# Tourism and Human Rights

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## Introduction

This chapter examines the links between tourism and human rights. The rationale for tourism development in LEDCs is to bring economic prosperity and a better standard of living. Frequently, however, the right of freedom to travel for the rich impacts negatively on the rights of people in destination communities. Following an introduction to tourism, globalisation and human rights this chapter examines how tourism impacts on labour and privacy rights; and the rights to water and housing. The chapter ends by making a business case for tourism companies to consider issues of human rights.

### Human Rights

There is no universally accepted definition of human rights but they are the basic standards without which people cannot live with dignity (Donnelly 2003).The United Nations defines them as inherent in our nature as human beings, the foundation for the quality of life in which individual dignity and worth receives due respect and protection and as the foundation for freedom, justice and peace (UDHR 1948 preamble). The Universal Declaration of Human Rights (UDHR) is the first universal statement on the basic principles of inalienable human rights, adopted in 1948 by the UN General Assembly without a dissenting vote and proclaimed as a common standard of achievement for all peoples and all nations. The UDHR is the foundation of international human rights law and it sets out fundamental human rights to be universally protected.

 Included are the rights to equality, well-being and health, as well as rights to privacy, to participate in culture, religion and education. Rights to freedom include rights to work and to join a trade union but also the right to rest, to leisure (tourism) and freedom of movement (to travel). Freedom from poverty is also a human right (Pogge 2007).

Insert box 1 human rights declarations with direct relevance to tourism

### Tourism Development

Tourism is considered to bring economic development as well as contribute to mutual understanding and respect between peoples and societies. Tourism’s potential contribution to development is the fundamental justification for governments and aid agencies encouraging the sector (Cole 2008). While defining development has been subject to debate, present day conceptions can be summed up as a multidimensional process leading to ‘good change’ and seen to embrace self-sufficiency, self-determination and empowerment, as well as improved standards of living (Scheyvens, 2003). Tourism is thus considered a positive contribution to the human rights of destination communities, freeing them from poverty, by providing work, well- being and opportunities to enhance cultural heritage.

Tourism’s professed ability to bring freedom from poverty is given further developed in the tourism literature, including recent work on pro-poor tourism.

* Small scale, bottom up community based developments present greater opportunities for control and profit by local people (Rodenburg, 1980).
* Many of the jobs in tourism are relatively unskilled, providing opportunities for women and other marginalized groups to earn money (Roe and Khanya, 2001, Ashley *et al*., 2001).
* As tourism delivers consumers to the product, locals have a new market for their products and services. Thus tourism has the potential for linkages particularly to traditional livelihood occupations such as agriculture, fishing and handicraft production.
* Tourism can stimulate employment, the drive for young people to migrate to urban areas is reduced, leaving a more balanced population in remote rural areas and countering structural inequalities of income distribution (Britton, 1982: 183).
* Small-scale tourism places value on natural and cultural resources and can be developed without great capital investment in remote and marginal regions where a disproportionate number of the poorest people live.
* Tourism can stimulate small-scale and micro-enterprises empowering previously disadvantaged members of communities, and further helping to alleviate poverty.

As discussed elsewhere (Cole, 2006a) the development of small scale tourism in poor remote areas has benefits that go beyond economic. Tourism can be a powerful tool to empower marginal communities. Many researchers have discussed how:

* Tourism brings about pride (Crystal, 1978; Manspergerm 1992; Van den Berghe,1992; Boissevain,1996; Adams, 1997; Cole, 1997; Erb, 1998).
* Tourism can enhance community cohesion (Sanger, 1988; Ashley *et al*., 2001).
* Through tourism, communities can come to value their cultural assets;
* Tourism can lead to an increase in confidence and strengthen political identity (Swain, 1990; Johnston, 1992).

Tourism it would seem has the potential to bring dignity and alleviate poverty and therefore to enhance destination communities human rights.

### Globalisation, Tourism and Human Rights

 The majority of international tourism is controlled by multinational enterprises, powerful economic actors that wield significant political influence in developing countries (Hemingway 2004). These Trans National Corporations (TNCs) (often working through national subsidiaries that the TNCs set up) have oligopolistic, or near monopolistic, powers and can dictate terms in destinations (Bianchi 2002). They have significant advantages over local companies with access to financial, electronic, information and communication systems, as well as political lobbying powers (Mowforth et al 2008). They constantly monitor the environment to exploit changes in international costs and demand patterns, and having no particular loyalty can switch to a different destination as it suits them (Tribe 2005).

International tour operators coordinate and control charter airlines and accommodation and through a vast network of affiliated companies and contracted suppliers use their powers to negotiate low prices. There is increasing consolidation of the major tour operators (there are now only two in the UK), who continue to buy up the small to medium specialists, capitalising on their knowledge and loyal client bases. This leaves destinations at the mercy of even fewer companies. The ownership, control and therefore benefits of so much tourism accrue mainly to the rich industrialised nations and the privileged minority of state officials in destination communities. “The rights of local people take second place to the needs and expectations of foreign tourists and the profits of the TNCs” (Mowforth et al 2008:90). Tourism (especially to less economically developed countries (LEDCs)) is based on unequal relations. Rather than alleviating the poverty tourism can exacerbate existing unequal, exploitative relationships and the poorest members of communities often feel the burdens hardest, frequently at the expense of their human rights.

