Tourism and Human Rights: A Complex Relationship

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Abstract

The objective of this article is to contribute to the understanding and discussion of the relationship between human rights and tourism. This topic has emerged, above all, in the wake of the discussion on ethics and social responsibility, frequently in a very polarized way in some public debate, and in very generic and non-discussed terms in declarations of intergovernmental organizations. It takes more than that. Thus, our purpose is to analyze, systematize and discuss the main dimensions of the relationship between tourism and human rights. We offer two interrelated approaches: a more theoretical and philosophical reflection on cultural interaction, dignity and human rights; and another approach more related to observation and operationalization of the problem in the social practices, how intergovernmental organizations present and formalize those issues and what are the actors and the logics at play in tourism. Our main conclusion is that such a relationship is inescapably complex because of the nature of tourism and its intrinsic interactions, and because human rights are related to an unfinished debate of plural perspectives, principles and operationalizations.

Keywords: Human rights; tourism; dignity; complexity; ethics

1. Introduction

This article seeks to discuss human rights and their relationship with tourism, understood as a total social phenomenon that characterizes the processes and contents of globalization (Ferraz, 2017).

Our aim requires the identification and discussion of the relationship between tourism and human rights at two interconnected levels: the first is mainly based on theoretical and philosophical reflections; the second is more related to framing the principles and practices of operationalization and observation of the problem in the empirical social reality. It is also a matter of always having a permanent swing between, on the one hand, the ontological, epistemological and fundamental
theoretical systematization; and, on the other hand, the dimensions that structure daily practices and socially establish procedural and institutional mechanisms. This task is important to account for the plural complexity of the phenomenon. Furthermore, the ‘human rights’ subject does not also allow us to completely dissociate the perplexity and philosophical interrogation (a) of the declarations subscribed by intergovernmental and/or non-governmental organizations or the constitutional postulates and their mechanisms; and (b) of our concrete intervention processes in the social reality and our daily practices.

Likewise, the methodological options used in this article contribute to determining the relevance of a central hypothesis to help us understand and interpret the phenomenon. Our central hypothesis is based on the idea that the relationship between human rights and tourism is neither linear nor simple, but essentially complex and paradoxical, always raising many questions and new problems with each question that is asked and/or answered.

This relationship is complex due to the contingencies posed by a particular social state of regulation of the phenomena under analysis, by the vicissitudes of a delimited spatial and temporal context and its types of domination and conflict. However, this is insufficient for a full understanding of the phenomenon.

What we are asserting is that, in addition to those dimensions, the relationship is, by definition, complex and, sometimes, conflicting. Such complexity and conflict can arise both in the concrete daily social practices or in the plurality, more or less divergent and sometimes irreducible to each other, of reflections and philosophical, ethical, moral and theoretical postulates.

2. Dimensions of Theoretical Problematization

Deciding and postulating anything in the field of tourism entails making decisions with political, social, economic, cultural and environmental components in a field of options or demands that are competing and conflicting (Fennell, 2009). Moreover, making decisions that balance these demands and requirements in an ethical way implies, as Fennell (2009) tells us, to recognize and analyze the problem; detect the ethical issues involved, namely in the recognition of the diverse values that shape the choices; and analyze the values and determine if they are conflicting with each other, that is, establish priorities between conflicting values.

We are, thus, increasingly confronted with a task that imposes the miscegenation between scientific work and reflective essay, and an ethical and moral discussion.

And then, as an opening, there is a central question to be asked: definition of rights, universal or particular? Another question follows the first one: what is the possibility of positive peace that actively eliminates cultural violence and structural inequality between societies and human beings? That is, more than the absence of war and conflict\(^1\), involving a proactive attitude towards the promotion of human rights and dignity. Or even the ethical and paradoxically issues arousing from the subjects of tourism and development.

Another issue has to do with the limits of individual freedom, and the extent to which it can be violence, asocial egoism or a threat to the existence of society. And if there are – or what are the – rights that cannot be borne by any majority, since they will imply irreducible human dignity.

Such frontiers also imply discussing the lines of separation of what is private and public, and how rights and duties are balanced, both those of individuals, groups and societies. Such a discussion has run through many of the ideological cleavages of recent centuries, having involved, among others, diverse proposals of liberalism, conservatism, socialism, communism and fascism.

Thus, an essential point for our article may be to discuss the articulation between tourist rights,

\(^1\) See Moufakkir and Kelly (2010), on the diversity of perceptions about peace as a presence and the dual positive and negative role that tourism can play there, as well as the fact that negative peace could live well alongside cultural and structural violence.
tourists’ dignity, their freedom and the needs they intend to meet in their travel with the interests of the visited communities. However, there are also other very relevant issues, such as how to articulate the interests and logic of government tourism policies with investors’ decisions; how to combine the satisfaction of interests and rights of workers of the tourist industry with those of tourists; articulate dimensions and objectives and logics of regional, local and international interventions; and discuss what are the purposes and meaning of tourism, and what is its role in societies and in their development choices.

These tensions and diversities are also observed in the ways of defining, observing, understanding, ascribing importance and interpreting tourism. These positions range from a more technical-operative discourse to an (opposing) theoretical-systematic perspective (Tribe, 2009).

