promote cross-border tourism cooperation between China and Kazakhstan but also guarantee the construction of the Silk Road Economic Belt from an institutional level. Furthermore, from the perspective of the rights paradigm, it can better protect the rights of ordinary people to pursue tourism and the opportunity for their rights to be legally protected during tourism.

The Methodology

This paper applies literature analysis method and empirical analysis method to analyze the dilemmas faced by Kazakhstan and China when they conduct cross boundaries tourism.

Literature analysis method – This article analyzed current papers on this issue and collected all of the problems mentioned by the authors. Based on this basis, this paper also points out some new issues that have not been raised yet.

Empirical analysis method – This article adopted some economic statistics to prove that tourism between Kazakhstan and China is improving. And lack of regulations on this issue has already done harm to this type of economy.

Discussion

1. The current status of the legal system for cross-border tourism between China and Kazakhstan

The China-Kazakhstan cross-border tourism legal system refers to the general term for a series of legal systems signed by China and Kazakhstan to constrain China-Kazakhstan tourism cooperation in cross-border tourism and related fields. These legal systems should be in the form of treaties, agreements, memoranda, or other documents. The treaty regulates the subjects involved in specific cooperation matters in the field of cross-border tourism cooperation between China and Kazakhstan. These subjects include at least the state, that is, the central government and local governments of the two countries, enterprises, institutions, social groups, and individuals involved in tourism activities.[1] The tourism-related activities carried out by these subjects will be included in the China-Kazakhstan tourism legal system for supervision and support. The improvement of the China-Kazakhstan tourism legal system aims to deepen the economic ties between China and Kazakhstan, promote bilateral cooperation, and enhance regional development and cultural exchanges.

Since Kazakhstan declared independence in December 1991, China established diplomatic relations with it in a very short time. Since then, two countries opened the long journey of China-Kazakhstan tourism cooperation, and China-Kazakhstan cross-border tourism cooperation has begun a long-term development until now. Relevant activities and meetings continue to be held, and the Horgos Port Border Cooperation Center has also been put into operation. The two countries' tourism year activities are constantly held. As of January 2014, China and Kazakhstan have signed 88 bilateral agreements. In recent years, the cooperation between the two sides in tourism has continued to deepen, and consensus has been strengthened. In 2022, the heads of state of the two countries reached a consensus that they will take the high-quality joint construction of the "Belt and Road" as the main line, and take production capacity, trade, agriculture, and infrastructure construction as the priority directions to continuously improve the level of connectivity. Kazakhstan will position 2017 as the Chinese Tourism Year. In 2024, China will position itself as the Kazakhstan Tourism Year. Now, in 2025, Kazakhstan once again positions itself as the Chinese Tourism Year. It can be found that over time, the legal system of tourism cooperation between China and Kazakhstan is becoming more and more perfect.

In general, China and Kazakhstan have a long history of cooperation. As friendly neighbors and comprehensive strategic partners, the two countries have always adhered to the principle of mutual benefit and win-win, carried out in-depth cooperation in many fields, and become a model of regional cooperation. The two governments focus on the joint construction of the "Belt and Road" initiative and the docking of Kazakhstan's "Bright Road" new economic policy. [2] The two countries are under the framework of the Shanghai Cooperation Organization, and Kazakhstan is one of the closest partners of China's BRI initiative and the first stop of the Silk Road Economic Belt. It can be found that the legal system and policies of China and Kazakhstan on tourism are a process of rising from nothing to something, from little to many twists and turns. This process continues to evolve, highlighting the deepening cooperation between the two sides.

2. The Dilemma of the Development of Tourism Legal System between China and Kazakhstan

Since Kazakhstan's independence, China and Kazakhstan have signed many transnational cooperation treaties in different fields and established many international cooperation systems. Since the establishment of diplomatic relations between the two countries, the two countries have signed a series of agreements, protocols, regulations and measures in the fields of railway transportation, civil aviation, border trade, and other tourism-related fields. In particular, a series of joint declarations, statements and communiqués have been issued year by year to strengthen the good-neighborly friendship between the two countries, establish and develop strategic partnerships, and deepen the friendly relations between the two countries.