Insert Figure 7.1 here Cartoon Gratitude

So if tourism affects/ denies/abuses the rights of local people in destination communities why is so little written about tourism and human rights in the tourism literature? A Google scholar search on “tourism and human rights” will come up with Tourism concerns 10 yr old report which was “designed to stimulate discussion … and lead to positive action” (Tourism Concern 1998:3). However the debate has not begun. The other relevant articles appear in human rights (Hemmingway 2004) and ethics (Babu George 2007) literature. One recent exception is Lovelock’s article in Annals of Tourism Research. His article about ethical decision-making among travel agents in New Zealand reaches conclusions that will disappoint human rights activists. The rights of tourists to travel were considered more important than destination communities’ rights, even when travel agents suspected clients of travelling for sex with minors. Lovelock’s conclusion: “Tourism strongly supports the rights of the clients” (2007:353) is echoed by Babu George who suggests, “the rights of tourists are over-stressed and the rights of other stakeholders, especially the local community members are under-stressed” (2007:40).

All aspects of human rights: civil, political, economic, social and cultural are equally important, interdependent, indivisible and universal but they have not been treated as such. In 1993, during the World Congress for Human Rights this was reaffirmed. The human rights that had been divided into two separate covenants: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) were to be treated the same. Even so, the former is still given much more attention, legal status and weight then the latter (at least in the MEDCs).

Tourism is frequently under scrutiny for its harsh environmental impacts (as this is a part of the sustainability concept) but not from a human rights perspective. This, despite the direct and negative impact tourism can have on the rights of the local people in the destinations to attain a decent standard of health and well-being. The precedence of civil and political rights over economic, social and cultural rights is one of the reasons why human rights have not been acknowledged as an area that applies to tourist activities.

In the exceptional case of child sex tourism the international community has acted toward this evil through the creation of laws and codes of practices, and focused on putting sex abusers behind bars. However, little has been done to address the reasons or causes behind the violations i.e. the poverty of the children and their families and the uneven distribution of tourism profits.

Academics and textbooks have ignored the tourism and human rights agenda with the exception of books and articles about child sex tourism, perhaps the most heinous of all human rights abuses, and articles about Burma (e.g. Pleumarom 2002). As tourism is largely taught in business school tourism is seen as an industry. Profit is the motive that drives business and the “client is king” (Branson and Craven 2002). The master-servant relationship of colonial times is replicated and has led to suggestions that tourism is a form of neo-colonialism (Bruner 1996, Lea 1988). So many textbooks and journal articles start about the size of the industry, the increasing number of tourists and the percentage of workers in the sector. This dominance of tourism as an industry rather than a system (George Babu 2007) may go some way to explaining the absence of human rights in the tourism curriculum.

### Human Rights – Who is Responsible?

Under international law, the primary responsibility for the realisation of human rights rests with the state. The responsibility requires three sets of obligations:

* To respect the freedom and dignity of the individual,
* To protect them against third parties, and
* To provide access to welfare covering basic needs such as food, shelter, education and health (Eide 2004: 7).

However, in our increasingly globalised world are individual states able to protect their citizens’ human rights? The international economic and political pressures of globalisation result in deregulation and privatisation. With funding from international financial institutions such as the World Bank, the International Monetary Fund (IMF), the Inter-American Development bank, and the Asian Development Bank LEDCs are persuaded to provide opportunities for TNCs. These powerful economic actors can act without duties to protect the rights of local communities. As Eide (2004: 42) suggests, the global market should be regulated through the application of environmental standards and human rights, by determined action of all the stakeholders involved.

Globalisation should result in a global responsibility to assist in the creation of conditions for the full enjoyment of human rights. This responsibility is already spelt out in the Universal Declaration of Human Rights: Article 22 *“Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”.* This article can be read in conjunction with article 28, (see for example, <http://www2.ohchr.org/english/issues/millenium-development/achievement.htm> and <http://www.universalrights.net/main/creation.htm>) which emphasises the importance of having a social and international order that can create the conditions for a global human rights culture to be achieved. It should not only be the responsibility of the state to ensure human rights, as the preamble to UDHR states it is a responsibility for “*every individual and every organ of society*”. Consumers (such as tourists), and Trans National Corporations not only have the rights to benefit from tourism but also duties to the local destination community, which they visit or function in (see Muchlinski, 2001).

 Among tourists there is a growing awareness of environmental and social considerations and some tourists will reward companies that can show they are environmentally and socially conscious (WTO 1999). The liberal middle classes do not want their wealth to be dependant on the exploitation of the resources and labour of people on the other side of the world (Mowforth et al 2008), and they increasingly do not want to travel to destinations where people are having their rights violated in order to cater for their holidays. The industry is responding, concerned with public scrutiny it is beginning to appreciate human rights as part of corporate responsibility.

## Labour rights as Human rights

Workers rights and human rights are normally discussed as if they were two separate entities. But workers rights *are* human rights. Work provides an element of human dignity as well as providing the remuneration important for securing an adequate standard of living (Smith: 2007: 279). The right to work has been spearheaded by the International Labour Organisation (ILO) since its creation in 1919. It is enshrined in article 23 of the Universal Declaration of Human Rights (UDHR) and further elaborated in article 6-8 in the International Covenant on Social Cultural and Economic Rights (ICESCR).