We have a socially decontextualized perspective that envisages tourism as a result of a voluntary individual decision (the tourist’s decision), and an area of the professional expert profession. These perspectives are in opposition to critical stances that understand tourism as an international social phenomenon (Lanfant, 1992; Lanfant, Allcock, & Bruner, 1995), a total social phenomenon (Ferraz, 2017), a social phenomenon (proposed by the ‘critical turn’ of the millennium) (Pernecky, 2010), and a constructor and significator of worlds (Hollinshead, 2002). More diversity is also observed in the use of the concept of a tourism system, based on the idea that it is a model of interdependence of subsystems (such as the examples of the supply-demand or work-leisure relationship); in the discussion of models of tourism development; in the use of (positive and negative) impacts of tourism as a framework for its implementation; in the critical discussion of community intervention models and in determining who the stakeholders are; and in the study of power relationships and dimensions that are expressed in the tourism phenomenon (Farrel & Twinning-Ward, 2004; Ferraz, 2008, 2012; Moufakkir & Burns, 2012; Netto & Lohman, 2008; Pearce & Moscardo, 1999; Tribe, 2009).

Finally, even the debate on the object of study – tourism – and its disciplinary framework are crossed by tensions and diverse and contrasting proposals. For example, if it is a specialized area of sciences or stabilized expert discourses (psychology, sociology, economics, geography, tourism marketing, etc.), or if it is a management and planning technique or a new scientific field (turismology), ending in the discussion on the use of interdisciplinary, multidisciplinary or transdisciplinary methodologies (Farrel & Twinning-Ward, 2004; Hoerner, 2000; Jafari, 2005; Tribe, 2009).

Thus, this paper addresses human rights and human dignity within a framework of presentation and discussion of conceptual dimensions and facts related to tourism. Furthermore, just as our topic raises multiple questions with each answer that is given, our goal is also to raise the problems, rather than to provide any answer that illegitimately intends to entail some definitive conclusion or truth.

3. Methodology

Our objective is to present, discuss and understand the diversity of positions and dimensions of the several discourses of the social sciences and specific collective institutional actors about human rights and dignity issues in contemporary societies. In particular, we focus on the issues related to the tourism processes and the diversity of actors and interests involved. The same could be said about the concept(s) of tourism and its characteristics as a social phenomenon with relevance for the human rights topic.

Our chosen research technique was document analysis of different types of documentary sources, intentionally selected by us. To respond to the objective of our research, a qualitative content analysis was carried out on these sources (Bardin, 1995). In this type of study – documentary studies – documents can be understood as “communicative devices produced, used and reused for specific

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2 Being development also a very complex concept subject to the scientific and moral debate (Sharpley & Telfer, 2002).
3 Such as the modernity, micro-development, dependency theories, economic neoliberalism and alternative development and sustainability models (Ferraz, 2008; Sharpley & Telfer, 2002).
practical purposes”, involving the knowledge of the “the contexts of their production and use” (Flick, 2009, p. 262). Given that “documents are the means to constructing a specific version of an event or process” (Flick, 2009, p. 262), expressing knowledge and experiences about a given social practice, it is also important to contextualize them and their authors in the societal framework and their problems.

The documentary sources used in this study are articles, declarations and books produced by several scientists in the field of social sciences and humanities and institutional collective actors involved in addressing political, moral and social issues related to human rights and tourism. Their discourses express different positions, interpretations and interests and symbolic conflicts in the scientific, political and societal arenas, and are also, in the words of Foucault (2002), regimes of truth. Those discourses are pivotal to delimit the subjects and understand how the actors in the field construct and define a discourse about human rights and ethics in our societies. They are also crucial to define what are the related problems and the dilemmas that we face, especially in the tourism context.

4. Results and Discussion

4.1 Tourism and Human Rights

Reflecting on tourism as a human right implies discussing its basic status as a human practice and its relationship with the fulfillment of human needs. It also implies discussing the model of consecration of rights expressed in the international charters related to leisure, mobility, cultural enhancement, affective-emotional growth and the identity expression that substantiate such status and needs.

On this matter, it is worth remembering what human rights declarations and statements invoke and what, in the space-time of being-tourist, an individual can look for. Central issues are the right to mobility and freedom, to leisure as a space-time of psychophysical balance and expressive identity. It is also necessary to address the dimension of affective-emotional and cultural enhancement, as well as opportunities for growth and strengthening of social relationships that the relational dimension entailed in tourism can bring. Another relevant dimension regards the fulfillment of the needs of routine breaks, the contact with nature and the re-encounter with our biological dimension integrated into a wider ecosystem, the development of authentic intersubjective relationships, and the search for an alternative identity center or response to the anomie (Harril & Potts, 2002; Jamal & Lee, 2003; Kim & Jamal, 2007; MacCannel, 1999; Pearce, 2005; Wang, 1999). These are some of the most important dimensions that can be identified regarding the freedom, expressiveness and completeness of the human being as a tourist. But what about the limits?

