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## Human Rights in Tourism

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# Human Rights in Tourism: Conceptualization and Stakeholder Perspectives

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## Abstract

The present paper is an attempt to integrate the concept of human rights into the mainstream tourism discourse. In the name of development, human rights are often neglected while there are definite long-term advantages to be gained by actively promoting it. The paper examines the human rights perspectives of the major stakeholder groups in tourism to finally arrive at a comprehensive picture. Implications of some of the general principles and proclaimed guidelines of human rights for tourism are discussed. It is concluded that sustainable development of tourism is not possible until human rights as a relevant category is recognized by all the stakeholders. In addition, a case study is provided as an account to make the readers understand the ways in which tourism practice can potentially violate the human rights of a destination community.

## Keywords

Tourism; human rights; stakeholder perspectives; UDHR; sustainable development; tourism in Alleppey.

## Introduction

Human rights are those basic standards without which people cannot live in dignity (Donnelly, 2003). These are the rights one has, for the plain reason that one is a human being. Human rights can mean either natural rights or civil rights (Turner, 1993). Natural rights are possessed by all human beings and are derived from nature. The idea of intrinsic rights ultimately depends on the belief that value is inherent in the structure of the universe, and is thus connected to theories of Natural Law. These are thus distinct from the civil rights, which are derived from membership in society formed out of a social contract. Under this conception, civil rights derive from society rather than God or nature and thus can be changed. They depend on particular degrees of social organization and wealth and hence can not be claimed by the members of a society as a legacy. It is easier to give examples of civil rights than natural rights because in practice, the rights that have been understood as natural rights have varied from culture to culture (Maritain, 1971). Right to education is a civil right. Even though the right to be treated fairly in a court of law is a natural right in many societies there are culturally accepted exceptions in at least a few societies. The United Nations understood way back in 1948 the vital need to institute a set of values that individuals and societies around the world should esteem and circulated them under the label, the Universal Declaration of Human Rights (UNO, 1948).

To violate someone's human rights is to treat that person as though she or he were not a human being. According to the Universal Declaration of Human Rights, human rights are violated when, a certain race, creed, or group is denied recognition as a legal person; men and women are not treated as equal; different racial or religious groups are not treated as equal; life, liberty or security of person are threatened; a person is sold as or used as a slave; cruel, inhuman or degrading punishment is used on a person; victims of abuse are denied an effective judicial remedy; punishments are dealt arbitrarily or unilaterally, without a proper and fair

trial; arbitrary interference into personal, or private lives by agents of the state; citizens are forbidden to leave or return to their country; freedom of speech or religion are denied; the right to join a trade union is denied; education is denied; among other things.

Human rights activism demands that the human dignity of all people be respected. Non-governmental organizations like Amnesty International, Human Rights Watch, World Organization against Torture, Freedom House, International Freedom of Expression Exchange, Anti-Slavery International, etc have been some of the leading human rights advocacy groups in the world. In the specific case of tourism, some noted advocacy groups include End Child Prostitution in Asian Tourism, Ecumenical Coalition of Churches for Tourism, Tourism Concern, Equitable Tourism Options, etc.

The present paper attempts to integrate the concept of human rights into the mainstream tourism discourse. In the name of development, human rights are often neglected while there are definite long-term advantages to be gained by actively promoting it. The paper examines the human rights perspectives of the major stakeholder groups in tourism to derive a comprehensive depiction of tourism related human rights. It brings in the framework of sustainable tourism and advocates that the future of tourism be modeled after it to make tourism practice to respect human values. In addition, a case study on the human rights violations caused by tourism development is also provided. In the conventional practice of tourism, the motto is "Customer is the King" (Branson and Craven, 2002) because of which the human rights of tourists are over-stressed and those of the other significant stakeholders, especially the local community members, are under-stressed. This yields a totally asymmetrical distribution of the benefits of tourism and is the basis of resistance against tourism development at many destination areas.

## The human rights-tourism interface

Tourism is about the transitory movement of people across the varied range

of geographic and cultural products for the direct experience of these products, and the mental transformation in those who travel in that process (Adler, 1989). Technically speaking, it is the temporary human movements to destinations away from their place of residence for any reason other than following an occupation, not remunerated from within the country visited, for a period of 24 hours or more (Cooper, 2004). The tourism product is the synergistically perceived experience of an attraction, facilitated by a number of heterogeneous services. Apart from the attraction, the key-services are transport, accommodation, and hospitality (Leiper, 1990). It is simultaneously a psycho-social phenomenon. It is an intrinsic, mental phenomenon as well as an extrinsic, social phenomenon. Tourism is a loosely bound chain of different products and services often having incompatible cultural meanings; this makes the nature of tourism complex and its scope, wide. The multi-dimensionality of tourism phenomenon has made it difficult for any single discipline to comprehensively grasp its nuances. Numerous research attempts from the parts of different disciplinary schools have enlightened aspects of tourism and have brought into its fold the much-required rigor and legitimacy (McIntosh, et al., 1995).