The right to work emphasizes the need to promote employment for all, but not just any kind of employment. Jobs and livelihoods have to be *decent* for the right to be fulfilled (ILO 1996). Decent work entails: a just remuneration (a living wage), equal remuneration for work of equal value, safe and healthy working conditions; equal opportunity for everyone to be promoted in his employment; rest, leisure and reasonable limitation of working hours; periodic holidays with pay and the right to form and to join trade unions. (UN:1948: 23, 24 & UN: 1966: ICESCR: 6-8) Forced or compulsory labor is classified as slavery and prohibited in the International Covenant on Civil and Political Rights (UN: 1966: ICCPR: 8).

Migrant workers from the Less Economically Developed Countries (LEDCs) are particularly vulnerable to violations of their right to decent work because many migrate due to poverty and the inability to earn or to produce enough to support themselves or their family (UN: 1990). Employers aware of this reason commonly exploit their vulnerability and treat them as low cost workers rather than humans that are equally entitled to the same rights as the workers from the more economically developed countries (MEDCs). The Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) is meant to reaffirm and secure the human right of migrants (UN: 1990).

Employment in the front-line in tourism is renown to be underpaid and highly stressful (Hall and Brown 2006). As Tourism Concern’s research into tourism labour (Beddoe 2004 ) suggests workers suffer from:

* long working hours,
* unpaid overtime,
* over-dependence on tips,
* stress,
* lack of secure contracts,
* poor training and
* lack of promotion opportunities for locally employed people.

In many former colonies the tourist –worker interaction is intersected by class, race and often gender inequalities. Workers are subordinate not just because of their occupational roles but also because of their status as a formerly colonised, often working class, frequently female, people of colour. Tourism work exaggerates and reinforces previous relations of inequality and emotional subordination (Kanemasu 2008). In LEDCS the line between servility and slavery is frequently crossed as can be seen in the two case studies below.

Insert glady’s story

**Case 1 Gladys’ Story**

Gladys is a fully qualified accountant but couldn’t find a professional job so she works as a shop assistant for a European Hotel North of Mombassa. She works a 6-day week, gets no sick or holiday pay. Her shifts are 8 hours during which she gets no breaks and cannot eat. Eating any food is charged at Euro12 or dismissal. “Once a cook tasted a chickens foot used to make soup, but not fed to guests. The security guard caught him and he was dismissed. We are not allowed to bring anything in, the guards at the gate check us…. We don’t eat anything at all, we get used to it, …our stomachs adjust…” “Even the leftovers…. they go to the cats or in the bin”.

“I cannot afford the bus so I walk, accept if I am on the late shift then I have to [use a bus], it’s not safe for a woman to walk”. “The worse thing is we often get paid late so we have to borrow money, with the interest there is not enough [money to live on]” “I know there are employment laws in Kenya that should protect us, but well, even unions are corruptible”. (Interview with author 2007)

**Case 2 Cruise ships and violations of labour rights**

The cruise industry is a multimillion dollar industry and it is growing. In 2009, it is estimated 13.5 million people took a cruise worldwide (Davies: 2009) and it is expected that the global cruise industry will reach 20 million passengers by 2012 (Mintel: 2005). One in every 12 package holidays booked in the UK is now a cruise, while it was only one in 26 in 1999 (Passenger Shipping Association: 2009:3). People from all over the world are attracted to work on these cruises and they are needed for this industry to keep growing. Unfortunately the cruise industry takes little responsibility over the welfare of its workers and operates under a system that makes it easy to exploit staff without being held accountable.

The system is called “Flag of Convenience” (FOC) and it allows ship owners to register their cruises under foreign flags. This means that the state of which the flag belongs to is responsible for the protection and fulfilment of the human rights of both the ship’s crewmembers and its passengers. Popular FOC states are Panama, Liberia and Bahamas. What these countries have in common is weak trade unions and labour laws and are known to ignore both international maritime standards and international human rights law. Popular cruises such as Carnival Corporation, Royal Caribbean, Star Cruises and Disney all sail under a FOC (ITF & War on Want: 2002: 26)

The International Transport Workers Federation (ITF) has long opposed this flag-of-convenience system, calling it worker exploitation. In 2002, after a large amount of complaints from crewmembers, the ITF together with War on Want, a British Human Rights Organization, released a report *“Sweatships: what it’s really like to work on board cruise ships”* that highlights the daily human rights abuses of the crewmembers. Subsequent research of the industry confirms the grim picture (Klein: 2005, Torres & Rubadoux: 2006, **Jenkins: 2007**).

The workers suffer from:

* insecure, short-term contracts;
* low wages and high costs, including illegal agents’ fees to secure a job: money often has to be borrowed at high rates of interest,
* long working hours and high work intensity, leading to fatigue;
* poor management practices, including bullying and favouritism, racial and gender discrimination;
* high labour turnover, fatigue and inadequate training, giving cause for concern about safety; and
* employers who are hostile or resistant to trade union organisation and collective bargaining.