However, the bilateral treaty between China and Kazakhstan in the field of tourism is not perfect. There is a lack of specific cross-border tourism cooperation agreements. Most of the existing institutional arrangements involving tourism are issued or signed in the form of guiding documents such as outlines, programs, and opinions. Tourism is mentioned slightly in the documents. The level of such documents is higher. For example, as early as October 2003, when the then President of the People's Republic of China, Hu Jintao, paid a state visit to Kazakhstan, the two countries signed the "Joint Statement of the People's Republic of China and the Republic of Kazakhstan". Article 13 of the statement states that the two sides believe that it

is of great significance to expand exchanges in the fields of culture, education, tourism, health, social security, and sports, and to organize mutual visits by youth groups of the two countries. Since then, the tourism industry has been mentioned in all the visits between the leaders of the two countries, and it has been stated that cooperation and exchanges will be strengthened in the future. However, the document does not make specific elaborations on the cooperation in cross-border tourism between the two countries. There is a lack of specific institutional arrangements. Similar to the tourism cooperation and investment agreement between the two countries, the ministerial or provincial-level docking agreement between Xinjiang, China and Kazakhstan, and the dialogue system are still imperfect.

Kazakhstan faces the characteristic of a low proportion of tourism in gross domestic product (GDP). In Kazakhstan's GDP, the direct added value of tourism shows a decreasing trend. According to statistical data, in the 20 years from 2002 to 2022, the proportion of direct added value of Kazakhstan's tourism industry in GDP has gradually shrunk from 1.8 to 1%, and after excluding the epidemic factors in 2020 and 2021, it has shown a decreasing trend year by year. This shows that although Kazakhstan's national economic strength is growing, the tourism industry has not grown with it, but has a shrinking trend, because of the pandemic. This trend needs to be properly analyzed and improved.

Looking back at history, China and Kazakhstan have a long history of tourism cooperation. Since Kazakhstan's independence, as early as 1995, the two sides have signed the "Joint Statement on Further Developing and Deepen the Friendly Relations between China-Kazakhstan", which mentioned that it supports the development of bilateral tourism exchanges and believes that tourism is of great significance for the people of China and Kazakhstan to better understand each other's long history, unique culture and traditions. However, the two countries have not signed a specialized tourism cooperation agreement in the past 16 years. Today, with the deepening of economic development and cultural exchanges between the two countries, especially the proposal of the "joint construction of the Silk Road Economic Belt" or the Belt and Road Initiative, it indicates that the two countries need new institutional arrangements specifically for tourism cooperation.

For China, the Chinese central government has repeatedly introduced policies and measures to boost consumption and promote tourism since 2023, after the epidemic. Domestic tourism is given equal importance to foreign tourism, and promoting domestic tourists to go abroad and welcoming foreigners to travel to China are developed together. The Chinese central government has accordingly issued some policies, regulations, and rules to strengthen the treatment of foreigners traveling to China and improve the experience of foreign tourists. In terms of Kazakhstan's policies, the Chinese government has established the Horgos-Dongdaemun Special Economic Zone and the "Horgos" International Border Cooperation Center. The purpose of the establishment of the special economic zone is not only to develop logistics and border trade, but also to promote economic and cultural exchanges between Kazakhstan and neighboring countries to solve the problems of social and economic development in the surrounding areas.

Accordingly, this article expects the Kazakh government to pay more attention to the tourism industry and actively introduce some boosting policies to promote Chinese citizens to travel, study and visit Kazakhstan, thereby increasing the proportion of tourism industry GDP in the country.

There is also room for improvement in the implementation of the legal and regulatory systems related to cross-border tourism cooperation between China and Kazakhstan. At

present, there is a sort of lack in the cooperation system arrangements at the level of bilateral cities and business communities. At present, the tourism cooperation between China and Kazakhstan is still at the national level, mainly based on principled statements, and there are few special administrative regulations or presidential decrees to promote the construction of supporting tourism facilities. China's Xinjiang Uyghur Autonomous Region and Kazakhstan have a vast border. According to several border agreements and supplementary agreements signed between China and Kazakhstan, the China-Kazakhstan border is 1,782 kilometers long and has 6 major customs ports, including Alashankou and Horgos Port, with very convenient transportation. Cross-border tourism has a tremendous impact on economic revenues and retail sales on both sides of the border. (Alon Gelbman and Dallen Timothy [3] suggest that this kind of tremendous economic growth is due to a unique form of borderland attraction where communities living in between two societies have the potential to create circumstances that are favourable for cross-border tourism.