The tourism industry's product, which is used as a trade export item at international level, is the live assemblage of natural and human resources, wildlife, culture, history and heritage, and social exchange. Thus, ethical principles, in addition to environmental sustainability governing the industry's behavior in host destinations, should be at the forefront of corporate trade policy. Although human rights is an area of inquiry that can potentially address a lot of issues associated with tourism, not more than a handful of studies have been conducted relating the two. A search of the terms "human rights" and "tourism" in Google Scholar produced not more than 5 relevant results. The only one result that appeared with both the terms in the manuscript title was by Hemingway (2004), who is a human rights researcher. One important reason as to why issues like human rights have been traditionally neglected by tourism researchers could be that the dominant design of tourism was that of an "industry" rather than that of a "system". Industry creates "master-servant" relationships and at the same time trivializes these potentially detrimental relationships. Only a systemic view of tourism can appreciate the truth that the organizations and infrastructures facilitating travel are subject to the wider socio-political, ecological, economic, and technological influences (Leiper, 1990). Note that the very first component of Leiper's attraction system is the human element.

This being the case, researchers broadly rooted in the humanities and liberal arts traditions have been somewhat touched upon by the complexities of tourism. "There was some kind of triple blasphemy involved in tourism; against nature, against humanity, and against themselves," wrote John Fowles (1978). Fussell (1980) declared that real travel is from now on, impossible and dedicated his work as a "mourning for a form of experience now beyond our reach". The barbarian of the yesterdays is the tourist of today, laments Mitford (1959). He also predicted that it would be tourism rather than wars or famines that ultimately annihilate the mighty Europe. MacCannell (1976) gave the label tourist to those who are content with their inauthentic experiences. Levi-Strauss' beginning words in his famous travel autobiography is a harsh expression of self-loathing; it is a proclamation that he hates traveling and travelers (1976). Mark Twain (1869) finds benefits in tourism and is more sympathetic to tourists. He takes side with the tourists and derides the local "beggars" and "guides" for the annoyance they cause to travelers. Across the pages of his masterpiece, *The Innocents*

Abroad, he wrote extensively about the daily torture involved in travel. Boorstin (1972) divides travelers and tourists, glorifies the former and puts down the latter. According to him, the tourism system itself is consciously structured to prevent active contacts with others.

Tourism often becomes the gratification of the "self" at the expense of the "other": in that process, tourists find that other stakeholders like the community and the industry violates their human rights; residents at the destination areas find their human rights being violated by the visitors and the industry; and, employees find that both their employers and the tourists disregard their dignity. In one way, tourism helps to develop states' economy while in another way it violates the basic rights of people, especially the local people at the destinations (Dann and Seaton, 2001). Economic benefits are also uncertain: most of the profits from tourism flow back to the industrialized nations, and the people in destinations, who offer their natural, social and cultural resources to make the tourism product successful, receive either an unfairly low return or suffer from a deterioration of their livelihood as a result of negative environmental, social and cultural effects from the tourism activity. In short, fair trade in tourism is an absurd concept since modern tourism itself is founded upon the pleasure principle of gratifying experience at the cost of unfairness to the other (Source: International Network on Fair Trade in Tourism).

The conception of tourism in the form of a master-servant relationship is the major reason why the human rights of residents are violated (Wickens, 2002). In their resistance to this order of things, residents violate the human rights of tourists. The industry feels that it cannot give superior service to the visitors and at the same time protect the rights of their employees. Employees feel jealous about the king-like treatment accorded to the customers while their own basic needs are unmet and resulting in their opportunistic behavior. Business community believes that maintaining long-lasting relationships by nurturing sustainable partnerships is just an unrealizable idea and the only way to float in the market is through sheer exploitation of the other stakeholders. Governments feel that tourism is a quick fix solution to the ailments related to tax revenue and foreign exchange reserve and extract maximum from the tourism enterprises which pass the same onto the tourists with an added premium. On the whole, this is a problematic situation: one, in which one evil feeds into another which together multiplies to disrupt the entire system.

Given below is an examination of the human rights issues from the perspectives of some of the major stakeholders in tourism (Robson and Robson, 1996). Stakeholder theory addresses the principle of who or what really counts (Freeman, 1984). The important stakeholders in tourism generally identified are: the community, the employees, the entrepreneurs, the governmental and non-governmental organizations, and, most importantly the tourists themselves. These are parties in the macro or micro environment who are concerned about human rights and can drive the direction of human rights implementation and monitoring in tourism (Sautter and Leisen, 1999).