Notable in the report is that racial and gender discrimination underpins the operations of many of the major cruise lines, from access to employment to rights at work. Unlike workers from MEDCs, workers from the LEDCs often have to pay illegal fees to crew agents used by the cruise lines, in order to secure employment. Many take high interest loans to be able to do this and are therefore indebted before starting work and if anything goes wrong with the contract, the cruise ship worker and his/her family may find themselves in a spiral of mounting debt. This puts the workers in a vulnerable economic situation which the employers reinforce by making the staff pay for their uniforms and many cruise lines also take an indemnity out of the wages from each employee which is returned only at the end of employment and without interest. The economic dependency favours the employer as the employee is prevented from breaking their contracts no matter what conditions of work they experience. It is also commonplace that the employers hold on to their employee’s passports, literally preventing the crew members from leaving the ship (ITF & war on Want: 2002: 15)

Migrant workers from the LEDCs cover the menial positions onboard and are often moved around at the preference of the employer as the contracts rarely states what job they have been recruited for. The working hours are extreme; according to an ITF survey (ITF & War on Want: 2002: 15) of 400 cruise ship employee’s, over 95% were found working seven days a week, over a third of the cruise workers work 10-12 hours/day, and just under a third do as much as 12-14 hours. Where there is no union agreement, overtime is recognized as regular working hours. For this hard work, waiters/waitresses can earn as little as $45/month, bar tenders $365 and hotel and gallery stewards between $400-$480. In trying to gain a living wage they compete for tips. This has created an internal system of charges where for example the waiter has to pay the cook to get his order prioritized. The work onboard is stressful and physically strenuous but crew members need to stay well as the sick pay amounts only to a basic wage of $45. Holiday pay is completely absent.

Not only do these practices violate the most fundamental rights of the workers but the practice described above cannot be defined as work at all as it amounts to bonded labour or debt slavery.

Meanwhile, the by- and large- white migrant workers from the MEDCs enjoy higher job positions, better wages, working and living conditions. This discriminative practice is highly visible due to the segregation of staff. Most of the crewmembers from the MEDCs are working and living on decks above sea level and enjoy a greater freedom of movement. Below sea level, crewmembers from the LEDCs are confined to cramped living and working spaces and face disciplinary action if they are seen on deck levels where they are prohibited from being. (ITF & War on Want: 2002:2)

For women the situation onboard is particularly harsh as they are also discriminated because of their gender. Despite qualifications they enjoy inferior positions to their male counterparts; mainly in jobs in contact with passengers such as waitressing. They are exposed to a highly sexualized environment where sexual harassment from fellow crewmembers and their superiors/bosses has become a normalized part of their working environment. Sexual harassment and rape of both female crewmembers and passengers are commonly swept under the carpet and the criminals are rarely prosecuted as reported by an US based maritime law firm (Lipcon et al: 2008). Pregnancy and maternity rights are absent and women have had their contracts terminated when found pregnant. (ITF & War on Want: 2002:14)

In order to challenge discrimination onboard as well as other illegal practices by the cruise ship company, seafarers have the right to form unions to bargain collectively for their labour rights to be respected and fulfilled. But cruise ship employers have shown to be hostile to trade union organization and collective bargaining and a threat of instant dismissal hangs over those who try. ITF believes that solidarity between the workers is actively prevented through a “divide and rule” strategy (ITF & War on Want: 2002:13); the cruise lines employ as many different nationalities as possible and casualise work contracts thus creating language barriers and preventing long term relations to form. The constant struggle for making up wages with tips also creates a fierce individual competition detrimental for the solidarity between the cruise workers.

The ITF has for 50 years waged a campaign against the FOC system demanding that ship owners take their responsibility over the welfare of its workers, their interests and rights, regardless of nationality. In 2006 the ILO adopted the Maritime Labour Convention. The convention sets out seafarers’ rights to decent conditions of work and helps to create conditions of fair competition for ship owners. **The known FOC states within the cruise ship industry;** Bahamas, Liberia and Panama have all ratified the convention though it will not come into force until 30 countries have signed it (ILOLEX: 2009) Meanwhile the ITF and War on Want report lists a set of recommendations for what action can be taken in solidarity with the cruise ship worker (ITF and War on Want: 2002: 30)

## The Right to Privacy, Respect and Dignity

##### The notion of privacy refers to the sphere of a person’s life in which he or she can freely express his or her identity, in relationships with others or alone (UN: 1994). Privacy covers both the physical and psychological integrity of a person and includes `the right to personal autonomy’. The right to privacy also protects against arbitrary interferences with a person’s family and home. The term family should be attributed to a broad interpretation to include all those comprising the family as understood in the society concerned (UN: 1988). Privacy can mean many things in different contexts: of people and peoples, cultures and nations. What constitutes an invasion of privacy differs according to these contexts and therefore has to be people-centred in order to be understood and respected.

##### The human right to freedom of expression and opinion is related to the right to privacy (Smith:2007:267) as this right is crucial for people to freely communicating their perceptions of privacy and with this, ensuring their human dignity Smith:2007:267). The right to privacy is protected in a variety of international human rights laws including the Universal Declaration of Human Rights (UDHR) article 12; the International Covenant on Civil and Political Rights (ICCPR) article 17; the Convention on the Right of the Child (CRC) article 16; and the Declaration on the Rights of Indigenous Peoples article 12.