Among them, the Horgos Port Cooperation Center is also a bilateral cross-border free trade zone, which implements a free entry and exit system with passports. These are very favorable factors for ingenuity and adopting multiple ways to carry out cross-border tourism activities.

However, so far, the cross-border cooperation between China and Kazakhstan is still mostly trade, and the majority of trade is goods trade. Tourism, which can be seen as a part of the service trade, accounts for a relatively small proportion. In addition, the trend of tourism cooperation in the future is to expand to second- and third-tier cities. To further strengthen the exchange of bilateral tourists, information sharing, and industry linkage, the institutional arrangements at the level of bilateral cities and the business community need to be supplemented.

Results

1. Insufficient Market Orientation of the Governmental Management System

The tourism industry in China and Kazakhstan is still relatively influenced by the government management system. Scenic spots and tourist trains are highly policy-oriented. China's railways connecting various places are owned and operated by state-owned enterprises. Domestic tourist trains need to be approved by the railway bureau before they can be launched. State-oriented tourism entities are slow to adapt to market changes. At this time, the government needs to play a leading role in policymaking.[4] But tourism is also a highly market-oriented industry. The rights and obligations of the tourism industry itself are almost all dominated by private entities. The recipients of tourism services are often citizens. Even for official travel, they are often mainly citizens when receiving services, and diplomatic channels are rarely involved. Although there are many different types of tourism service providers, travel agencies, tour guides and other major entities are private entities. Although scenic spots are state-controlled in both China and Kazakhstan, they are no different from market entities in providing services. The activity of the tourism market and the relative stability of government management have created an inherent contradiction. Government entities often need a long time to adapt to changes in market entities. However, policies and regulations have a lag, and the lag of cross-border legal documents is much stronger.

Furthermore, too many government restrictions may lead to inefficiencies in the tourism market. Of course, government intervention is to protect citizens, but the systems of China

and Kazakhstan sometimes inadvertently place restrictions on market freedom, and therefore influence cross-border tourism. For example, although Kazakhstan's "Investment Law" and "Supplementary Management Measures for Investment Systems" stipulate the government's power of licensing and approval, the normative procedures for capital introduction are mostly rough descriptions of principles and are too flexible, which will undoubtedly bring risks of policy changes to foreign investors.[5] These restrictions create an obstacle to the development of a cross-border tourism system. Despite this, the Chinese government has always maintained its openness to the outside world in recent years. Chinese Premier Li Qiang said that "the door to opening up will only get bigger and bigger," and a series of decentralization policies have been introduced, with more centralized and eye-catching policies at the tourism level.

2. Constraints Imposed by International and Geopolitical Factors

As international and geopolitical conflicts intensify, foreign forces and terrorism continue to pose a threat to China and Kazakhstan. In 2024, Sagimbayev also informed Tokayev about the prevention of the entry of 824 foreigners "involved in terrorism and extremism" into the country [6].

Kazakhstan has adopted a more conservative approach to visas to safeguard national security. Tourism itself is part of trade in services, and the construction and improvement of cross-border tourism legal systems involve market access issues. Therefore, China and Kazakhstan still attach great importance to national security and national sovereignty [7]. They still maintain a conservative attitude towards market access issues. As far as China is concerned, before 1978, China's tourism operations and other service trade areas were completely regulated by the government. Since 1978, China has implemented an open and reform policy, gradually opening up its market to the world, especially Western countries. However, when it comes to market access issues, there are still mostly positive lists, such as a series of service trade agreements based on GATS. This is included in the documents signed after joining the WTO in 2001 and even in the recent RCEP led by China. Until recently, in 2024, China issued a negative list for foreign business access for the first time. It can be seen that while paying attention to national security, China is increasingly inclined to achieve the protection of its interests. The development of the tourism industry also involves the infiltration of enemy foreign forces and espionage issues, so how to balance the transfer of tourism rights and national security is also a problem that needs to be considered.