### The destination community perspective

Studies have proved beyond doubt that tourism can cause change or loss of local identity and values, brought about by several closely related influences like commoditization, standardization, stereotyping, loss of authenticity, and the various forms of adaptation to tourist demand (Pizam, 1978; Saarinen, 2006). According to academic critics, the benefits of tourism are

severely vitiated by the socioeconomic dysfunctions associated with the tourism demonstration effect-the rapid local assimilation of expensive western consumption patterns stimulated by the presence of relatively large numbers of tourists (McElroy and Albuquerque, 1986). In the process of meeting the myriad varieties of tourist demand, local society often suffers severely. This is because tourism activities are usually based on existing unequal, exploitative relationships. Consequently, it is no wonder that the poorer and more vulnerable groups in the country of destination suffer disproportionately from the negative impacts of tourism (Hemingway, 2004).

For the host countries of international tourism, the tourism industry creates dependency upon a fickle and fluctuating global economy beyond their local control. Local economic activities and resources are used less for the benefit and development of communities and increasingly for export and the enjoyment of others. With so few international policies and guidelines restricting it, tourism has been given free reign to develop throughout the world. Local communities in many destination areas feel that their fundamental and derived human rights are taken away by external interests, thanks to the development of tourism activities (Khan, 1997).

One such issue highlighted globally by Tourism Concern (2007) is the local community's right to land, water, electricity, housing, education, healthcare, and natural resources. The communities often do not get any say and are kicked out of their homes in the name of development. Their fertile agricultural land will be used for the construction of hotels and golf courses. The beaches that they have used traditionally free of cost for their recreation and for a livelihood by fishing will be taken over by mega resorts, to which further access will be limited to those who can pay. It will be in disrespect to the human rights of the host society when multinational enterprises in the tourism industry exploit their dominant position to artificially import foreign cultural, economic, and social models to the host society. In exchange to the freedom given for them to do business, they should involve as much as possible in the community developmental activities. They should employ the locals wherever admissible and should not repatriate an excessive portion of their profits, too.

Tourist spending in the local economy, a potential enhancer of the community's wellbeing, often remains only in papers. This is because, a vast majority of tourists visit destinations as part of the all-inclusive trips offered by large tour operators located in the countries of origin of these tourists or somewhere else in the developed world. In this case, no real spending takes place in the local economy and the influence of the leakage effect is very substantial. Locals oppose to the all-inclusive holidays, because local restaurants, bars, guides and taxi-drivers lose business to the resorts. However, even the concerned governments fumble in front of the collective might of the industry: for instance, in 1999, the Gambian government outlawed all-inclusive resorts; the European tour operators strongly opposed the ban and it was lifted a year later.

In many poor countries one can find in stark contrast islands of prosperity. Kemal (2002) narrates his own travel experiences through Burma: Hotels like the Traders and the Strand allow travelers the comforts and conveniences of world class pampering mixed with a heavy dose of Burmese charm and hospitality. A room at the Strand costs a whopping \$345 to \$1045 per night, which is the amount of money required to fund the education of ten street children for one year. The sanitized oases of wealth are located amidst of poverty and utter misery of the local people. Many of the hotels and restaurants in Burma, both

large and small, are owned directly by the government, or are joint ventures with the Union of Myanmar Economic Holdings, a military holding company, or high-ranking military officers. Good portions of tourist dollars end up in the hands of the dictatorial junta, and human rights abuses are often part and parcel of the regime's preparations for tourists. In this sort of a situation, there is no wonder if the community feels that the promotion of tourism is an assault to their sense of worth.

Tourists' rights constitute an important discourse in the developed Western world which is also the major-most tourist originating region. However, the destination community rights, unfortunately, do not get the same urgency, probably due to the lack of support from the forces that control markets.

### The tourism-hospitality employee perspective

Employee rights and employer awareness of areas of conflict and sensitivity are some of the live issues in tourism. The focus of issues is upon four areas: hiring, investigation of employee misconduct, firing, and post-employment decisions by management (Ward, 1989).

While the tourists relax in the sunshine around the world, life is far from paradise for the waiters, cleaners, cooks, porters, drivers, receptionists and other staff working to make the holidays happy and carefree. Gender discrimination of the employees, including sexual exploitation of female staff, is a major allegation against the tourism industry. Working conditions in the tourism industry, especially for those who fall in the lower echelons of the hierarchy, are notoriously exploitative (Murmman, 1989). These conditions keep workers in poverty and violate the labor standards laid out in national and international legislation. Many a time, even international tourism and hospitality chains appoint local employees and offer them poor wages, below than that of similar employees of domestic firms in the other sectors. Employees, especially the seasonal workers, should have the human right to ask for adequate social protection. Many firms abandon the employees in the lean season and their families have to swim through the entire off-peak season through utter poverty and misery. It would have been wiser if these firms send them for training and development during the lean season or provide them alternate employment instead of sacking them (Claudio, 1992). Another thing is the industry encouraging employees to apply the knowledge-skill-attitude set that they have acquired in one firm in another: this, in addition to being a support to the human right to work at a place and job of one's choice, will benefit the industry in general and the employee concerned in particular (Malloy and Fennell, 1998).

