

**LAWS ON BUSINESS OF ADVENTURE TOURISM
PRODUCTS ARE LIKELY AFFECTING TOURISTS'S
HEALTH AND LIFE - REAL SITUATION FROM THE
MEKONG DELTA VIETNAM**

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Abstract

Nowadays, when adventure tourism becomes a trend chosen by many tourists, travel agencies are also interested and have proper investments. In particular, businesses prioritize developing impressive tourism products to serve and ensure safety for participating tourists. In the Mekong Delta region, various types of adventure tourism products have also initially been put into operation such as: rowing SUP (Stand-up Paddleboarding) on the Mekong River, paragliding in An Giang, trekking on forbidden mountains, motor trip to Saigon Chau Doc..., However, analyzing the issue from a legal perspective, the business conditions of these tourism products still have certain "gaps". In this article, the author will analyze the legal regulations on the business of tourism products that risk affecting the life and health of tourists, and propose directions for developing this activity in the area. Mekong Delta region in the future.

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1. Concept of adventure tourism

According to Adventure Travel Trade Association (ATTA), adventure tourism is a journey that contains at least one of three elements: physical activity, natural environment and cultural experience. In terms of nature, adventure tourism is a journey of discovery that can be domestic or international and lasts no more than 1 year. In terms of nature, adventure tourism will have the following basic characteristics: (i) Adventure tourism helps restore destinations suffering from natural disasters and political and tourist conflicts. Participating in adventure tourism to accept risks and prefer less visited tourist destinations to experience unique feelings, (ii) Adventure tourism destinations attract tourists with high affordability, (iii) adventure tourism contributes to the local economy (Crenin. SA Taylor, 1992) According to statistics from the ATTA, tourists can only spend 5% of the total cost of a mass tourism trip in developing countries, but they can spend up to 65.5% of the cost of tourism for activities related to adventure activities, (iii) adventure tourism businesses are encouraged to comply with strict principles to protect tourists, aiming to protect the environment for development. sustainable development (Nguyen Thi Kim Yen 2022, p.223). Accordingly, when classifying adventure tourism, the following types will be included: archaeological exploration; participating in local festivals; backpacking; observing birds and animals; camping; canoeing; cave exploration; climbing; cultural activities; ecotourism; education program; environmentally sustainable activities; fishing, getting to know local people; walking; mountain climbing, horseback riding; hunting; rowing; diving; trekking (Haemoon Oh 1999).

2. Current legal situation on tourism product business that risks affecting the lives and health of tourists

The primitive form of adventure tourism began to be introduced to Vietnam about 20 years ago (late 90s) based on the initial experiences of a number of individuals and travel companies that cooperated with international travel. During this time, theory and research on adventure tourism was an almost open issue. By 1996, the first basis for assessing adventure tourism resources began to be established, but adventure tourism was combined with sports-adventure tourism, because some researchers believed that there were many sports activities in adventure tourism (Ho Cong Dung, 1996).

In order to create a legal basis for better management of this type of tourism, Vietnam issued the Law on Tourism in 2017, which is an important legal basis regulating issues related to tourism products are likely effect to the life and health of participants. On that basis, the Government issued Decree 168/2017/ND-CP; Decree 94/2021/ND-CP details issues of tourism product business that risk affecting the lives and health of tourists. According to regulations, tourism products that pose a risk to human health and life have been specified in Articles 8 to 10, Chapter III of Decree 168/2017/ND-CP. This Decree specifically lists tourism products that pose a risk to the lives and health of tourists, such as: "Paragliding, hot air ballooning; parachute; high-altitude adventure rope swing. Riding bicycles, motorbikes, off-road cars in mountains and sand dunes; Walking on a rope; climbing mountains and cliffs; swing over waterfall. Diving underwater; whitewater rafting; jet skiing; windsurfing; parachute canoe; Exploring caves, forests, mountains".

This is one of the important legal bases for law enforcement agencies to regulate issues related to destinations that sell adventure tourism products that greatly affect people.

