Tourism Development and Human Rights

Davood Ghahremani

Assistant Prof., Dept. of English Language, Garmsar Branch,
Islamic Azad University, Garmsar, Iran

Abstract
The present paper is an attempt to integrate the concept of human rights in relation to tourism discourse and international laws and relations. In pursue of development, human rights are often mistreated while constantly supporting it will be more advantageous in long run. Economic development and prosperity of humans are among the most valuable motives for working on tourism development. It seems that there is no universally accepted definition of human rights but they are the basic standards without which people cannot live with dignity (D'Amore, 1988). This paper examines the effects of tourism and international laws relations on human rights to finally arrive at a comprehensive picture of this relation. In this regard, practical suggestions and guidelines of human rights for tourism and international relations are discussed. It is concluded that tourism constant development is not achievable until human rights is respected in international law and relations.

Keywords: human rights, international laws, international relations, tourism

Introduction
Human rights are the rights one has, for the plain reason that one is a human being. Human rights can mean either natural rights or civil rights (Turner, 1993). Natural rights are possessed by all human beings and are derived from nature. The idea of intrinsic rights ultimately depends on the belief that value is inherent in the structure of the universe, and is thus connected to theories of Natural Law. These are thus distinct from the civil rights, which are derived from membership in society formed out of a social contract. Under this conception, civil rights derive from society rather than God or nature and thus can be changed. Even though the right to be treated fairly in a court of law is a natural right in many societies there are culturally accepted exceptions in at least a few societies. The United Nations understood way back in 1948 the vital need to institute a set of values that individuals and societies around the world should esteem and circulated them under the label, the Universal Declaration of Human Rights (UNO, 1948).

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).

What are human rights?
Regardless of our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status, the

inherent rights of human beings are called human rights. Respecting human rights can remove any discrimination and creates considerable fairness among human beings. To protect all human beings, human rights form a body of interrelated, interdependent and indivisible rights. Treaties, customary international law, general principles and other sources of international law are created and issued by national and international enterprises to support universally human rights. To make sure that governments act in certain ways or abstain from certain acts, international organizations have issued international obligations and rules to promote and guard human rights and fundamental freedoms of individuals or groups (Hemmingway, 2004).

The most significant measure of international human rights law is the creation of universality of human rights standard. Since its establishment by the Universal Declaration on Human Rights in 1948, abundant international human rights conventions, declarations, and resolutions have emphasized its significance. For instance, the 1993 Vienna World Conference on Human Rights accentuated that regardless of peoples political, economic and cultural systems, it is the obligation of all States to promote and protect all human rights and fundamental freedoms.

About 80% of all States have endorsed more than one of the core human rights treaties. On the one hand, this reflects approval of States and on the other hand, it creates legal commitments which at the end will result in universally expression of human rights. It seems that among human rights, some fundamental norms are universally protected by customary international law.

Human rights are undeniable. Certain conditions may influence their qualities and quantities, however, they are indisputable. For example, a court of law may restrict the freedom of a guilty person, but is not allowed to forbid the right completely (Muchlinski, 2001).

All human rights are inseparable. Like the organs of human body that work together to create and preserve life, human rights are joined to each other. whether civil or political rights, these rights are indivisible, interrelated and interdependent. The advancement

or deprivation of one right may assist improvement or downgrading of the others.

The principle of non-discrimination is at the heart of international human rights law. This principle can be found in all the major human rights treaties and is the central topic of some of international human rights conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

The principle is the most comprehensive one which embraces all people in relation to all human rights and freedoms and proscribes any kind of discrimination based on sex, race, colour and so on. In this regard, Article 1 of the Universal Declaration of Human Rights which states that "All human beings are born free and equal in dignity and rights" is accompanied by the principle of equality to reemphasize the significance of this right (Turner,1993).

The role of international law in pursuing the countries to respect, to protect and to fulfill human rights Human rights is very important. International law can oblige States to refrain from interfering with or restraining the enjoyment of human rights. It can require States to act against any human rights exploitations. Moreover, international law can require States to take constructive actions to facilitate the enjoyment of basic human rights. While we expect others to respect our human rights, we should do our best to control any violation of human rights of others (Tharoor, 2000).

Human rights Violation

When someone is treated as though she or he were not human being, it means human rights violation. Following are examples of human rights violation stated by the Universal Declaration of Human Rights (Sparkes & Cowton, 2004). In this regard and based on the principles of UDHR, human rights are violated when, a certain race, creed, or group is denied recognition as a legal person; men and women are not treated as equal; different racial or religious groups are not treated as equal; life, liberty or security of person are threatened; a person is sold as or used as a slave; cruel, inhuman or degrading punishment is used on a person; victims of abuse are denied an effective judicial remedy; punishments are

dealt arbitrarily or unilaterally, without a proper and fair trial; arbitrary interference into personal, or private lives by agents of the state; citizens are forbidden to leave or return to their country; freedom of speech or religion are denied; the right to join a trade union is denied; education is denied; among other things (Williams & Papamichael,1995).