Specifically, since international tourists have to go through the exit and entry stages when traveling abroad, citizens of other countries need to apply for entry visas to the destination country when traveling to the destination country. The visa system of the destination country and the visa procedures when entering and leaving the country are manifestations of barriers. From a national perspective, the International Covenant on Civil and Political Rights allows sovereign states to restrict the right to travel freedom to protect national security, public order, public health or morals, or the rights and freedoms of others based on legal provisions. Similarly, according to the provisions of GATS, each member should take measures that are conducive to liberalization to promote the smooth progress of overseas consumption. However, to maintain national security interests, it is not against the GATS rules to take some restrictive measures, when necessary, under the premise of following the principle of non-discrimination. How the legal systems of the host country and the destination country, in terms of entry and exit, can balance and make choices between geography, national security, and trade and tourism convenience is a question that needs to be considered.

In the past three years, China has frequently introduced a series of policies on mutual visa exemption and unilateral visa exemption for foreign countries. It can be seen that China and Kazakhstan tend to promote trade facilitation between the two countries. The two countries have tended to strengthen the preparations needed to carry out cross-border tourism services.

3. Incompleteness of China's Tourism Legal System Framework

At present, with the development of the economy, progress of science and technology and innovation of transportation, economic exchanges between countries in the world are becoming more frequent, and exchanges in economy, science and technology and culture are increasing. International tourism is no longer an optional activity, but a necessity for the development of human society and life.

However, this has changed dramatically over time. As recently as a decade ago, in accordance with general international practices, China adopted a planned, organized and controlled development policy for self-funded outbound tourism for Chinese citizens, that is, outbound tourism for Chinese citizens was still conducted in the form of groups of more than 5 people, and individual travel was not handled. At the same time, total volume control and quota management were implemented for outbound tourism, and travel agencies with franchised outbound travel business were approved and controlled in number. Over time, to gradually reduce unnecessary restrictions on the entry and exit of international travelers, China and Kazakhstan also sought to achieve mutual visa exemption with more countries through signing bilateral or multilateral agreements.

In addition, as far as China is concerned, tourism legislation is still in the process of gradual improvement, and the legal network is gradually being woven. The Tourism Law, promulgated in 2013, is relatively new. Before that, it had always been regulated by administrative regulations of the State Council, and even by departmental regulations issued by the National Tourism Administration (later merged into the Ministry of Culture and Tourism). Moreover, the existing tourism law legislation focuses on the adjustment of vertical management relations and ignores the adjustment of horizontal tourism rights and obligations. The tourism law involves a wide range of fields, and its adjustment objects include both vertical legal relations between superiors and subordinates, such as the legal relationship between the national tourism authorities and tourism operators, and horizontal equal legal relations, such as the rights and obligations between tourism operators and tourists, and between tourism operators. At present, most of the laws and regulations on tourism in China are inclined to regulate the relationship between management and being managed between the state power departments and tourism operators.[8]

There is still a lack of laws regulating horizontal legal relations, such as travel contracts, travel insurance, and protection of tourists' rights. In today's world, where individual travel is becoming more and more common, horizontal tourism relations are often areas that require more legal regulation and are more prone to problems in cross-border tourism. While China's laws that only regulate domestic tourism relations are under construction, the cross-border tourism legal system, such as special laws, to create exceptions may have a lag.

In the past decade, China's international tourism service trade has made great progress. However, there is still a lack of special laws and regulations to promote international tourism. The lack of such laws is not conducive to improving the level of international tourist reception, protecting the rights and interests of foreign tourists, and further promoting the liberalization of tourism service trade between China and Kazakhstan.

In addition, although the measures and suggestions in recent years have been relatively complete, and although China and Kazakhstan have signed a series of treaties and bilateral joint statements since the establishment of diplomatic relations, the regulatory strength is still weak due to the lack of clear promotion details and specific provisions. By increasing attention to the tourism industry and transforming the above provisions into relevant domestic legislation of the contracting parties, we can clearly promote the introduction of a series of laws and regulations on cross-border tourism between China and Kazakhstan, and then promote the long-term development of cross-border tourism between China and Kazakhstan.