### Undermining dignity and privacy in the Lower Omo Valley, Ethiopia

The principle of basic human rights includes an essential right to dignity and privacy. These rights are severely undermined when people and their homes are made into tourist attractions without their free, prior and informed consent and without any intention to make them rightful stakeholders in a profitable industry. For over 10 years the tourism industry and its clients have profited on the exploitation of the Mursi tribe of the Lower Omo Valley, Ethiopia (Steen: 2007). The images of the Mursi wearing iconic lip plates and colourful dresses are, without their consent, seen plastered all over vacation brochures (e.g. RealAdventures: 1998-2009) and circulated amongst tour agents. The Mursi are sold as exotic cultural commodities to be visited, looked at, and photographed and it is a profitable business; thousands of private pictures of Mursi woman, men and children are circulating on the web as tourists and photographers are quick with uploading their cultural trophies for admiration or sale (Flickr: 2009, Photographersdirect: 2009).

For the Mursi, this means that their homes and private spheres are constantly subject to physical and psychological intrusion. In high season external tour operators with non-local guides arrange trips to the same 2-3 Mursi villages where 30 cars visit 5-6 times per week (approximately 90cars per day) (Steen: 2007). The tourists are dropped off briefly to take pictures, leave a couple of Ethiopian Birr (less then 20 British pence) (Turton: 2004:3) for his/her “individual object” and jump back into their car and disappear. Not only is the Mursi´s right to privacy of their person, home and family life shattered, but their right to have and maintain private relationships is also made difficult by the fact that they are not given any stake from the tourist industry and as a result have to compete fiercely for the few pence the tourists give for photographs (Steen: 2007). While the industry and the tourists continue to violate the rights of the Mursi, they are blamed for being aggressive to the tourists (Turton: 2004: 5,6). The Mursi are asking for respect of their human dignity, they want tourism to be acted out on their terms and for their benefit. They don’t want to be passive objects but active participants in the industry with the right to express their culture in the way that they choose. This was revealed in a workshop held in 2005 titled “Tourism in South Omo: Questions of Social Sustainability” where 70 participants from 11 ethnic groups, youth and elders, throughout South Omo were brought together to discuss the issues about present state of tourism and future imaginations from a community level. The idea of cultivating tourism from a grass-roots level was the most significant aspect revealed by these local perspectives (LaTosky: 2007: 8).

### Stateless but valuable: Kayan women in Thailand

The same situation of exposure and exploitation for tourism purposes applies to the situation of the Kayan women and their daughters in Thailand. The Kayan are famous for their neck rings, a cultural attribute that makes their necks appear elongated. They are an ethnic minority group, refugees from Burma that have escaped grave human rights violations, and at the point of entry into Thailand are discriminated against because of the rings. They are separated from the other refugees and transported to specially built, artificial, “long neck” villages where they serve as an all year round tourist attraction (Say Reh Soe 2008). As stateless people, they are denied all forms of status, which would grant them basic rights, including refugee status. Those that have been granted resettlement abroad as refugees (in Finland and New Zealand) have been denied exit visas by the Thai authorities as the Kayan generate income as tourist attractions for the local tourism operators, local government officials and village chiefs. (New Frontiers: 2006, Parry: 2008)

The Thai authorities denies the Kayan refugee status in arguing that they are economic migrants that have ‘chosen’ to live outside the refugee camp to earn a good living from the tourism trade (Harding: 2008). But for the Kayan, the lack of status, even as economic migrants, means that they have no social security, they are not allowed to leave the tourist villages and consequently are denied the human rights:

 to freedom of movement,

to free choice of work,

to education,

to land and many other rights. (Parry: 2008).

In fact, the Kayan seems to be denied the human right to have rights as a person and as a literal expression of this, many Kayans have been trafficked as commodities for tourist exhibitions elsewhere in Thailand (New Frontiers: 2007)

The right to privacy is violated on a daily basis as up to 150 visitors are taken by Thai tour companies to each of the three Kayan (or Padaung) villages every day during high season (Tourism Concern: 2008). Tourists pay 250 baht (about £4) each as an entry fee to the village chief to walk around the village freely taking pictures of the Kayan women and children (Parry: 2008) The women and their families are supplied rice, chilli and cooking oil, and a monthly stipend of 1,500 baht (£24) per set of neck rings, (although many complain that if the tourists don’t come they only get the rice) (Parry: 2008). They exist for the tourist dollar. The Kayan men, who do not have land to cultivate, are not of interest for the tourists and exist in the peripheries trying to sell textiles and handcrafts to generate income, the Kayans right to family life is therefore also violated.

Some of the younger generation Kayan are opposing their denigrating treatment as cultural exhibits for tourists in the artificial villages that they know are referred to as “Human Zoos” (Harding: 2008). They have opposed the exposure of their private lives as seen all over billboards, brochures and postcards in Thailand and some of them have discarded their rings in the hope that by denying themselves the right to cultural expression (or the right to freely express their identity) they will have more freedom to move around, as they will not be attractive as exhibit-items for tourists (Harding: 2008).

INSERT Figure7.2 Kayan Woman shown alongside other attractions at Bangkok Zoo in an advertisement in Bangkok airport

Due to the consistent highlighting of the Kayan case by civil society organisations such as Tourism Concern together with the United Nations High Commission for Refugees in Thailand pressure has been put on the Thai government to take responsibility to respect, protect and to fulfil the human rights of the Kayan. Some Kayan have now been issued with exit visas and most villagers have been given the choice of entering the main refugee camp or remaining and working in the tourist villages as economic migrants. As yet the Kayan do not have control over tourism in their villages, however, they do hope to be able to develop an encounter with tourists based on respect and dignity.