Concerning the implications of tourism on human rights, the first issue has to do with the ideological dimension of the social and expert discourse on tourism. Then, the apparent natural characteristic of the phenomenon or the assumption that the tourist practice would result from a mere self-determined decision of the individual, from the simple encounter between the availability of natural and cultural resources and a willingness to visit and enjoy them on the side of those who leave, hides the socially and historically contextualized dimension of the phenomenon, the social, economic, political and cultural nature of the encounter and the fact that the policies and decisions of the implementation and management of the phenomenon imply ideological choices and mechanisms of power, in which the interests and rights of some overlap those of others (Ferraz, 2008, 2012).

Moreover, the seemingly less problematic literature on the impact and side-effects of tourism development fails to address fundamental problems (Pearce & Moscardo, 1999). These shortcomings concern issues such as the multiplicity of interpretations about the same economic, environmental and socio-cultural impacts depending on the position of the actors or the inventory of facts, and how the community debate does not discuss problems of power asymmetry and imbalance between the various actors. This can be seen in the diversity of interests, discourses and powers of political actors, civil society and entrepreneurs. For example, in Rozenberg’s (1991) study on tourism development in Ibiza, the departure of young people and women from the family home to work in the hospitality industry
and the consequent weakening of paternal-male guardianship can both mean emancipation or a breakdown of social cohesion ties.

The diversity of tourist products has been, to a great extent, the target of statements about the benignity of some and the consequent refusal of others, such as mass tourism. The defense of responsible, sustainable or alternative tourism and of some concrete types of tourism that can be associated with it, such as ecotourism or voluntary tourism, are good examples. However, even these are not exempt from controversy and misconception (Cater, 2007; Harril & Potts, 2002; Moufakkir & Burns, 2012; Sin, 2009).

According to Cater (2007), the sustainability of ecotourism depends on State intervention and altruistic private support, since the defended principle of small-scale intervention involves difficulties of economic profitability for local and small-scale operators. Furthermore, this is an area that the global market and big companies have been occupying. For the author, ecotourism has to be understood as a complementary or supplementary economic activity, rather than a substitute. Cater (2007) also criticizes the passive and manipulative involvement of local communities recorded in the processes, and conflicts that arise between the vision of nature and its conservation defended by the ecotourist and the indigenous. Moreover, we could also speak of the ecotourist as an ego tourist and of the possibility of aestheticizing the poverty that the phenomenon entails (Mowforth & Munt, 2009).

On another tourism practice, the so-called volunteer tourism, “a form of tourism where the tourists volunteer in local communities as part of [their] travel” (Sin, 2009, p. 480), the controversy also sets in. This form of tourism has undergone a recent process of legitimization and valorization, being qualified as a form of tourism that entails reciprocity, empathy, selfless help and solidarity with the peoples of the most disadvantaged societies. However, in this form of tourism, the reciprocity and solicitude, as Ricoeur (1990) defines them, or even the Kantian categorical imperative, is called into question.

The questions raised leads us to ask whether volunteer tourism does not imply, above all, satisfying the ego of the tourist, despite the implied dimension of justice-fairness, goodwill and virtue (Sin, 2009). The author states that many of the participants see it as a form of personal learning and that their motivations have more to do with themselves and their willingness to learn, grow and participate than putting themselves in the place of the other in need (Sin, 2009). Likewise, such trips have been a business opportunity for organizing companies, thus legitimizing their events and packages. Sin (2009) also claims that those who participate in voluntary tourism tend to see it as a unique experience and do not intend to repeat it.

We can still debate environmental problems and their challenging relationship with social and economic concerns. We may consider some forms of tourism that involve violence on animals and their habitat, from the extremes of hunting safaris to the double-edged issue of natural parks and territorial ordainment it imposes on animals or on persons and communities; we may also think about the receiving communities that are the target of tourism development initiatives or that are the object of tourist consumption, marketizing their ways of life and daily productions and transforming them into objects of pleasure and enjoyment (Ferraz, 2008; Mowforth & Munt, 2009). Or, instead, we can consider the difficult reconciliation of interests, ways of life, desires and needs of the different actors in the tourism process, a phenomenon that inevitably results from the process of interaction between people and their cultures.

Another characteristic of tourism as a total social phenomenon must also be invoked here: the political and economic model of the organization of the activity, which implies the identification of logics, interests and actors with diverse and conflicting positions (Ferraz, 2017). States, local authorities, local, national and transnational companies and international organizations are the interpreters of this piece. And how to interpret the logic of the argument? From the concept of an international division of tourist sites (Urry, 1990) to the idea that the activity has become globalized and that the structure of power, the functioning of the industry and the configuration of the tourism business value chain take on a trans-local trait (Ferraz, 2008; Hjalager, 2007), trough the notion of international tourism as an ideological substitute for the theory of exchange (Lanfant, 1992; Lanfant et al., 1995), what is
observed is that the aforementioned actors’ movements and their interactions strongly design a network of asymmetrical interdependencies (Ferraz, 2008). These interdependencies are exposed in an intricate and dynamic game of domination-subordination between corporations, States and international organizations, often assigning to other performers a role of near-figuration (Ferraz, 2008).