In addition, Decree 168/2017/ND-CP has set out necessary measures that businesses selling tourism products with adventure elements need to meet: (i) having warnings and instructions about climate conditions, weather, health and related factors; (ii) having a rescue plan; arrange rescue forces and promptly intervene, handle and respond to incidents, accidents and risks; (iii) arranging and use coaches and guides with appropriate expertise; (iv) disseminating safety regulations and technical instructions to tourists before providing tourism products; (v) providing, guiding, and monitoring the use of equipment and supporting tools in accordance with regulations and standards. To uniformly enforce the law, lawmakers have also clearly defined the legal responsibilities of agencies, individuals, and organizations related to the management, organization, and business of tourism products risks affecting the lives and health of tourists. Determine specific inspection mechanisms. This not only creates efficiency in the management activities of state agencies but also creates safety for tourists. In addition to the positive points mentioned above, legal regulations on the business of tourism products that risk affecting the lives and health of tourists still have certain limitations, specifically as follows:

Firstly, Decree 168/2017/ND-CP still uses the method of listing tourism products that are dangerous to human health and life, which is still not comprehensive. Because when compared with the trade organization (ATTA), we found that dangerous tourism products in Vietnam are still not comprehensive compared to real situation. Because after all, with tourism activities such as: archaeological exploration; participate in local festivals; backpacking; observing birds and animals; camping; canoeing... is still risky, affecting the lives and health of visitors. Many people believe that the current listing will create specific and uniform application of adventure tourism activities. However, in an ever-changing social context, this list of measures will quickly become outdated, requiring the law to be regularly updated. When a new activity appears, if it does not comply with the law, there will be no sanctions to make timely and consistent adjustments.

Secondly, although the law has initially clarified the issue, listing dangerous products and types of tourism that need strict management. However, the law does not stipulate technical regulations for each specific type and dangerous tourism product. This is still a big gap, because local tourism management agencies in the Mekong Delta region have not issued documents guiding this issue. This requires lawmakers to promulgate specific criteria and sets of standards for adventure tourism and products related to this type of tourism. For example, in order to stimulate tourism development in some localities such as An Giang, the terrain running race on the Cam Mountain Trail 2023 was organized by Chau Doc Victoria and Nui Sam Victoria hotels in collaboration with Vietrace365 Company and the Management Board of Cam Mountain Tourist Area with the direction and coordination of the Trade & Investment Promotion Center of An Giang province and the People's Committee of Tinh Bien town, An Giang province. Accordingly, athletes may have to participate in the longest running route with a route of 42km, overcoming many different types of terrain such as hills, mountains, rivers, streams, fields..., but the organizer

does not require protections for participants (Thien Minh, 2023). In cases of providing services such as cliff swinging in An Giang, paragliding in Can Tho, An Giang..., different standards and conditions are required such as: there must be a climbing rope, the climbing rope must be has unique and specialized features. Certainly, climbing ropes and cliff climbing ropes will be very different from high adventure rope swings. However, current law lacks regulations related to technical standards and safety standards of these vehicles and equipment (Đinh Đình Phú Đức 2023).

Thirdly, in order to participate in adventure sports, this type of adventure tourism requires participants to meet certain requirements. However, currently Vietnamese law does not have regulations related to the health requirements, psychological state, and physical strength of tourists when participating in tourism products that pose a risk to their lives, health, or safety. health. For example, with rock rope climbing, participants only need to contact a supplier in An Giang in advance, but does not require participants to meet health-related requirements. Besides, if an accident occurs, what is the responsibility of these product providers to the service users, because currently some service providers are self-established individuals. In addition, amusement parks such as Ti & Ni in Hau Giang province have provided services such as river swinging, sky bridge crossing, rope climbing, ziplining through the forest, and free flying to conquer the network. spiders..., the forms of protection, as well as the health requirements of participants, are still not really clear (Ti & Ni Amusement park, 2024).