## The human right to water and the impact of tourism

Water is a critical resource for human survival and dignity; it is a fundamental, universal human need and basic human right. Water is an underlying determinant to health and is therefore connected to the human right to health, food, housing and ultimately to the human right to life (UN: 2003) Water is a necessity for agricultural production and millions of the world’s poor, particularly in rural areas in subsistence agricultures, depend on water for their livelihoods (King: 2005:3).

In order for the right to water to be fulfilled it has to be sufficient, safe, physically accessible and affordable. The entitlements to water include the right to a system of water supply and management that provides *equality of opportunity* for all people to enjoy the right to water (UN: 2003:4). Water is typically the responsibility of women in LEDCs therefore women suffer to a greater extent when water resources are mismanaged as many have to walk for several hours every day to find it (Hemmingway 2004). Apart from increasing their workload, they loose out on their right to education-essential for strengthening their position in society and for efficient poverty eradication (Watkins: 2006: 47).

 In popular holiday destinations, local inhabitants have to compete with the tourism sector over the access, allocation and use of water for their personal and domestic daily needs as the tourism industry exerts an enormous strain on the water supplies (UN: 2006:1). Locals also have to fight against the industry which pollutes much of the water itself depends upon.

Continuing contamination, depletion and unequal distribution of water not only poses a direct threat to people’s right to health and life but it is also exacerbating existing poverty and is a source of conflict and societal instability (King: 2005). Priority in the allocation of water must be given to the right to water for personal and domestic uses, and for preventing starvation and disease.

As every tourist consumes between 300 and 850l (De Stefano 2004) of water per day, tourism development has become virtually synonymous with water depletion, scarcity and shortages. “*All around the Mediterranean, tourism has contributed to a severe lack of drinking water. In this relatively dry part of the world, the individual tourist consumes on average twice as much water as a local inhabitant. Due to the water shortage caused by tourism, the coastal communities are forced to produce drinking water out of seawater or to import expensive drinking water from elsewhere. Consequently, traditional economic activities such as agriculture, are marginalized by the lack of water*” (Visser 1999).

 Moreover, extensive landscaping, water parks, swimming pools and golf courses are typical tourist facilities that require water during the dry season. On average, a golf course needs between 10,000 and 15,000 m3 of water per hectare a year. The surface of a golf course lies between 50 and 150 hectares, which means that the annual consumption of a golf course is around 1million cubic meters per year or the equivalent of the water consumption of a city of 12,000 inhabitants (De Stefano 2004).

In the Alps snow-making machines now suck up nearly as much water as Vienna, a city of 1.7 million people.In dry years, some Alpine villages have to get their water from fire trucks because mountain reservoirs are dry (Champion 2008). In Kovalam, in the Indian state of Kerala, many hotels rely on water brought in by 10,000l tanks from the nearby villages. Some villagers have sold access to their wells. Meanwhile other villagers protest as the water table is lowered and fights have broken out due to water scarcity (Hickman 2007). A similar story can be told from Zanzibar where the construction of a hotel has lead to the villagers’ well being constantly exhausted; or in Goa where 50 % of farming households have given up on agriculture due to water shortages (Solomon 2008).

Apart from water depletion, the tourism industry is also known for polluting water sources due to its mismanagement of water and inadequate sewage systems, which is adversely affecting local people’s health. In South India near to Ernakulam the water theme park, Veegaland is discharging chemically treated water into the surroundings affecting agricultural land and causing skin irritations. (Kamp & Mangalassery: 2005). In Kainakary near Alappuzha, pollution from an increasing number of houseboats for tourism has caused a decline in biodiversity and in fish stocks, as diesel from the motors and kerosene from the stoves, leaks into the water. The locals who depend on the lake, river and canal water for cooking, cleaning and washing complain that even the fishes tastes of kerosene (Kamp & Mangalassery: 2005 ).

## The Right to Housing: Tourism and Displacement

Housing is universally viewed as one of the most basic human needs deemed essential for physical and mental health and for living a life in dignity. Housing is recognized in the Universal Declaration of Human Rights where it proclaims the right of *everyone* to a “*standard of living adequate for the health and well-being of himself and of his family[[1]](#endnote-1), including food, clothing, housing and medical care and necessary social services”* (UN: 1948: 25:1).

For housing to be a*dequate* it has to provide more than just four walls and a roof over one's head, at a minimum it has to include; legal security of tenure; potable water and sanitation facilities; it has to be in a location which allow access to employment, schools, healthcare; it has to be habitable, culturally adequate and affordable. (UN: 1991). The right to land is also recognized as being a critical element of the human right to housing as inadequate housing often is the consequence of being barred access to land and common property resources (Kothari: 2007: 10). For indigenous peoples, a violation of their land rights poses not only a threat to their livelihoods but also to their cultural existence as their land forms an integral part of their belief system (Smith: 2007: 320). There is a systematic gender- specific violation of the right to an adequate standard of living as women are often denied the right to own and inherit housing, land and property (Kothari: 2007)

The right to housing and land is integrally related to other human rights such as the right to food, livelihood, work, self-determination, health, education and privacy.Forcibly evicting people from their homes is constituted being “*one of the most supreme injustices any individual, family, household or community can face.”* as it puts serious obstacles to the full enjoyment of all human rights (UN: 1996)

If people are displaced from their homes as a consequence of a natural disaster, the survivors have the right to return to their homes and places of habitual residence if they want to, with the assistance of the authorities (UN: 1998: 28:1, 29:2). If not, the authorities are obliged to provide adequately housing elsewhere. To make sure that the rehabilitation and housing corresponds to the needs of the survivors it is of fundamental importance that the survivors right to consultation and participation in the planning and managing process is fulfilled (UN: 1966: ICCPR: 25 & UN: 1998:28(2)).