Since tourism is one of the largest industries in the world, the magnitude of the impacts of human rights violations upon its employees cannot be whiled away. It is unacceptable for tour operators to profit from illegal and exploitative practices and then refuse to acknowledge their legal and ethical responsibilities. Tour operators have a responsibility to ensure that their holidays are not tainted by human rights abuses of their employees.

### The tourism entrepreneur perspective

Tourism and hospitality entrepreneurs often receive the ire of the rest of stakeholders for anything and everything. However, it has to be noted that tourism as a phenomenon would have remained in its primitive stage but for the entrepreneurial initiatives of individuals and firms. It is the right of any natural or legal person to develop a professional activity in the field of

tourism under the existing laws (Curtin and Busby, 1999). Especially small and medium scale entrepreneurs should be entitled to free access to the tourism industry with a minimum of legal and administrative hassles. When firms carry out activities with a view to promote fair tourism, they have the right to demand from the government protection, including police protection, against unscrupulous elements in the society who blindly oppose developments. Governments should not give discriminatory treatment towards certain firms against certain others while all are in the same business, too.

Many ethical entrepreneurs believe that the price-cutting competition of undifferentiated mass market operators continues to be a threat to sustainable destination development. Furthermore, the 1992 EC Directive on Package Travel is preventing operators from using local suppliers, which is a fundamental principle of responsibility to the local society (Carey, et al., 1997).

### The tourist perspective

According to the United Nations World Tourism Organization, the prospect of direct and personal access to the discovery and enjoyment of the planet's resources constitute a right equally open to all the world's inhabitants (WTO, 1999). Tourism is one of the refined expressions of the sustained growth of leisure time and it is against human rights to put obstacles on it. The WTO exhorts the public authorities of its member countries to develop social tourism for the disadvantaged sections of the society who otherwise are likely to be left out of the positive benefits of tourism.

The concept of the right to have leisure and recreation is relatively older than the concept of the right to vacation (Curtin and Busby, 1999). The introduction of human right to tour as a new category of praxis is indeed a reflection of the advancement of human-life. This right means that tourists on the move should not be mal-treated and their dignity should be upheld; they should have access to places of transit and stay and to tourism and cultural sites without being subject to discrimination or excessive formalities. Tourism professionals should ensure that the contractual clauses proposed in the agreements with tourists are honored and in case of a breach of contract on their part proper compensation is given. Tourists have the right to demand opportunities for their cultural and spiritual improvement, including opportunities for practicing their religion (Carey, et al., 1997). A corollary to the human rights of tourists is the tourist's right to demand privacy: a major concern of tourists is the confidentiality of their personal data. Another one is, when the travel formalities between countries become cumbersome, whatever may be the justifications given, the same becomes an assault upon the human right of individuals to travel freely. The human right to travel also implies that, at least wherever the economic situation permits, tourists should be provided with sufficient foreign exchange at locations convenient to them. Tourists have the right to ask the public authorities to provide the necessary assistance for their repatriation in the event of the failure of the enterprise that organized the travel or in the aftermath of natural calamities or civil unrest. However, a more useful right for tourists is the host and home governments constantly informing them with updated advisories.

The human right to tour directly confronts with wide-ranging practices like the exploitation of tourists by touts and coolies, charging different rates for the same product from tourists than from the locals, afflicting tourists with physical and mental torture, sexual abuse, misguiding tourists, blackmailing tourists,

holding them as hostages, not giving them proper medical care, not providing legal assistance, and so on (Malloy and Fennell, 1998).

While tourists move in other countries, the host governments have to ensure that their lives and properties are protected and that they go back with pleasant memories. Sometimes, governments take quick and stern action once the crime is taken place: Cuban government, for instance, executed one local man for murdering four foreign tourists (Reuters, 1999). However, initiatives to protect tourists before something untoward happening are rarer. Some good practices are worth mentioning, too: the city authorities of Tijuana, Baja California, México, has come up with a detailed "Tourist Legal Guide" that warns against the possible human rights violations against the visitors and provides the means of handling abuses (TLG, 2007).

### The governmental perspective

It is generally agreed that the most important single function of government is to secure the rights and freedoms of individual citizens. Governments are expected to create the underlying legal framework for protecting human rights and to take action when those rights are denied. Human rights are a high priority for governments, especially for those elected democratically.