To conclude this section, it is important to identify the plurality of individual and collective actors involved in tourism, both at the macro, local and interpersonal relationships levels, as well as to point out what there is to discuss about the rights that each one has. Thus, from the local community (internally diversified, not to forget) to tourists (also diverse in practices and motivations), to industry employers, industry workers, intergovernmental and non-governmental organizations and local and central authorities of the political power of a given country, everyone will have something to say about rights and duties. And these are not always easily harmonized because they have legitimate and normal different points of observation and interests and also hold unequal power.

The study developed by George and Varghese (2007) debates a series of situations of human rights violations related to the various stakeholders involved. The mentioned situations show that these violations can easily be linked to the expression or the consecration of the rights of others.

Regarding the local community, the following issues are to be highlighted: the loss of identity due to the commercialization and stereotyped simplification of its ways of life; the emergence of demonstration effects; the fact that tourism relationships take place in the context of unequal social relationships; the use of local resources for the welfare of others; and the expatriation of benefits or control of economic benefits by dictatorial or corrupt local powers (George & Varghese, 2007).

As far as the employees of the industry are concerned, we mention gender discrimination and sexual exploitation; working conditions; low wages; poor social protection; the strong dependence on seasonality; and the bet by many employers on the precariousness of employment (George & Varghese, 2007).

As for employers, George and Varghese (2007) focus primarily on the need to support and protect small, medium-sized local entrepreneurs and to combat the impoverishment of small operators because of unethical behavior, which is a feature of what they call savage capitalism.

With regard to tourists, George and Varghese (2007) highlight the defense of their right to travel and to be treated; opportunities for personal and spiritual growth; personal and property protection; the right to information; support from local authorities; privacy and repatriation; the right to communicate with people; and the right not to be abused and deceived.

In terms of governmental and non-governmental organizations, it is necessary to bear in mind a set of human rights that they must guarantee or promote to increase democracy, freedom and decentralization, reduce the exploitation of child and women’s labor, safeguard the rights of the populations and minorities, and foster the expression of cultural diversity (George & Varghese, 2007).

Recalling now the relationship between tourism and culture, the main factors here are the issues of authenticity and expressive motivations; and the fact that, in itself, the interaction between individuals and peoples of different socio-cultural backgrounds is always a strong possibility, even a central objective.

The contact between cultures, ways of life and people is essential to the fulfillment of human rights and tourism plays an important role here. Without interaction and contact, there is no solicitude, kindness, brotherhood and capacity to put ourselves in the place of the other and understand him/her. However, interaction does not take place in a scenario of equality of roles, powers and interests, and there is no full sharing of meanings, total ideological consonance or social representations, which can lead to constructions and misjudgments of others and of the situation. All human relationships entail a dimension of asymmetry and power (Foucault, 2002). The interaction between actors of different

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4 See, for example, the classification introduced by Cohen (1996) on the phenomenology of the tourist experience: existential, experiential, experimental, diversional and recreational, or the diversity of touring cultures (Rojek & Urry, 2007; Santos, 2002).
cultures is always mediated by the symbolic interpretation of discourse, facts and behaviors that are variously signified in the light of diverse cultural referents. Similarly, if the contact can lessen prejudice and hostility derived from ignorance, the reverse can also be the case, including increased xenophobia and intolerance, particularly if exposed to negative demonstration effects or to conflicts with actors that show ostensibly that they come from much more developed societies than theirs (Reisinger, 1994).

Finally, the socialization and change entailed in the development of the capacity to deal with cultural diversity or in the phenomena of multi and/or interculturalism have always an open door to processes of symbolic violence and molding, weakening of beliefs and representations by the internalization and the choice of others.

4.2 From declarations of intergovernmental organizations to the complexity of everyday life, societal objectives and choices

With regard to human rights, we have to summon up, on the one hand, the discussion on ethics, morals and reciprocity ideologies, highlighting what the most representative philosophical traditions offer us. On the other hand, it is necessary to discuss what civil, political, social and economic rights are and how they materialize, as well as the most recent and diverse initiatives related to cultural rights, cultural diversity and the environment.

For that purpose, it is necessary to keep in mind documents such as the Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations (UN) in 1948, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on Civil and Political Rights (ICCPR), multilateral treaties adopted by the UN, both signed in 1966, coming into force in 1976. We may, even, consider in this discussion the documents that give account of the so-called 3rd and 4th generation rights\(^5\), where we can include the Brundtland report ‘Our Common Future’, UN, 1987; the ‘Universal Declaration on Cultural Diversity’, adopted by the United Nations Education, Scientific and Cultural Organization (UNESCO); the ‘Fribourg Declaration on Cultural Rights’, presented in 2007 by the Observatory of Diversity and Cultural Rights, with headquarters at the Interdisciplinary Institute of Ethics and Human Rights at the Fribourg University, together with UNESCO and the International Organization of Francophonie. We also include the 2008 ‘Optional Protocol to the ICESCR [International Covenant on Economic, Social and Cultural Rights]’, deciding the implementation of what the signatory countries of the ‘World Conference of Human Rights’, held in Vienna in 1993, had undertaken to do. That ‘Optional Protocol to the ICESCR’ has already been signed (between 2008 and 2015) by some 50 countries and ratified by two and a half dozen more.