Displacement of people due to large-scale development projects is prohibited unless it can be justified by compelling and overriding public interests (UN: 1998: 6: c). Can tourism development be of such a public interest that it justifies the displacement of people from their homes, communities, livelihoods and cultural identities?

Tourism can result in the displacement of people in a number of ways. People are evicted from their homes either by governments or developers. In other cases they are forced to move due to environmental disasters or economic reasons. Frequently tourism causes dramatic price rises and local people can no longer afford rents and are forced to migrate. In the worst cases, eviction includes people having a gun put to their heads to force them to surrender their lands as reported by Mowforth et al (2008) in relation to a multimillion dollar holiday resort development in Tela Bay Honduras. Or having their homes deliberately destroyed by fire, as occurred on the Island of Gili Trawangan in Indonesia (Dalton 1995). More recently, land grabbing in Kenya by powerful tourism interests has led to one of the Siria Masai tribe being shot and the rest burned out of their homes and chased off their tribal lands (Pers com Tourism Concern 2009).

More often people are given other land or places to live – however this frequently up roots them from their social ties and economic livelihoods. The case of developments in Cairo is typical.

Insert text box “Losing it all in Cairo”

#### Losing it all in Cairo

In 1995 the Egyptian government wanted to beautify a part of the historic center of Cairo creating public open spaces and developing two luxury hotels and a commercial area. The project included rehabilitating an old cemetery Bab al Nasr, which was partly occupied by squatters. These residents were to be resettled on the fringe of greater Cairo. The local authorities arrived with the police and told the residents to pack their belongings. They had little time to salvage what they could. They were given plots in new desert settlements but there was no electricity and no water. In the city center they were close to their employment but from the new location they had to pay for transportation to the city; furthermore, many were hawkers and now had nowhere to sell they wares. Not only did they lose their homes and many of their possessions, they lost their source of income, social ties and community networks. Source Fahmi (2008)

**The tsunami: Sri Lanka, Thailand, India**

In December 2004 a tsunami hit the coasts of several countries in Asia, killing more than 230,000 people (Tsunami of Tourism 2009) and making more than a million homeless (Rice: 2005:6). A year after the disaster inhabitants in Sri Lanka, many of whom were still living in inadequate and temporary shelters, spoke of the “*Second Tsunami*” as they saw their land being rapidly handed over to tourism developers (Rice: 2005: 16), In fact, tourism played a big part in the post -tsunami reconstruction plans not only in Sri Lanka but also in Thailand and India. The tourism board in Sri Lanka expressed contention with the disaster as it had created a “great opportunity” for turning Sri Lanka into a world class tourism destination (Rice: 2005: 11). The human rights of the survivors were violated for businesses. The tsunami had cleared the beaches of houses and people and under the guise of protecting people from another disaster the governments started to discriminatively implement coastal regulation-and buffer zones (CRZ) preventing local inhabitants from reconstructing their homes by the sea but allowing hotels and tourism-related businesses to do so. Foreigners were even allowed to buy land within the zones in Sri Lanka (Rice: 2005:17). In Tamil Nadu, India, the authorities refused to give financial assistance to survivors wanting to rebuild their homes that were within the buffer zones (Rice: 2005:14) and in Thailand the authorities attempted to evict fisher communities with customary rights to their lands while ignoring the private sector that were illegally reconstructing tourism amenities within the zones (Rice: 2005:13). In the tsunami struck Pichavaram mangrove in the Cuddalore district of Tamil Nadu the people were unable to return as the authorities had granted permission for developing their homes into an ecotourism area (Rice: 2005:22).

From the start, affected local communities have been denied their right to consultation and participation in the planning and management process of their rehabilitation and the reconstruction of their lives and livelihoods (Verdict: 2008:6 & Rice: 2005).

Consequently fisher communities in Sri Lanka have been permanently but inadequately housed (if housed at all) inland, far away from the coast and their livelihoods. With no alternative ways of making a living and with no means of paying a return journey to the coast, the communities are now experiencing deep levels of poverty. Meanwhile, tourism amenities take up the space where they once used to store their boats and nets.

Five years after the tsunami whole communities in Sri Lanka and India are still temporarily and inadequately sheltered and living conditions are inhuman, despite the outpouring of aid and assistance from the international community. In the Andaman and Nicobar Islands survivors who are still in temporary tin sheds witness excess heat, leakages, noise, poor construction, disrepair and violation to their privacy rights, especially women. (Interim Verdict: 2008: 6) In Tamil Nadu, India, the poverty is so grinding that women have been selling their kidneys for medical transplantation in order to survive (Klein: 2008: 499).

Meanwhile tourism development has blossomed in and around the southern states of India. In Kerala the government has even diverted almost £10 million from the central government Tsunami Rehabilitation Programme (TRP) to Kerala Tourism Board. The survivors’ rightful funds will instead be used for coastal beautification projects attempting to attract tourism, for areas not hit by the tsunami. One of the projects is the construction of an artificial reef in Kovalam, to attract international surfers; however it poses a threat to the livelihoods of 500 fishermen (Mangalassery et al: 2009).