Yet, the compulsions of economics over politics often make human rights the first causality. In the name of promoting trade in tourism, many a time, governments maintain a drooping attitude towards human rights and related issues. In order to realize large-scale tourism projects, local populations are expelled from their land often without adequate compensation. Beaches are reserved for hotel guests while access is barred to residents. The possibilities of residents to make an income in the primary sector are curtailed. In many countries, child labor is commonplace in the tourism industry, particularly in the informal sector. There are instances when even well-intentioned initiatives of governments have succumbed to the collective might of the multinational tourism industry that believes that human rights of the residents, employees, and the small scale local enterprises can wait.

There is an ongoing debate in the literature on political governance as to whether it is better to decentralize governance and give power to the institutions at the grassroots level than to centralize everything at the national and state levels. Proponents of the first view argue that decentralization brings the delivery of public services to those who ultimately use them and is the best available means to empower the disadvantaged groups and thereby to protect their human rights. Governments help to promote and protect human rights through supporting grassroots activities for indigenous human rights groups and building the institutional capacity of national human rights bodies. The counter view is that decentralization may lead to the concentration of powers to a few local elites and simultaneously may weaken the authority of national institutions in preventing such situations. Tosun (2000) believes that there are operational, structural, and cultural limits to local governance in the tourism development. However, empirical evidence emerging from different contexts generally suggests that local control of tourism has generated more benefits than costs (Westerhausen and Macbeth, 2003; Williams and Papamichael, 1995).

### The non-governmental organization perspective

The non-governmental organizations (NGOs) constitute a very major force in shaping the nature and characteristics of the

new millennium. NGOs work to advance international human rights around the world principally by setting standards, documenting violations, and lobbying for effective enforcement. Globally, the role of NGOs is formidable in defending human rights and governments and the United Nations machinery often find them their natural allies in human rights protection and related activities. Support for human rights defending NGOs is an in-built element in the European Union's human rights policy. At the same time, NGOs have a chequered history of successfully resisting human rights violations perpetrated by totalitarian regimes in the name of tourism promotion.

Respecting diversity and sensitivity to differences are vital aspects of promoting human rights. In this respects, NGOs have fought against the spread of mono-culturization of tourism (Wearing et al. 2005). Mono-culturization is fuelled by the demand for global standardization of tourism related services by bodies like the World Trade Organization and increasingly by the promotion of a skewed version of western culture by the tourism enterprises themselves. NGOs advocate a community based and locally managed version of tourism wherein the uniqueness of the community itself will be a tourism product. Butcher (2003) notes that the moralization of tourism stand adopted by NGOs has important implications for the way development itself is viewed: by this, forms of tourism like ecotourism have become vital means to achieve holistic socio-economic development.

Many NGOs have focused their locus of activity in the media sphere, especially in examining how media power is manipulated to concoct staged authenticity; how vested interest groups make use of media to advance their unethical practices; and so on. NGOs have been forerunners in voicing the rights of marginalized groups, like women and children, in the developmental process of tourism. Whenever situations called for, NGOs have demanded democracy and peace in the management and resolving of conflicts connected with tourism. Their position that tourism resources should be managed democratically has time and again invited the wrath of large-scale multinationals in tourism. Expressing solidarity with those who are directly and strongly affected by tourism and who suffer from the unjust structures connected with tourism is yet another associated activity that NGOs are called for to do. This policy often makes people to interpret as anti-tourism brigades. Yet, unfortunately, at least some NGOs do find vital fodder for their survival even in otherwise non-issues and have been found to be clandestinely fuelling human rights violations.

### Tourism and the universal declaration of human rights

The Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly on December 10, 1948, consists of 30 articles which outline the view of the United Nations on the human rights guaranteed to all people in the world. Although tourism was not widely perceived as an area where the human rights declaration could find application, its ramifications for tourism are far and wide. In fact, a few of the articles of the UDHR are more direct in their application to tourism human rights than to any other sector: for instance, article 13, which states that everyone has the universal right to freedom of movement; and, article 24, which states that everyone has the universal right to rest, leisure, and holidays with pay. Also, some of the objectives of UDHR presented in its preamble are the social objectives of tourism as well: for instance, UDHR speaks of the role of human rights protection in strengthening the development of friendly relations between nations; similarly, one

of the evergreen goals of tourism is achieving international harmony and peace (D'Amore, 1988). Let us examine some of the more relevant UDHR articles separately in their implications for tourism practice:

Article 1 proclaims that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. The word to be stressed is 'brotherhood'. The movement of hospitality from a cultural perspective (as a divine service for charity) to an economic perspective (as a means of making easy bucks) has made brotherhood also a commodity to be traded. The future of tourism will be brighter if the spirit of brotherhood could be cultivated among the various stakeholders of tourism.