International human rights

International law is the part and parcel of human rights. since governments are in position of power, they can control the freedoms of individuals or groups. Sometimes obtaining this freedom is not possible without international agreement and pressure. A series of human rights treaties and other instruments adopted since 1945 has developed into an influential body of international human rights. These are monitored and implemented by important international institutions including the UN Human Rights Council, UN treaty bodies, the Council of Europe and the European Court of Human Rights (Pleumarom, 2002).

Obligations in international law are binding on countries which have agreed to abide by them. This means that when the UK Government has signed a treaty and Parliament has ratified it, the country has made a formal commitment and the Government must do everything the treaty requires.

This international dimension forms part of the Equality and Human Rights Commission's remit to embed a strong human rights culture in Britain (Wickens, 2002).

International Law

ONE of the vital concerns of present time is the adequacy of international law in sustaining freedom in society.The integral part of any international society which may act as an institution for providing rules for states' cooperation is international law. The first characteristics which distinguishes international law is its fairness in sharing values of human rights among states. The maintenance order has been the primarily concern of international law which can be seen in provisions such as the UN Charter Article 2(4) restricting the use of force and Article 2(7) supporting non-intervention principle (Cohen, 1988).

The end of Second World War attracted great attention to the significance of human rights law. The Universal Declaration of Human Rights (UDHR) was established in 1948 although it had no legally binding effect. In 1966, two Covenants were signed with purpose of producing actable treaties in relation to more specified rights. Later, the focused changed and several Conventions with focus on particular issues such as torture, children and women's rights were issued. These issues were so important that they could over shadow other issues. (Forsythe 2006:39-41) Justice and establishment of human rights as a common value of international society and incorporation of these issues into states' international relations were among the reasons for creating the conventions which happened after states' agreement (Steen, 2007).

Secondly, states do not seem as much to consider themselves to be bound by these rules (Buergental,1995). The disagreement between the international community and the government of Yugoslavia in the process of creating International Criminal Tribunal for the Former Yugoslavia (ICTY) illustrates the problem of state reluctance. While majority opinion in the UN supported the ICTY as a multilateral means to enforce internationally agreed justice, the government of Yugoslavia objected on two grounds. First, it claimed the UN had no right to intervene in its internal affairs. Second, if the international community indeed recognised the existence of universal justice, creation of a permanent international tribunal based on sovereign equality of states would be desirable than a selective approach targeting only at Yugoslavia (Hunter,1997). Although the ICTY case preferred justice over order in comparison to earlier judicial interventions, states did not consider themselves to be strictly obliged by human rights law and therefore were volunteer for cooperation.

The mere declaratory nature of human rights makes its enforcement somehow difficult. In comparison to classical law which is past-oriented affirmation of precedents, human rights law is future-oriented declaration (Leiper,1990). Unlike English School's logic of common interests creating rules and institutions, legal institutions of human rights may be an example of where establishment of institutions create and consolidate certain interests

in a normative way. From this perspective, the International Criminal Court may help strengthen justice by prosecuting individuals who commit crimes against universal values even when the society of states is unwilling or unable to do so (Ralph 2007:21).

Human rights in international relations

In the past international relations (IR) was not taken into consideration seriously. IR theories are about the cooperative or aggressive relations between states. The value of IR was known after the Second World War. IR theories have provided some useful guidelines for studying human rights.

Creating justice is the primary aim of human rights in relation to international relations. In this regard providing a clear cut definition of justice and its aspects are indispensable. It seems that to understand the value of human rights in relation to international relations the following aspects should be taken into consideration: Understanding the extent to which human right constitute common values and interest among states; whether states conceive themselves to be bound by the rules of human rights; and the relationship between state sovereignty and human rights in the context of conflict between order and justice (Claudio,1992).

International relations are seen as a society of states and is defined as 'a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions. Three elements of anarchy, moral imperatives, rules and institutions are usually discussed in relation to IR. When states are in a system of anarchy, the only element which may let cooperation within anarchy is through social rules and institutions which can oblige states with common interests and values. Common respect to equal sovereignty and their shared interests to co-exist is the key element in sustaining cooperation. IR society's main misssion is the preservation of the society of states, maintaining independence of individual states, and peace (Lovelock, 2008).

Order is important in IR society, which is usually defined as 'a pattern of activity that sustains the elementary or primary goals of

the society of states'. In other words, order is considered as the condition in which states can survive with the least amount of disagreement. In this regard, the duties that may arise from observing human rights may conflict with order. Observing human rights may impose duties on persons or groups other than a person's own state, which may conflict with order when certain actions are taken to satisfy the duty (Holden, 2003).

The tension between order and justice is most evident in the debate between pluralism and solidarism, mainly on whether there are universally agreed moral standards. Pluralists claim that there is no such agreement and the diversity among states should be maintained by non-intervention. In contrast, solidarists believe that 'diverse communities can and do reach agreement about substantive moral standards and that international society has moral agency to uphold those standards. Solidarists focus on the idea of creating 'good states' whereas pluralists support 'good relations' between states (Butcher, 2003).