Conclusion

1. Establishing and Improving Bilateral China-Kazakhstan Tourism Cooperation Agreements

The formulation and implementation of laws require corresponding social costs. Under China's current legislative system, the legislative power of the National People's Congress occupies the highest position in the entire legislative system. However, the legislative procedure for the formulation of basic laws by the National People's Congress and its Standing Committee is the most complicated, takes the longest time, and is the most difficult. If a treaty is signed with Kazakhstan or the two countries jointly join a tourism convention within the framework of an international organization, the treaty must be signed and approved before it can take effect after a series of negotiations and consultations between the Ministry of Foreign Affairs and the two governments. The signing and approval of a treaty is a necessary procedure for a document to generate legal effect, and it is necessary for the National People's Congress or its Standing Committee to exercise legislative power. Although the cross-border tourism legal system between China and Kazakhstan is of great benefit to both countries and is indeed necessary, there is no precedent in China for a treaty signed only in the tourism field that has been approved and effective by the National People's Congress and its Standing Committee. Therefore, this article believes that, on the whole, it is not very realistic to sign a similar China-Kazakhstan cross-border tourism treaty.

After the above analysis, the possibility of signing a China-Kazakhstan cross-border tourism treaty may be low. However, this does not mean that the two countries should not enter into any legal agreements related to the tourism field. In fact, in addition to the bilateral signing of legal agreements of a textual nature, it is not uncommon for the two sides to carry out substantive cooperation in the tourism industry. Just recently, on July 4, 2024, Chinese President Xi Jinping attended the 24th Meeting of the Council of Heads of State of the Shanghai Cooperation Organization Member States and the "SCO+" meeting held in Astana, Kazakhstan, and paid a state visit to the Republic of Kazakhstan. He and Kazakh President Tokayev signed a joint statement of the People's Republic of China and the Republic of Kazakhstan [9]. The joint statement mentioned that China and Kazakhstan are willing to jointly support the opening of the China-Central Asia cultural tourism train, including exploring the opening of the first Xi'an-Almaty cultural tourism train, and are willing to jointly hold follow-up activities to promote the development of tourism cooperation between the two countries. At the same time, the two heads of state announced that 2025 will be the "China Tourism Year" in Kazakhstan. Taking advantage of the opportunity of "China Tourism Year" in Kazakhstan, China, as the host country, encourages Kazakh citizens to travel to China based on the establishment of a sound legal system, which is conducive to building closer ties between the two countries.

Therefore, since substantive tourism cooperation is already in the ascendant, the construction of a special tourism agreement is imperative. Since China and Kazakhstan are in the same position in geopolitics, it is easier for the bilateral cooperation initiative of China-Kazakhstan tourism to establish a legal framework. It is an easier way to establish a tourism agreement under the “Belt and Road” initiative. In addition, the framework of the Shanghai Cooperation Organization can be fully utilized. Since its establishment, the Shanghai Cooperation Organization has gradually transformed from an organization that focuses on counter-terrorism to combat the three forces to an organization that promotes comprehensive cooperation among member states in the political and economic fields. At present, the summit of heads of state of the SCO member states has been held at a high frequency of once a year, and member states have signed multiple agreements within the framework of the SCO. It is not a bad idea to use the SCO as a bridge to link the tourism cooperation between the two countries. Adhering to the spirit of this joint statement, the 2024 “Joint Statement of the People’s Republic of China and the Republic of Kazakhstan” is used as a constitutional document for the construction of the China-Kazakhstan cross-border tourism legal system, and the signing of the “China-Kazakhstan Cross-Border Tourism Agreement” is the core of the development of the bilateral cross-border tourism legal system.

In terms of comparative law, Japan, also an East Asian country like China, has certain prior experience in cross-border tourism. Japan’s “Basic Law on Tourism” has certain reference significance. (Xiaohong Y., Guoliang Y., p.146.) The preamble of the law points out that “tourism is a symbol of international peace and the stability of national life. The desire to develop tourism is to promote lasting peace and mutual understanding in the international community. Our ideal is to enjoy cultural life healthily.” Article 1 of the law stipulates the goal of the national tourism policy: “Since tourism can contribute to improving the balance of international payments, promoting economic and cultural exchanges with foreign countries, improving the health of the people, inspiring enthusiasm for work and improving education, measures are taken to promote visits by foreign tourists, ensure... This will help to promote international friendship, develop the national economy and promote the stability of national life, and promote the improvement of regional differences. Professor Yang Fubin summarized the purpose of the foreign tourism law led by Japan and believed that it includes the following: First, to promote the healthy development of the country’s tourism industry, thereby promoting the comprehensive development of the country’s economy, society and culture; second, to improve the comprehensive competitiveness of domestic enterprises in the international tourism market and maintain the balance of international payments; third, to protect the legitimate rights and interests of tourists; fourth, to promote the healthy and cultural life of the country’s citizens and other tourists; fifth, to promote world peace and increase mutual understanding and trust among various nations.