Reference to this article may be made in the matter of treating tourists in the foreign land: in many countries, there are discriminatory clauses that bestow different rights for tourists and residents. The point to be noted is that, in the craze to satisfy one group, the other group should not be deprived off rights. It is wrong when the residents claim that a unique natural or cultural scenery is their unique preserve and not to be opened to tourists; likewise, tourists have no right to purchase preferential rights of the same at the cost of restricting the access of locals. Article 1 is corroborated by article 2 which declares that everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. It is a violation of human rights to un-list a tourist from certain experiences just because he or she belonged to a particular group and not to another. Article 27 is also relevant here: it notes that everyone has the right freely to participate in the cultural life of the community.

Article 3 states that everyone has the right to life, liberty and security of person. This gives a radical interpretation to the rights of tourists. Many a time, host nations believe that the security of traveling persons is not their occupation. Tourists have the same right to life, liberty, and security just like the residents. However, this right too is applicable for the other stakeholders like the residents and the employees. This means, a self-conscious balancing act by each is required. Articles 6, 7, 8, 9, 10 and 11 reaffirm UN's commitment towards a non-discriminatory international legal framework. Articles 4 and 5 elaborate the previous article by condemning slavery of all forms. According to article 5, no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. It may be noted that, globally, tourism industry is notorious for maltreating workers and sustaining a master-slave model of relationship between tourists and workers (Bruner, 1996).

Article 23 is also significant with regard to the workers' rights: according to this, everyone has the right to work, to free choice of employment, to just and favorable conditions of work, to claim decent wages, and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work, too. Tourism industry has been snubbed by social critics that it discriminates women in myriad ways, all the more in the matter of terms and conditions of work and with regard to pay (Rao, 1995). Women are often paid less than men for the same job is an assault on the human rights of the latter. However, a more serious and much general issue is that neither gender is paid adequately to make a decent living by a large number of firms in the tourism industry (Johnson and Thomas, 2000). The article's call for providing social protection for the affected sections of the society through affirmative ac-

tions is also totally unheeded off. Article 23 also lists the right to form or join trade unions as one of its sub-clauses. Yet, trade unionism in the tourism industry has often been suppressed by managements, often with the covert and overt support of the ruling class (Elliot, 1997).

According to article 12, no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his or her honor and reputation. Privacy especially is an important issue in tourism, especially the locals' loss of privacy due to the touristic gaze (Urry, 2002). Also, tourists, especially those who spend time in the beachside, are often annoyed by the piercing looks and sexually charged comments made by locals. As per UDHR, everyone has the right to the protection of the law against such interference.

Article 13 is very important for tourism: it declares the right to freedom of movement and residence within the borders of each state. No regulation, including unfriendly visa regimes or poor relationships among countries, should be an insurmountable burden upon the one who wants to globetrot. The right to leave a country is juxtaposed with the right to return—which is the spirit of tourism, too: tourism is, by definition, the temporary movement of people (McIntosh, et al., 1995). When article 13 is read together with article 24, a fuller implication upon tourism becomes clear. Article 24 says that everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

While leisure and recreation have been included as rights, tourism does not figure explicitly. However, it is very much implied with the phrase "periodic holidays with pay". Whatever the case may be, at a time when UDHR is more than half-a-century old, and when the global society is entering into a new phase whose one important hallmark is touristic pursuit, the right to tourism definitely needs to get a more formal mention in the UDHR.

The UDHR has suffered stiff resistance from its inception. Many, especially, Islamic scholars, say that it reflects the view of the Judeo-Christian civilization rather than anything truly secular or international. The broader question is whether anything in our pluri-cultural, multi-polar world is truly universal. The philosophical objection asserts essentially that nothing can be universal; that all rights and values are defined and limited by cultural perceptions (Tharoor, 2000). But, to dismiss human rights as ineffective in a multicultural world would mean to abandon the search for human improvement altogether. Waiting for applications until a perfectly ideal solution emerges may become disastrous. A pragmatic midway solution is to seek universality rather than uniformity in human rights. Another argument against UDHR is that it has no legal authority: but, that need not be a concern as long as we place moral codes at least at par with the legal counterparts. It may be noted that UDHR contains a series of principles and rights that are based on human rights standards enshrined in other international instruments such as the International Covenant on Civil and Political Rights that are legally binding (Buergental, 1995). It is encouraging to see that courts of law often refer to these moral codes as guideposts in situations involving complex decision-making.

### **Incorporating human rights into the sustainable tourism framework**

The term sustainable development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs. At its core

is the idea of equity: both inter-generational and intra-generational. Along similar lines, sustainable tourism refers to a level of tourism activity that can be maintained over the long term because it results in a net benefit for the social, economic, natural and cultural environments of the area in which it takes place (Hunter, 1997). It is a balancing act between the need for tourism development and growth against the need to protect the natural and built environment and the socio-cultural-economic fabric. It is about protecting everyone's rights while restricting the rights of one stakeholder from eating into the rights of another (George and Henthorne, 2007).