The topic of human rights also regards a more or less normative and institutionally formalized framework in declarations and treaties subscribed by States, and that are foundational texts of intergovernmental organizations. So, the link between the identification of the themes that frame the problem and their connection to the practices, types and forms of tourism organization can also be made by analyzing what these texts say. This can be carried out, for example, by noting the basic principles of the main declarations and treaties on human rights in general and highlighting what they contain in terms of relevance to tourism. Likewise, it is also important to identify and analyze the contents of the international declarations on tourism that most directly relate to the issue of human rights.

Indeed, such texts are one of the forms of materialization of an international regime in the sense

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\(^5\) These are rights related to the expressiveness of different lifestyles (not just access to education or knowledge of cultures), to environmental preservation and to ensuring a sustainable future for the coming generations, at the environmental, economic and socio-cultural levels.
ascribed by Ruggie (1998). In an international regime, the socio-historical dynamics and their contradictions are mirrored, some of the more or less dominant ideologies are materialized, and there are glimpses of forces’ correlations between the various collective actors that strongly shape collective reality. We are in the international field where both individual and collective actors, States and international organizations act and define patterns of asymmetrical interdependence, drawing societal dynamics that affect all and cannot be deduced (only) from the formal dimension of the sovereign power of the State or relationships and intergovernmental organizations (Ferraz, 2008, 2012).

Concerning tourism, in particular, three issues need to be raised. First, tourism as a human right; second, the implications of tourism for the materialization of tourists and non-tourists’ human rights, identifying practices, actors, discourses and ways of development, organization and production of the activity; and third, the power dimension that resides in every human relationship (Foucault, 2002), and how to deal with conflicts of interest and interpretation.

4.3 Human rights, the discourses of intergovernmental organizations and tourism

To meet the objectives of this section, there is the need to draw, first and foremost, a map of the international declarations related to human rights and tourism, preceded by a discussion about definitions of human rights and dignity.

Human rights could be defined as those basic standards without which people cannot live with dignity (Donnelly, 2013), i.e., the inherent rights of the condition of being human, “regardless of race, sex, nationality, ethnicity, language, religion, or any other status” (UDHR, 1948). They are based on the principle that “all human beings are born free and equal in dignity and rights”, as stated in the first article of UDHR (1948).

In general, there are two types of human rights: natural and civil rights (Turner, 1993). In this regard, George and Varghese (2007) sustain that

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 (p. 40).

Such rights are embodied in political, social, economic and cultural rights that have different expressions in the various international treaties, inevitably mirroring some degree of social contexts and regardless of the most timeless and transcendental reference matrix invoked, including the one that claims natural rights.

But how to recognize, operationalize and apply human rights as an expression and materialization of human dignity? Indeed, “there are implications for the economic, social and cultural rights indispensable to the realization of (human) dignity”, even though it is also possible to differentiate it from its definition, which regards specific socio-historical contexts (CNECV, 1999, p. 4). Thus, human rights:

For Ruggie (1998), the concept of ‘regime’ regards a set of “mutual expectations, rules, regulations, organizational plans, energies, and financial commitments that have been accepted by a group of states” (p. 56). In this way, and still following Ruggie (1998), international regimes can be understood as social institutions (in the sociological and anthropological meaning of the term) around which “the expectations of States converge in different areas and themes” (p. 89). Such regimes are dialogical in nature, and social interactions arising from communication between actors must be included in the study of international regimes, beyond simple reference to norms (Ruggie, 1998).

See what was stated above about socio-cultural rights and 3rd and 4th generations’ rights. Moreover, we recall the divergence between the Eastern and the Western blocs in the post-World War II period about what should appear in the UDHR or the subsequent emergence of children’s rights.

These also vary according to society and time (George & Varghese, 2007).
rights are not only a means for the realization of human dignity but also the materialized content of one’s own dignity.

Moreover, as Rawls (1991) maintains, the issue of rights is clearly associated with justice and fairness, and these can be defined from subjective perceptions (of injustice) and inequalities. Relating justice with the rights associated with human dignity, Rawls (1991) states that “Justice is the first virtue of social institutions, as truth is of systems of thought” (p. 3), where “each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override” (p. 3).

Even the issues that are more related to the philosophical side of this discussion, seemingly more abstract and out of particular socio-historical and ideological constraints, such as ethics and morality, are subject to some more or less conflicting perspectives. The concepts of ethics and moral are also the subject of different perspectives.

Addressing these subjects, Fennell (2017) identifies two major groups of theories on ethics, the basis of ethical thinking. First, there are what the author calls “absolutist theories” (Fennell, 2017, p. 51). These theories include teleological theories concerned with results (utilitarianism, egoism and hedonism); deontological theories (theology and the Golden Rule, social contract ethics and Kant’s categorical imperative concept); and discussion of virtue or theories based on the discussion of character, such as Aristotle’s concept of Eudaimonia (flowering instead of simple happiness), in which what matters is the virtue of means and the moderation of choices. The second set of theories, which Fennell (2017) calls subjectivist theories, are expressed in existentialism.