A further threat to the entire coastal community across the country is the proposed Coastal Zone Management Plans which, if implemented will privatise the coastal lands and let it be controlled by the tourism and fishing industries. The World Bank funded Emergency Tsunami Reconstruction Programme (ETRP) is encouraging its implementation through its programme (Interim Verdict: 2008, Mangalassery et al 2009).

## A Business Case for Human Rights Considerations

In the UK tourism is largely taught in business schools and students are taught that tourism is an industry rather than a system. Students engage in business modules and are taught financial management as an essential element of tourism management. Recently, environmental management has become an element incorporated into some tourism business programs, but how about the social performance of companies?

Despite globalisation, deregulation and international economic influences, most human rights law respects states as the main vehicle through which rights are realised or denied (Hemmingway 2004). States should take action against anybody that violates the rights and it is the states that are held responsible if they fail to control private enterprises whose behaviour deprives individuals of their rights. This is problematic in many LEDCs where law enforcement is weak. As Hemmingway suggest “*due to the state-centric nature of international law TNCs are at liberty to operate to a large degree with impunity*” (2004: 285). Furthermore, their collective might can overpower governments, for example in 1999 the Gambian government outlawed all-inclusive resorts but under pressure from the European operators the decision was reversed the following year.

However consumers are changing, becoming more demanding and rewarding companies that have an environmental and social conscience (WTO 1999). As many as eight out of ten people think companies are at least partially responsible for reducing human rights abuses and a number of firms are taking note (Amis et al 2007). Driven either by fear of public scandals, lawsuits and public boycotts or by gaining competitive edge some leading companies are beginning to incorporate human rights as part of their Corporate Social Responsibility (CSR) reporting.

As outlined by the International Business Leaders Forum (IBLF) (2007) there is a strong business case for having a human rights policy as part of a company’s CSR and to champion good practice on human rights for the following reasons:

1. To safe guard reputation and brand image – At a meeting of major hotel chains brand image was the greatest reason they gave for the need to better understand their impact on human rights.
2. Gain competitive advantage – As a number of surveys have shown, increasing numbers of customers will choose ethical companies. Dealing with human rights issues will also make them attractive to partners, employees and governments.
3. Improve recruitment and staff –loyalty - Staff turnover and the consequences of costly training can be avoided if a company has responsible employment practices including transparent and appropriate policies on human rights.
4. Foster greater productivity – Where workers feel valued and well treated, they are more likely to give their best to the company.
5. Secure and maintain a licence to operate- Governments are increasingly looking for companies to have clear responsible policies to operate in their territory.
6. Reduce cost burdens – As well as savings on recruitment, from enhanced productivity and competitive advantage, being able to avoid litigation costs is becoming a reality companies can not afford to ignore.
7. Ensures stakeholder engagement – Engaging with stakeholders is a central tenet of sustainability. Trust and rapport with local communities and NGO’s will be enhanced where a company has a transparent human rights policy.
8. Meeting investor expectations – As increasing numbers of investors are taking a close interest in responsible business practice and looking to put their money in ethical funds. This Socially Responsible Investment (SRI) has grown significantly to become an investment philosophy adopted by a growing proportion of investment institutions (Sparkes and Cowton 2004). Having a human rights policy will allow access to these funds.

In 2003 the Global Reporting Initiative (GRI) completed its specific supplement for tour operators. In 2006 UNWTO announced a tourism and human rights initiative to

“*create a framework to assist the tourism industry to address human rights within their own business operations*” (IBLF 2006) and to develop and adopt a specific set of human rights principles for the industry. In 2007 TUI appeared on the Dow Jones Sustainability Index. However, the UNWTO /IBLF project remains without results and TUI’s sustainable policy triumphs climate, biodiversity and enviromental reporting. What about the human rights? There are plenty of good reasons for tourism companies to take human rights issues seriously but it appears that few of them are as yet taking the issues on board. As Babu George suggests “*sustainable toruism will remian incomplete without including the Human Rights of its stakeholders as one of its core constituents*” (2007:46).

## Conclusion

This chapter has looked at the links between tourism and human rights. It has examined how tourism affects the human rights of people living in destination communities in a number of ways and has illustrated this through examining the links with employment, housing, water and privacy. This is by no means an exhaustive coverage but serves to demonstrate how the right to freedom and travel for the rich violates the rights of people in the destinations they visit. The chapter has also suggested that since tourism is usually taught in business schools, tourism is understood as an industry rather than a system, and for this reason human rights issues receive scant attention in tourism texts and journals. The chapter ended on the business case for examining human rights and for their inclusion in companies Corporate Social Responsibility policies and reports.

## Questions

1. What are the links between globalization and human rights abuses through tourism?
2. What can a tourist do to prevent their holiday abusing the rights of people in destination communities?
3. What human rights might you be abusing by having two showers a day on holiday?

## Useful websites

[**http://www2.ohchr.org/english/law/index.htm#core**](http://www2.ohchr.org/english/law/index.htm#core) (all human rights collected and easily linked)
[**http://www.bayefsky.com**](http://www.bayefsky.com/) (straight forward guide to human rights conventions and subject matters within these + all countries human rights ratifications)

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Figure 7.1Source : Polyp

1. [↑](#endnote-ref-1)