Comparing this issues in many countries, types of adventure tourism, as well as adventure games, are identified as specialized types with high and strict safety requirements to reduce the risk of damage. about life and health for tourists. Therefore, not only coaches and guides but even tourists must have a health certificate according to the criteria of each adventure tourism activity. At the same time, before participating in tourism products that pose a risk to life and health, tourists must be checked for their psychological and physical status and are required to participate in training courses.

Fourth, the current law lacks regulations on penalties for the act of "conducting tourism product business activities that endanger life and health when the list of tourism products has not been published on the electronic information portal." Individuals and organizations fully meet safety measures. According to the law, before conducting business activities, individuals and organizations directly doing business must notify in writing the Department of Culture, Sports and Tourism. If individuals or organizations directly business tourism products violate the notification obligation, they will be fined from 1,000,000 VND to 3,000,000 VND according to Clause 1, Article 15 of Decree No. 45/2019/ND-CP has been amended and supplemented by Decree No. 129/2021/NDCP (Decree No. 45/2019/ND-CP). In addition, individuals and organizations directly doing business that violate regulations on safety measures when doing business will also be penalized according to Article 15 of Decree No. 45/2019/ND-CP. However, Article 15 of Decree No. 45/2019/ND-CP did not foresee nor establish sanctions for the act of "conducting tourism product business activities at risk of affecting lives, health when it has not been published on the electronic Information Portal the list of individuals and

organizations that fully meet safety measures."

2. Some recommendations for developing tourism product business activities that pose a risk to the lives and health of tourists

From the issues analyzed, the business of tourism products that have the potential to affect human life can be implemented in a unified manner. We offer the following recommendations:

Firstly, based on Clause 3, Article 21 of the 2015 Law on Local Government Organization, which was amended and supplemented in 2019, stipulates that the Provincial People's Committee "organizes the implementation of the provincial budget and socio-economic development tasks, industrial development, construction, trade, services, tourism". Accordingly, the 2017 Law on Tourism and Decree 168/2017/ND-CP only list a number of tourism products that pose a risk to the lives and health of tourists. However, this listing is not full. Therefore, the People's Committees of the Mekong Delta region need to establish and specifically classify groups of tourism products that have risks affecting the lives and health of tourists. Once these criteria are available, the assessment of "tourism products that pose a risk to the lives and health of tourists" will become clear and consistent. In addition, the People's Committees of the Mekong Delta provinces also need to promulgate specific regulations on technical standards and safety standards of vehicles and equipment in tourism products poses a risk to the lives and health of tourists.

Secondly, state management on tourism of provinces in the Mekong Delta need to more specifically regulate the rights to refuse to provide tourism products that pose a risk to life and health of tourists who do not meet health and psychological status requirements at the time of participation. Thus, in a normal state, a tourist satisfies the health and psychological factors but at the time of participation is drunk, using stimulants, or mentally unstable. Coaches and tour guides have the right to refuse to allow these people to participate. Currently, Article 13 of the 2017 Law on Tourism only stipulates that individuals and tourism business organizations are responsible for warning about dangers to tourists. However, this "warning" does not have much meaning in preventing risks caused by tourists being drunk, using stimulants, or mentally unstable when participating in risky tourism products pose affects life and health. Therefore, the provincial governments in the Mekong Delta region need to recognize a decisive and effective risk-eliminating measure, which is the right to refuse to provide tourism products that pose a risk to life, health or safety. health for tourists who do not meet the psychological and physical state requirements at the time of participation.

Finally, it is necessary to promote the role of inspection, testing, and sanctioning of violations in the business of tourism products that risk affecting the lives and health of tourists in the Mekong Delta provinces. In addition, it is necessary to focus on implementing inspection and examination procedures scientifically, limiting duplication and overlap. In this way, the inspection and examination work not only ensures the efficiency of official duties but also reduces inconvenience for business entities of tourism products that risk affecting the lives and health of tourists (Dinh Dinh Phu Duc 2023).

Conflicts of Interest

The authors have disclosed no conflicts of interest.

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