These two groups can still be reorganized in the light of the three great traditions on which the discourse of ethics rests. The first one is centered on the means, well represented by deontology, with a great emphasis on Kant’s thought. The second one is focused on the debate on the best consequences for our actions, such as teleological theories, where the emphasis is placed on the central role that utilitarianism occupies. Finally, existentialism, which is centered on the search for individual authenticity and responsibility, is expressed in the pursuit of self-determined action, freedom of choice and in taking responsibility for each one’s choices, proposing that each one acts in good faith, and it is represented by the thinking of Kierkegaard (Fennell, 2017).

Ricœur (1990), on the other hand, approaching the relational issue (at both the interpersonal and social levels), prefers to speak of ethical intent. This implies having as an objective the good life with and for the others within fair institutions, being the good life for each one understood as “the nebula of ideals and of dreams to reach by which a life is considered as more or less realized or unrealized” (Ricœur, 1990, p. 210).

In the interpersonal relationship, the goal of a good life implies solicitude towards others, without aggression, benefiting them without slander, which is a fundamental element for the return to oneself. In turn, solicitude regards the idea that I cannot esteem myself without esteeming the other like myself, becoming “fundamentally equivalent the esteem of the other as a self and the esteem of self as one another” (Ricœur, 1990, p. 226).

However, living a good life is not limited to interpersonal relationships, but extends to institutions. For Ricœur (1990), institutions are “the living-as-whole structure of a historical community – people, nation, region, etc. – a structure irreducible to interpersonal relations [...]” (p. 227), and characterized fundamentally not by the constraining rules, but by common morals.

Another topic regards what and who is included in those rights. Singer’s (2011) circle of morality

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9 Without seeking to turn this text into a presentation of the debate on the differences, similarities and relationships between these concepts, we will adopt the formulation of Ricœur (1990) that seems productive for the debate in question, namely because it allows to connect the two terms/concepts, thus facilitating the comparative exposition of the different philosophical traditions that we put forth. Doubting of the radical distinction between ethics and morality, Ricœur (1990) reserves “the ethical term for the vision/objective of a life achieved, and the moral one for the articulation of that vision in the scope of the norms characterized, at the same time, by the pretension of universality and by a constriction effect” (p. 200).
comprehends not only humans but also animals and the environment. This is the corollary of a process initially energized by genetic and biological bases related to the protection of offspring, and which progressively became conscious through history and development, providing the matrix of altruism as a relational and proactive moral obligation that also includes those who are not like us. From family to the community; from the community to society; from society to humanity; from humanity to animals and plants. These are some of the issues raised by Singer (2011), which are extremely important for tourism, for example, when addressing environmental problems.

Regarding, more specifically, the discourse of international organizations, first, we mention UDHR, adopted in 1948 by the UN, with abstentions from Marxist countries of the Eastern European bloc, joined by Saudi Arabia and South Africa. Next, we have the treaties that presented themselves as models of operationalization of the principles generally postulated by UDHR, which were approved in 1966 and came into force in 1976: ICESCR and ICCPR.

Article 1 of UDHR presents the fundamental basis of the declaration: "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" (UDHR, 1948). Here the influence of Kant’s thought and the notion of acting virtuously withdrawn from Aristotle are remarkable. Then, in particular, up to article 21, there is a strong emphasis on natural rights and the premises of civil, political, social and economic rights, with a strong influence of the social contract model and the associated liberalism that came from the seventeenth century. Some examples are the right to life; the right to property; the right to physical integrity; the right to freedom of expression; the right to mobility and movement; and the right to elect and to be elected. From then on, especially up to article 27, we observe the emergence of postulates that regard social and economic rights of a more labor-based nature (labor relationships, health, education and welfare) inherited from a socialist tradition, alongside the relevance ascribed to family and religious freedom, expressed in a way that the social doctrine of the Church would not disdain.

Thus, in UDHR, we see the presence of inalienable natural rights and philosophical discussion themes, but also the policies of some socio-historical contexts and their various ideological discourses that, we know, were and are sometimes conflicting.

More recently, the areas that have been the focus of the UN’s discourse are mainly concerned with those of socio-cultural rights, including changes in what is meant by that, and mirror the contemporary debates on the universal, relativism and diversity in the cultural, as well as extending what Singer (2011) would call the circle of morality. As some examples, we refer to the ‘Declaration of the Rights of the Child’ that was proclaimed by the UN in 1959 and came into force in 1990; the Brundtland report ‘Our Common Future’, which addresses environmental issues and the debate on the preservation of resources for the enjoyment of future generations; the 1979 ‘Convention on the Elimination of All Forms of Discrimination Against Women’ (CEAFDW), which came into force in 1981; and a plethora of other conventions, ranging from refugee rights to the repression and prevention of genocide, and the treatment of juvenile offenders.

Maintaining our focus on the cultural issue, it should be noted that, in the 1966 treaty on economic, social and cultural rights (International Covenant on Economic, Social and Cultural Rights of the United Nations), the focus was on the problems of education and access to scientific and artistic culture.