There is extensive political mutual trust between the governments of China and Kazakhstan. As part of China’s vision of building a “community with a shared future for mankind”, the China-Kazakhstan tourism agreement should take mutual respect and sovereign equality as basic principles and focus on people-to-people exchanges. In terms of specific content, this agreement should focus on the protection of each other’s cultural heritage and tourism safety. Referring to international bilateral or multilateral tourism agreements, specifically, the newly signed China-Kazakhstan Cross-Border Tourism Agreement should include at least the following four contents: (1) Protect the legitimate rights and interests of tourists and operators; (2) Maintain

the order of the tourism market; (3) Rationally develop and utilize tourism resources; (4) Promote the development of the tourism industry. This agreement should establish some basic principles for cross-border tourism agreements.

2. Leveraging Geographical Proximity and Advantages to Jointly Design Transnational Tourism Routes

Kazakhstan has rich tourism resources and is very suitable for the development of tourism. In the UNESCO World Heritage List alone, Kazakhstan has 6 cultural and natural heritage sites: Mausoleum of Khoja Ahmed Yasawi, Petroglyphs of the Archaeological Landscape of Tanbaly, Saryarka – Steppe and Lakes of Northern Kazakhstan, Silk Roads: the Routes Network of Chang'an-Tianshan Corridor, Western Tien-Shan and Cold Winter Deserts of Turan. In addition, because it is located in the center of Asia, has a unique desert landform, and has the world's unique Kazakh culture, it has formed a unique tourism landscape in Kazakhstan. According to the statistics of Kazakhstan Tourism Network, there are 519 tourist attractions in Kazakhstan, including 102 natural attractions, 86 architectural attractions, 52 cultural attractions, 97 historical attractions, 40 religious sites, 22 leisure and entertainment attractions, and 120 ecological and health attractions. As one of the four ancient civilizations with the third largest land area in the world, China has world-renowned tourist attractions. China is the birthplace of the mysterious Eastern culture that is opposite to Western culture in the world, and its vast territory has many ethnic minority cultural attractions.

The two governments can set up several tourist areas in the agreement and connect a tourist route [10]. From the Chinese side, due to the vast territory, some representative provinces can be selected from the whole territory to make a mature tourist route for Kazakhstan citizens to visit. For example, Xinjiang Uygur Autonomous Region and Tibet Autonomous Region each have unique natural scenery and ethnic minority culture, Guangzhou Province plus Fujian Province experience the unique southeast coastal customs and Cantonese culture, Beijing, Tianjin and Liaoning Province jointly connect a mountain and sea scenery and Manchu culture route. Kazakhstan can also set up several routes accordingly. After setting up the route, bilateral enterprises are encouraged to deepen cooperation to bring unique experiences to tourists of different types and preferences.

3. Relying on the Belt and Road Initiative, fostering people-to-people exchanges guided by the two governments, and supporting the development of the tourism industry.

The development of tourism cannot be separated from the support of the two governments. These supports play a pivotal role.

On January 22, 2025, Kazakh President Tokayev extended cordial greetings to Chinese President Xi Jinping, saying that the relationship between the two countries is at its best in history, and developing relations with China is a priority direction of Kazakhstan's diplomacy. He is willing to inject new impetus into further deepening cooperation in various fields between the two sides. At the same time, the soil for the development of tourism and cross-border tourism in China is unprecedentedly fertile. At present, the development of my country's tourism industry is facing a critical opportunity period. my country's economic development is at a critical stage of "establishing first and then breaking", and economic development is in a period of transition. Using culture and tourism to drive consumption has gradually become a new engine to promote my country's economic growth. At the Central Economic Work Conference held in December 2024, it was proposed to "expand service consumption