Tourism has been vehemently promoted as a panacea for sustainable development (Garrod and Fyall, 1998). However, in many situations, tourism's only contribution is the deterioration of control by the local community over its destiny. The globalization ethic that economic growth is the utmost priority concentrating upon which shall bring about the rest of virtues has intensely affected the current thinking and practice. Commodification is rampant in the tourism industry. Peoples and cultures are put on display on postcards, promotional literature, and in their own homes when tourists arrive (Cohen, 1988). This means that, to harness the positive benefits of tourism, developmental activities have to be carried out only within the ambit of an inclusive framework that shares the concerns of all the stakeholders. In other words, sustainable tourism will remain incomplete without including human rights of its stakeholders as one of its core constituents. Sustainable tourism will be restricted to mere environmental protection activities if we remove the vital element of human rights from its scope.

Fair trade in tourism is a key aspect of sustainable tourism. The International Network for Fair Trade in Tourism has listed out the following criteria for the fair practice of tourism: fair trade partnerships between tourism and hospitality investors and local communities; fair share of benefits for local stakeholders; fair trade between tourists and local people; fair and sustainable use of natural resources; and, fair wages and working conditions. These types of moves, often initiated by NGOs, are widely being accepted by the travel and tourism industry since corporate social responsibility is of growing importance to them. With an increasing percentage of customers favoring tourism that benefits the local community and surrounding environments, this issue is an essential one to be addressed by modern progressive managements (Tourism Concern, 2007). Wider industry acceptance of initiatives like Global Reporting Initiative (GRI, 2007) is also to be appreciated in the above scheme of things. Voluntary reporting on economic, environmental, and social performance by companies is becoming very common practice now. It is noteworthy that GRI provides specific sector supplements for tour operators and tourism. Another initiative, Dow Jones Sustainability Index (DJSI), ranks companies, including those in the tourism sector, based on their sustainability performance, including aspects such as corporate citizenship, labor practices and human capital development. This will bring a greater appreciation of the benefits of integrating sustainability principles in both corporate and investment strategies. The DJSI components are selected by a systematic corporate sustainability assessment and include only the leading sustainability companies' worldwide. The DJSI therefore provide a bridge between companies implementing sustainability principles and investors wishing to profit from their superior performance and favorable risk/return profiles (DJSI, 2007).

Another major boost in the direction of tourism human rights has been brought by the World Tourism Organization (WTO) through the 1999 Global Code of Ethics for Tourism

(GCET), which is a comprehensive set of principles whose purpose is to guide stakeholders in sustainable tourism development: central and local governments; local communities; the tourism industry and its professionals; as well as visitors, both international and domestic (WTO, 1999). According to WTO, GCET sets a frame of reference for the responsible and sustainable development of world tourism. The GCET has drawn heavily from many of the already existing and exalted instruments like the Universal Declaration of Human Rights; International Covenant on Economic, Social and Cultural Rights; Convention Concerning the Protection of the World Cultural and Natural Heritage; Manila Declaration of World Tourism; Rio Declaration; General Agreement on Trade in Services; and so on. The Code includes ten articles: nine articles outlining the directives for destinations, governments, tour operators, developers, travel agents, workers and travelers themselves; the tenth article involves the redress of grievances. Although GCET is not a legally binding document, article 10 provides for a voluntary implementation mechanism through the recognition of the role of the World Committee on Tourism Ethics (WCTE), to which stakeholders may refer, on a voluntary basis, any matters concerning the application and interpretation of the Code.

Sustainable tourism is a realm which has received a lot of academic attention and is scientifically very robust. What is disheartening is that, even while sustainable tourism is proposed as a mechanism to protect human rights, it is given a dry instrumental orientation. What is needed is the evolution of a qualitatively richer humanistic ethic as a yardstick for practice (Holden, 2003). The present authors feel that the framework of sustainable tourism can positively accommodate the so-far foreign concept of human rights into its folds and enrich the discipline of tourism studies. Incorporating it into tourism has the potential to make the future of tourism practice naturally respect human values.

### **Tourism and human rights violations: a case-study of Alleppey, Kerala, India**

(The following is the partial reproduction of an unpublished case study conducted during 2003-04 by the first author of the present paper to study the impact of tourism in Alleppey. Most of the information contained in the case has been culled out of his direct interactions with the people associated with tourism in Alleppey)

Alleppey, known popularly as the Venice of the east, is a beautiful strip of land stretching along the coast of the Arabian Sea networked by crisscrossing backwaters that connect small villages that constitute the region of Kuttanadu. The position of Alleppey in the tourism map of Kerala, the southern-most State of India, is very important and it is indeed an integral component of the Kerala tourism product which has been rated as "one of the fifty destinations to be visited in one's lifetime" by the National Geographic Channel.