Still within the UN system, the UNESCO’s ‘Universal Declaration on Cultural Diversity’ emerges in 2002. The cultural sphere is now extended to the concern with wide dissemination of culture and education of humanity towards justice, freedom and peace, as well as the safeguarding of traditional cultures and heritage. It reaffirms the dialogue between civilizations and cultures, recognizes the difference and pluralism, acknowledging that the defense of cultural diversity and the protection of cultural minorities is an ethical imperative.

However, such a statement never points out the debate about the connections between cultural diversity and its possible relativism and human rights. The final emphasis is placed on the circulation of cultural goods within a framework of acceptance of diversity and public-private partnerships, and
better communication between the public and private sectors – the contemporary touchstone of a type of liberalism based upon economic deregulation with a ‘human face’. That is, we navigate the territory of multiculturalism tamed by economic deregulation.

The UN’s 1992 ‘Rio Declaration on Environment and Development’ (RDED), coming from the ‘Earth Summit’ and proposing an ‘Agenda 21’, as well as the 2002 ‘Millennium Goals’ meeting in Johannesburg (aimed at the ‘Agenda 21’ operationalization), are, in all respects, noteworthy as a summary indicator of the changes and transformations of the various rights. Environmental preservation, biodiversity conservation and sustainable use of resources seeking a fair and equitable sharing of their benefits, coupled with the preservation of cultural identities and socio-economic development, are presented as projects, objectives and practices free of tensions (Ferraz, 2008, 2012). Moreover, they are framed by the request for a global market (mainly the financial one), the defense of economic deregulation and the progressive and significant replacement of the word sustainability with the term social responsibility (Ferraz, 2008, 2012).

We should also mention the ‘17 Sustainable Development Goals’ (17 SDGs) included in the ‘2030 Agenda for Sustainable Development’ adopted by the UN in 2015, where these goals, together with others, such as ‘Zero Hunger’ and ‘Good Health and Well-being’, ‘Gender Equality’ and ‘Life Below Water’, are discussed, by blending different areas, objectives and recipients, going beyond individual freedom and equal rights for each person. Another document worth mentioning is the optional report that aims to define how the ‘United Nations and the Social Council’s Committee on Economic, Social and Cultural Rights’, a body of 18 independent experts, monitors the implementation of ICESCR by its signatory States. Here one of the main concerns is on how to overcome failures in the protection of human rights in the international system, especially the possible tension between two types of actors: States, on the one hand, and individual persons and groups, on the other hand. Some of the most important issues are how persons, groups or States may submit communications on the subjects covered by the convention; the acknowledgment by States of the Committee’s ability to deal with the matter internationally and to receive complaints from groups and individuals against States regarding the violation of their economic, social and cultural rights; how to do the inquiry; how to deal with States; and how they are compelled to defend from maltreatment the individuals who complain about them.

The principle of solicitude and reciprocity and living for others and with others in fair institutions, as demanded by Ricœur (1990), or the issue of equity and redistribution, as claimed by Rawls (1991), can be found here. However, they are never superimposed on the private agents’ economic freedom (made equivalent to economic deregulation), which is always stated. In the context of an unfair world, the preeminence of this form of freedom and economic rights will always lead to the weakening of other freedoms and rights, as well as to the opening of a door to the diminishing of reciprocity and solicitude. These same readings can be found in the declarations most directly related to tourism, which will be now more specifically discussed.

In the above-mentioned declarations of rights, some statements can be directly applied to tourism. In UDHR (1948), we highlight: article 3, the right to freedom; article 13, freedom of movement; article 17, the right to property that may be jeopardized by the establishment of resorts associated with expropriation and/or the more or less forced displacement of local communities; article 24, the right to leisure, paid vacations and rest; and article 25, the right to a standard of living adequate for health and well-being that can be enhanced or destroyed by tourism. ICESCR sets out the right to leisure, knowledge and culture that travelling and contacting with others can provide.

If we look into some of the declarations that directly concern tourism, more questions can still be raised.

In the UN’s ‘Convention Concerning Customs Facilities for Touring’, adopted in 1954, and the ‘United Nations Conference on International Travel and Tourism’, which took place in 1963 in Rome, nothing is registered that could go further than UDHR. In any case, the emphasis is placed on the defense of tourism as a human right of those who practice it, but also as a means of reducing inequalities between societies and encouraging peace and mutual understanding between peoples.
The 1972 ‘Convention Concerning the Protection of the World Cultural and Natural Heritage’ of UNESCO puts forth a perception of culture and tourism based on the principle of heritage preservation as a common heritage of all humankind. The ‘Charter for Cultural Tourism’ of the International Council of Monuments and Sites (ICOMOS) and the World Tourism Organization (WTO), signed in 1976, seek to frame what cultural tourism is and how to promote it. This is not tourism cultural heritage based primarily on the expressiveness of ways of life or knowledge and contact with other societies, but rather a practice linked to the visitation and knowledge of built heritage from a static perspective. There is, however, already a statement of the contradiction between tourism growth and heritage preservation (Ferraz, 2008, 2012).

In the ‘Manila Declaration on World Tourism’, in a world conference organized by the WTO, there is a rupture in the ways of understanding tourism and its social significance. Tourism, understood as a way to reduce distances between developed societies and others, as we have seen in the first declarations, is now subordinated to the invocation of the human right to travel and leisure – a concern especially of the more developed countries – and the enhancement of internal tourism as a preservation factor of national identity (Ferraz, 2008).