and promote the development of cultural tourism". In the future, it is expected that the two governments will uphold the good momentum of the development of the tourism industry in China and Kazakhstan, take advantage of the momentum, and continue to introduce policies in border inspection to promote exchanges between citizens of the two countries and facilitate the development of the tourism industry. Kazakhstan has signed a series of important documents at the departmental and provincial levels on strategic docking with China.[11] Since the two sides have a very good foundation for cooperation between national ministries and multinational companies have a natural advantage of being familiar with each other's systems, in the future, it will only take the signing of documents in the tourism industry that involve inter-departmental cooperation or calls for and promotes corporate cooperation to facilitate the development of cross-border tourism. Based on signing a memorandum of understanding or framework agreement on tourism cooperation, further deepen the tourism cooperation between the two countries through dialogue and cooperation at the government level, give full play to the role of the customs, border inspection departments and border police of the two countries, and implement the facilitation policy. Once the international tourism special zone passes bilateral and regional agreements, one-day and two-day tours between two places, application of tourist visas for out-of-town tourists, self-driving cross-border travel, and bilateral tourism investment will all be gradually realized [12].

Conclusion Remarks

As an important cultural and tourism industry that has become increasingly important in recent years, strengthening the development of cross-border tourism between China and Kazakhstan is an inevitable requirement to keep up with the times. At present, although China has vigorously developed the tourism industry, there are still some imperfections in the tourism industry between China and Kazakhstan, and the current situation cannot meet the people of the two countries' yearning for novel and beautiful exotic experiences. In this regard, it is hoped that the Chinese government, the central government of Kazakhstan and the local governments of the two countries will strengthen cooperation and strive to sign the "China-Kazakhstan Cross-Border Tourism Agreement - in the form of a memorandum to promote cross-border tourism between China and Kazakhstan. This agreement can promote the development of the cross-border tourism industry, reasonably develop and utilize and protect tourism resources, regulate the market order of cross-border tourism between China and Kazakhstan, and safeguard the legitimate rights and interests of tourists and tourism operators. Then, it will promote local governments and local enterprises, travel agencies and practitioners, and other entities to jointly design and develop tourist routes. Make good use of the tourism resources of the two countries. China and Kazakhstan have natural geographical advantages in developing tourism. At the same time, the complementary humanistic and natural customs of the two countries have a natural attraction to the people of each other's country. As long as the two countries cultivate relevant tourism hard power and soft power, it can be said that the development prospects of the tourism industry between China and Kazakhstan are broad.

The Contribution of the authors:

These three authors contributed equally to this article. **Liu-Yuqin** wrote the first version of this article and verified the last version. **Liu Wen-hao** corrected the form of this article according to the requirements of the Bulletin of ENU, made comments on the first version, and submitted the article. **Dong Lin** and **Liu-Yuqin** collected the materials according to the original idea of the authors and made comments on the first version. All of the comments given to **Liu Su Wen-hao** and **Dong Lin** were accepted by **Liu Yu-qin**. All of the authors made equal contributions to the publication of this article.

References

1. Yue K. & Youwen W. Analysis of the institutional arrangements and prospects of China-Kazakhstan international tourism cooperation under the perspective of jointly building the Silk Road Economic Belt// Northern Economy. – 2015. – No.5. – P.41-44.[In Chinese]
2. Wumat L. Research on the Construction of Legal System of China-Kazakhstan International Tourism Cooperation Center//Master's thesis of Yili Normal University. - 2023. – 138C.
3. Alon G. & Timothy J. D. From hostile boundaries to tourist attractions//Current Issues in Tourism. – 2010. – No.13. – P.239-259.
4. Huybers T., Bennett J. Inter-firm cooperation at nature-based tourism destinations//Journal of Socio-Economics. – 2003. – No.32. – P.571-587.
5. Aubakirova G. M. Strategic priorities of the innovative development of a postindustrial economy (by the example of the Republic of Kazakhstan)//Studies on Russian Economic Development. – 2013. – Vol.24. – No.5. – P.470 - 479.
6. Eruygur B. Kazakh official says 4 'terror attacks' thwarted by national security agencies in 2024, 12 May, 2024. -- Available at: <https://www.aa.com.tr/en/asia-pacific/kazakh-official-says-4-terror-attacks-thwarted-by-national-security-agencies-in-2024/3414353>(accessed: 29.03.2025)
7. Yu X. Research on the Dispute Resolution Mechanism of Transnational Tourism Services//Wuhan University. - 2010. – 330C.
8. Ke Z., Xijia H., Hongjian W., Song C. Does the implementation of the Tourism Law promote the development of the tourism industry?—An empirical evaluation based on double difference//Management Review. – 2025. - No.1. – P.40-51.
9. Yu M. Joint Statement of the People's Republic of China and the Republic of Kazakhstan//People's Daily. – 2024. – No.6. - P.1-13.
10. Hui L. The current situation of tourism development in Kazakhstan and the path of tourism cooperation between China and Kazakhstan//New West. – 2024. - No.10. – P.137-145.
11. Hongwei W. Economic and trade cooperation between China and Central Asian countries under the perspective of "One Belt and One Road"//Journal of Xinjiang Normal University (Philosophy and Social Sciences Edition). – 2018. - Vol.39. – No.3. – P.95-115.
12. Lizhe Z., & Youwen W. Research on the legal guarantee mechanism of international tourism cooperation on grassland culture between China and Kazakhstan: Based on the framework of Shanghai Cooperation Organization//Journal of Nanchang Normal University (Social Sciences). – 2015. – No.4. – P.15-38.