Tourism is a human rights issue

It is no longer that an ordinary holiday does not satisfy us. We are more curious to explore the world, although we are aware that this curiosity may kill the planet.Tourism as a human rights issue impacts on the environment, the survival of indigenous people, the wellbeing of other cultures. Tourism practices may aggravate the unfair conditions of the poor.Sometimes it is hard to know what to do for decreasing the negative aspects of tourism. Considering the conditions of both sides of tourism, it seems that this economic exchange should be in a way that both hosts and holidaymakers should benefit (Mowforth, Charlton, & Munt, 2008).

A big problem with ethical tourism is that we do not have a clear picture of it. How can it be defined in relation to holidays. The reason is that tourism industry has been able to keep us ignorant about the negative effects. So how would we know that our decisions for enjoying holidays have destroyed many dreams? In this regard, tour operators seem to play a key role in caring about these things. It is interesting to know that in the past the issue was totally ignored. The common belief was that it was not the

industry's responsibility to review their own behaviour (Smith, 2007).

Advertisement

Recent TV programs on negative effects of tourism have increased consumers' awareness and tourism industry about their responsibility for others. However, it should be taken into consideration that this responsibility is not just a kind of environmental good practice. This simplification is just like sweeping the dust under the carpet. So to practice ethical holidays, we can go for holidays that are controlled by local people. This may help them financially and guarantee a sustainable development (La Tosky, 2007).

Conclusion

Tourism as a promising business, if studied carefully and linked with human rights and supported by international laws and relations can ensure the fulfillment of the needs of guests and hosts. Connecting human rights with ethical tourism can create the happiness of both hosts as well as tourists. Observing international relations and fortifying them with practical international laws can increase the possibility of complete enforcement of human rights by all the States of the world.

References

Buergental, T. (1995), International Human Rights, West Publishing, St. Paul, MN.

Butcher, J. (2003), The Moralization of Tourism: Sun, Sand…And Saving the World? Routledge, London.

Claudio, S.E. (1992) "Unequal exchanges: International tourism and overseas employment", Community Development Journal, Vol.27 No.4, pp.402-410.

Cohen, E. (1988) "Authenticity and commoditization in tourism", Annals of Tourism Research, Vol.15 No.3, pp.371–386.

D'Amore, L. (1988) "Tourism: the world's peace industry", Journal of Travel Research, Vol.27 No.1, pp.35-40.

Hemmingway, S. 2004 The impact of Tourism on the Human Rights of Women in South East Asia. International Journal of Human Rights Vol 8 No 3 pp 275-304

Hunter, C. (1997) "Sustainable tourism as an adaptive paradigm", Annals of Tourism Research, Vol.24 No.4, pp.850-867.

La Tosky, S. (2007) Cultivating Tourism in South Omo In Focus, autumn Edition, Tourism Concern, London.

Leiper, N. (1990) "Tourist attraction systems", Annals of Tourism Research, Vol.77 No.3, pp.367-384.

Lovelock, B. 2008 Ethical Travel Decisions. Travel agents and human rights. Annals of Tourism Research Vol35 No2 pp338-358

Mowforth, M. Charlton, C. and Munt, I.. 2008 Tourism and responsibility: perspectives from Latin America and the Caribbean London: Routledge,

Muchlinski, P.T. (2001), Human Rights and Multinationals: Is there a problem? International affairs, vol 77 no. 1pp 31-47

Pleumarom, A. 2002 How sustainable is Mekong Tourism? In Harris et al. Sustainable Tourism, A global Perspective.pp140-166 Oxford: Butterworth Heinemann.

Pogge, T.2007 Introduction In Pogge, T. (Ed) Freedom from Poverty as a Human Right. Pp1-10 Oxford: OUP/ UNESCO

Smith, R. K.M. (2007, 3d Ed.) Textbook on International Human Rights, Oxford University Press.

Sparkes, R. and Cowton, C. 2004 The maturing of Socially Responsible Investment. A review of the developing link with Corporate Social Responsibility. Journal of Business Ethics 52:1 pp 45-57.

Steen, M (2007) A need for responsible tourism in the South Omo Valley, In Focus London: Tourism Concern

Tharoor, S. (2000) "Are human rights universal?", World Policy Journal, Vol.16 No.4, pp.1-7.

Turner, B.S. (1993) "Outline of a theory of human rights", Sociology, Vol.27 No.3, pp.489-512.

United Nations (1994) Coeriel and Aurik v The Netherlands, Human Rights Committee, Communication No. 453/1991 http://www.bayefsky.com/pdf/148_netherlandsvws453.pdf Retrieved: 24/06/09

Wickens, E. (2002) "The sacred and the profane: A Tourist Typology", Annals of Tourism Research, Vol.29 No.3, pp.834-851.

Williams, W. and Papamichael, E.M. (1995), "Tourism and tradition: Local control versus outside interests in Greece", in Lanfant, M. (Ed.), International Tourism, Identity and Change, Sage, Thousand Oaks, pp.127-141.