The region of Kuttanadu to which Alleppey belong is also known as the "granary of Kerala" since a major chunk of the agricultural produce of the state of Kerala comes from this region. Till the early '80s, a majority of the farming community lived here were illiterate and were largely unaware of the developments being taken place outside the territory. But at the same time, the communities were self-sustained as they produced and shared whatever was required for them to lead a fulfilling life. Surplus was traded at the port city of Alleppey. During that pe-

riod, the cargo boats, called as "kettuvallam", were used to collect agricultural produce from the villages dotted across the backwaters and transport the same to sell in the market. The main produce was rice and hence they were popularly called "rice boats". But, in a few years time, the situation has changed dramatically because of momentous regional development schemes. Roads, bridges and motorized ferry services came to the scene and people began taking advantage of the comforts of such modernities of sorts. As a result, rice boats became anachronistic and ceased to occupy a spot in the economic geography of the region. In the place of rice boats came their new incarnation, houseboats, which became the hallmark tourist product of Alleppey.

Tourism development in Alleppey began to gear up in the early 1990's and it became an indispensable destination for nature tourists by 2000. In this march towards more and more growth, a major resource allocation crisis was in the making: tourists consumed a disproportionately large chunk of the consumptive resources depriving the local population of the traditional control over the same. The prices of essential commodities shot up and the income available from the agricultural and agribusiness activities became insufficient to buy them. This led to a sudden demand for employment in the tourism sector. However, openings were insufficient and even the available vacancies, in many instances, were filled up from talent sourced from elsewhere. By 2000, due to the over-supply of workers, wages began to slide down, leading to another major crisis. This provided the right set of conditions for antisocial elements to prop-up. Sex-tourism though houseboats, especially involving women and minors, is a major disruptive development worth mentioning. Tourists staying overnight in houseboats floating on the serene backwaters were provided with prostitutes and this took only a short while to be grown in full swing as a huge black market mafia. Over a period, this has got the recognition as a safe business since there was hardly any raid or so by police.

This has a spiraling effect: once the news is spread that wine and women are freely available the same influences the nature of subsequent demand. The irresponsible tourist in the post-drink/sex mirth makes the locals feel as if they were commodities for his consumption. Even otherwise, one big menace is the tourists' unsolicited photographing of locals, especially women, while they take bath in the backwaters, and putting them in the internet.

Houseboat tourism generates other human rights violations as well: the sewages pumped out of these to the backwaters make it extremely unhealthy for human consumption. The locals who used to utilize this water for virtually everything in their routine lives ceased to get the benefit of something that they kept as their natural right from time immemorial. The government did not do anything to control the water pollution or bring in alternative sources of potable water. The local panchayat's request to bring water through pipes or construct water distribution canals has fallen into deaf ears. The water pollution had yet another detrimental effect upon the local livelihood: the region was a harvesting place for freshwater fish; fishes in particular and the aquatic life in general has almost depleted off the region's water body.

Tourism related property developers grabbed a lot of easy deals from the state government which were damaging to the local interests. For instance, a large number of localities were forcefully evicted out of acres of agrarian land facing the waterfront in the name of resort construction, with meager compensation and no certain livelihood alternatives. Had the right to make a

decent living been recognized as a human right, this could not have been permitted.

## Concluding remarks

Though tourism ethics as an issue for academic deliberations has had relatively a longer history, the concept of human rights has not yet been incorporated into the discourse. It is amazing to know that tourism research community, despite its ability to profusely enrich the nomological network of tourism theory, has not yet taken the concept of human rights into serious consideration. In this context, ours is a modest attempt to introduce the dynamics in the interface of tourism and human rights.

The present paper has introduced the concept of human rights and tried to explicate why human rights is an interesting issue requiring special attention in the context of tourism. In particular, the partial perspectives from different stakeholder groups have been presented to help readers form a holistic picture about human rights in tourism. Understanding the positions held by different stakeholders is the primary step in building multi-stakeholder participation, which is noted to be the best means of advancing human rights in tourism (Tepelus, 2006). After all, tourism is all about temporary human movements to alien places and complex interactions among alien human beings involved in making tourism possible in different ways. Temporariness marked by liminality in everything obfuscates the long-term visions of stakeholders leading to downplay of human rights wherever admissible. For this to change, the international tourism system has to metamorphose from a blind economic orientation to an alternative orientation that respects ethics and cultural norms. The big question is: how do you create a code of rights that apply to a highly diverse group of stakeholders that tourism has got?

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