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Қытай мен Қазақстан арасындағы трансшекаралық туризмді құқықтық реттеу: түйткілдер мен ой толғау

Андатпа: Қытайдың «Бір белдеу – бір жол» бастамасы мен Қазақстанның «Нұрлы жол» бағдарламасы аясында екі ел арасындағы ынтымақтастық қарқынды дамып, құқықтық жүйе де жетіле түсуде. Алайда осындай жағымды жағдайларға қарамастан, Қытай мен Қазақстан арасындағы трансшекаралық туризмнің дамуы баяу жүруде. Бұл мақалада Қытай мен Қазақстан арасындағы трансшекаралық туризм саласын және соған байланысты құқықтық жүйені қалыптастырудағы қиындықтар қарастырылып, олардың себептері нарықтық бағдар, халықаралық жағдай, географиялық ерекшеліктер мен жүзеге асыру тетіктері тұрғысынан талданады. Автор трансшекаралық туризмді құқықтық реттеудің жаңа парадигмасын қалыптастыруды ұсынады. Екі ел үкіметтеріне ұлттық деңгейде туризм саласындағы ынтымақтастық туралы құқықтық келісім немесе меморандум жасасу, сондай-ақ туристік бағыттарды бірлесіп жоспарлау мен ілгерілетуді жүзеге асыру ұсынылады. Сонымен қатар, мемлекеттік басқару жүйесі мен жеке бастаманы қолдау арқылы іске асырудың тиімді шаралары ұсынылады. Қытайдың жан-жақты ашықтық саясатын дәйекті жүргізуі аясында екі елдің туризм саласындағы құқықтық жүйелерін жетілдіруге мүмкіндік бар деген үміт бар.

Түйін сөздер: туризм, Қытай, трансшекаралық туризм, құқықтық негіз, реттеу, Қытай – Қазақстан

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Правовое регулирование трансграничного туризма между Китаем и Казахстаном: дилеммы и перспективы осмысления

Аннотация: С развитием китайской инициативы «Один пояс – один путь» и казахстанской программы «Нұрлы жол» сотрудничество между Китаем и Казахстаном приобретает всё более активный характер, а правовая система постепенно совершенствуется. Тем не менее, несмотря на благоприятные предпосылки, развитие трансграничного туризма – одного из направлений двусторонней торговли услугами – остаётся недостаточно динамичным. Настоящая статья посвящена анализу существующих проблем в формировании трансграничной туристической отрасли и правового регулирования между Китаем и Казахстаном. Автор исследует причины сложившейся ситуации, рассматривая рыночные ориентиры, международную конъюнктуру, географические особенности и проблемы реализации. Далее предпринимается попытка построения новой модели развития правового регулирования трансграничного туризма. Ставится задача заключения двустороннего правового соглашения или меморандума на межгосударственном уровне, а также совместного планирования и продвижения туристических

маршрутов. Предлагаются конкретные меры как со стороны государственной администрации, так и в направлении стимулирования частной инициативы. В условиях неизменной приверженности Китая к политике открытости предполагается, что правовые системы в сфере туризма в обеих странах будут усовершенствованы.

Ключевые слова: туризм, Китай, трансграничный туризм, правовая система, регулирование, Китай – Казахстан

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