Then, we have the ‘Global Code of Ethics for Tourism’, approved in 1999 by the WTO General Assembly and endorsed by the UN in 2001. This document seems to be a synthesis of the history of previous declarations on tourism, reorganizing and better articulating its contents and enhancing its capacity of insertion within the framework of contemporary concerns and facts. There are four structuring aspects to highlight: the demand for a responsible and sustainable practice by valuing nature tourism and ecotourism; the enunciation of a more preservationist vision at the sociocultural and environmental levels, to the detriment of the modernist and developmentalist logics of the first declarations; the claim that tourism is linked to human rights, insofar that it responds to more existential needs, rather than reducing it to the expression of hedonistic leisure; and the defense of the liberalization and the deregulation of the activity of the private-owned corporations, believing in self-regulation, despite recognizing the existence of perverse effects, such as labor precariousness and excessive repatriation of the profits (Ferraz, 2008). Thus, this Code has a series of postulates that are consistent with the vision of the problems of humanity presented in the 1992 ‘Earth Summit’.

Regarding the ‘Québec Declaration on Ecotourism’, signed in 2002 by the WTO and the United Nations Development Program (UNDP), it consecrates ecotourism as a crucial factor for sustainability and defends its exemplarity as a generator of social, economic and environmental benefits. In this declaration, this form of tourism and its interpreter, the traveler, who is motivated by culture rather than by leisure and hedonism, are raised to a level of some kind of moral superiority (Ferraz, 2008).

Lastly, there was also a compromise by the WTO to make tourism a driver for the accomplishment of the 17 SDGs and the Millennium Development Goals, based upon the same principles already mentioned above. That further reinforces our assertion that the understanding of the issue of human and cultural rights in the context of tourism does not dissociate much from the main lines of force found in the more general declarations that are non-exclusive for tourism (Ferraz, 2008, 2012).

If these statements and declarations mirror the model of the international regime, which is a model of asymmetrical interdependence between the societies and the involved actors, relatively benefiting the most powerful ones (Ferraz, 2008, 2012), we can also say the same about the relationship between the different types of rights and the actors that best interpret them. The tourists’ rights are significantly more emphasized than those of the other actors involved in the process, since the other often-named collective actor – the local community – is presented in a static, immobilized and passive perspective, needing autonomy and freedom (Ferraz, 2008, 2012; Mowforth & Munt, 2009). We also find a relative asymmetry when talking about the rights of public and business agents, in which the repeated emphasis of economic deregulation and liberalized economy seems to offer a very elucidative answer (Ferraz, 2008, 2012).

In what concerns the fight against inequalities and injustice or the defense of human rights in the context of tourism, declarations and interventions by international organizations are not restricted to
those of an intergovernmental nature. Non-governmental organizations have a strong presence, calling for, among others, solidarity with the losers in the tourist process, income redistribution, combating prostitution, protection of the rights of the local population to decide on tourist processes and access to property, promotion of democracy, and peace-building and cross-cultural dialogue in conflict management. By way of non-exhaustive identification but sufficiently elucidative, we highlight organizations such as the ‘Steering Committee Tourism Caucus’; the ‘Pro-poor Tourism’; the Ecumenical Coalition on Third World Tourism’; the ‘Pontifical Council for the Pastoral Care of Migrants and Itinerant People’; the ‘Tourism Concern’; and the ‘The International Institute for Peace Through Tourism’.

5. Conclusions

The diversity of options, positions and dimensions inherent in the implementation and practice of tourism and its place in our societies puts us face-to-face with complex problems and tensions that cannot be solved by any formal technical model. Acknowledging this and framing the discussion of the phenomenon in a never-closed, dialogical interaction between actors and between economic, social, cultural, political and psychological logics and dimensions is particularly important. The complexity is even more acute when we discuss the paradoxes that the dimensions of tourism have in relation to the different questions that arise from the discussion of rights, dignity, ethics and morals, or when we think of the uncertainties of intercultural relationships. This discussion takes place in a field of debate that is not free from friction and perplexities, a field of open-to-discussion statements, proposals and relationships.

To conclude, it is stated here that speaking of complexity and relative irreducibility does not mean another kind of relativism or the refusal to make choices that are intended to be more or less universal, even if they are not fully understood. We want to understand scientifically the phenomenon beyond the ideology of positive science. We want to go beyond the reduction of tourism to a technique or a linear abstract and formal systemic model. We also distance ourselves from the embracing of hollow buzzwords and extreme positions of a blind embracing and/or rejection. It is also important to be aware that the choices made are anchored to choices that can be discussed and reflect human differences, sometimes legitimately and/or understandably difficult to reconcile. It is as important to choose as it is to argue. It is as important to understand scientifically, accepting the theoretical complexities and paradigmatic pluralities, such as striving for a discourse of truth and an ethical and morally framed practice that should not be reduced to the relative absolute. One could rather seek constructive confrontation with the other and the interaction that produces qualitative changes. But will this be another story, or not?

References


