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Restrictions to mass tourism

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Mass tourism, carrying capacity, tourism saturation, limitation

Summary

A mass tourism is a fundamental subject of that thesis. A purpose is to submit the adequate procedures that countries introduced as a mean to combat the negative effects that provoke a mass tourism to different areas of life: environmental damages, reduced cultural heritage, seasonality, tourism dependence, lack of respect to the origin habitants or overcrowding are only some positions highlighted from the whole list of challenges that touristic areas have to face.

That is why the government is obliged to put the limits, in order to balance the high demand with the possibilities of the territory and their scarce resources. In that thesis I will study which limits the governments are proposing, how they could improve, and which new ideas could be positively examined in case of Balearic Islands. The control of other countries will be considered as a reflection of new opportunities that could be approved in a future.

Key words: Mass tourism, carrying capacity, tourism saturation, limitation

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1. GENERAL APPROACH

A. INTRODUCTION AND JUSTIFICATION

UNWTO - World Tourism Organization define tourism as “a social, cultural and economic phenomenon which entails the movement of people to countries or places outside their usual environment for personal or business/professional purposes”¹. The history of tourism is an inseparable element of human history. People were always moving in search of food and a place to live, but the beginning of tourism is considered to be the moment when a person began to travel for cognitive purposes.

The first tourist journeys appeared in the ancient era. People moved to participate in the celebration of religious holidays and admire the huge buildings, especially the pyramids. However, the nineteenth century proved to be a breakthrough in tourism. With the development of the first rail, the possibility of trips has become much more feasible. In the era of globalization, the access to different destinations is close at hand. Shared economy, increased wealth of the citizens, low-fare transportations, currency fluctuations, extended time off from work, limited formalities related to travel to other countries such as opened borders for EU residents or the eurozone. All of those aspects facilitate movement of people.

Based on the opportunities that provides era of the Internet, mass tourism was born. Nowadays, in the service economy, the dependence of the state and the development of tourism is becoming self-evident. It often becomes an accelerator of market development. In the economy, it performs primarily macroeconomic functions and may stimulate the socio-economic development of tourist reception areas. The range of positive aspects is wide, especially for the cash flow.

Regarding such a huge positive and tangible aspect of tourism, that is money, it is difficult to make a step back and reconsider the impact of the lack of control and how many problems it can create. Should we get richer and richer and ignore the negative aspect of mass tourism until all the area is going to be devastated and exploited? Who should renounce on profits for general good? And finally, how we can do it? As a student interested in tourist law, I will try to delve into this topic looking for possible legal guidelines that set limits on mass tourism.

¹ <https://www.unwto.org/glossary-tourism-terms>

B. CONTEXTUALIZATION AND OBJECTIVES

A purpose of that theme is to study the limits of tourism massification, detect the opportunities that different countries offer. Determine the agreements reached that ensure further development of balanced tourism. Consider the policies that are taken into account to improve the situation. Simultaneously, research for new measures that could be applied in the case of Balearic Islands.

In the first instance, we will take a brief look into mass tourism, when a tourism converts to mass tourism. Secondly, we will examine the negative impact caused by the unlimited number of tourists on the territory and how it affects the economy, society and the environment. Consequently, we will dig deeper into specific cases from the world and we will study all the policies predicted by the governments. Hence, we will consider the measures that could be adapted in a future.

C. METODOLOGY AND SOURCES

For the purpose of obtain accurate educational material I have selected diverse sources:

- Academic articles: from the databases such as Google Academic, doctoral theses, memories, manuals
- Statistical material: in case of Airbnb and tourist arrivals, lbestat
- Regional journals: information about the current problems provoked by mass tourism and their solutions
- Tourism laws: laws, decrees in different zones adapted by the government
- Other sources: personal experience from participation in the tourism conferences in Son Termes

2. PRESENT STATE

A. MASS TOURISM

The phenomenon of mass tourism appeared when the transportation was developed far enough to allow the travel in masses, dated for the beginning of XX century². To understand properly the appearance of mass tourism, it is crucial to comprehend that this concept does not aspire to definition of holiday tourism. Instead of this, it refers to group of people that travel together with similar purposes.

The evolution of transport although considerable, is not the only reason of arising the new field of tourism. The Internet is an incredible boost for tourism. It awakens curiosity about the world and makes it easier to satisfy it, especially in the case of millennials, the first generation of the digital age. It turned out that nowadays, traveling has transformed to one of the essential reasons of existence of younger persons. Being aware of the degree of seriousness of social media for young people it's no surprise that travel has become a top priority for this generation.

In fact, millennials are more likely to travel than any other generation³. They are closer to the world of internet and social media, the greatest effect is believed indeed coming from the platform.⁴ In many countries, the one-year break after completing education for a short backpack trip has become a popular form of entry in adulthood. Especially since suppliers began to fight for customers, dynamically send tariffs according to hunting for price opportunities. Internet sharing economy has led to the birth of services such as Airbnb, Couchsurfing and BlaBlaCar, offering inexpensive, or even free, accommodation or car travel⁵. As a result, a tourist market parallel to traditional travel agencies was born, what reduced the possibility of know the exact number of travellers that stay at the specific area in a specific time.

² SEZGIN, E., YOLAY, M. (April 2012). Golden Age of Mass Tourism: Its History and Development, Anadolu University Turkey

³ <https://skift.com/2017/10/02/u-s-millennials-travel-the-most-but-gen-z-is-on-the-rise/>

⁴ SUCIATI, P., MAULIDIYANTI, M., LUSIA, A. (January 2017). Cultivation effect of tourism tv program and influencer's Instagram account on the intention of traveling

⁵ SEDKAOUI, S., KHELFAOUI, M., (January 2019) Sharing Economy and Big Data Analytics Data and Platforms in the Sharing Context

B. CONSEQUENCES DEVOTED FROM MASS TOURISM AND ITS REFLECTION IN VARIOUS AREAS

In modern mass tourism we are dealing with a common phenomenon, especially in well-known seaside resorts, but also in cities, consisting in combining the original local cultural style with models of foreign styles represented by visitors. This leads to the weakening of the characteristic features of the place and to a significant unification and standardization of culture and many services, which is a frequent cause of frustration for local societies, but also could provoke some disappointment for many visitors.

A conflict is born when there is a clear discomposure in the balance between the tourist capacity of a given place and the number of tourists, and it appears when the local people are forced to share limited city resources with the visitors and the same public space. The dissatisfaction is manifested in different ways, usually in the form of protests, demanding that the authorities take measures to prevent the excessive number of visitors. Resistance of people tired of overreaching number of tourists is growing. Apart of anti-tourism demonstrations that arises out, what is even more mind-altering, the violent incidents. Especially in Spain. The inhabitants of Barcelona, San Sebastian and Mallorca have already fought. Tourist go home slogans appear on the walls. Protesters argue that mass tourism is killing cities, turning them into theme parks⁶ and makes them unbearable for residents.

Cruise ships are a particular problem in popular port cities. In Venice, the No grandi navi committee⁷ was created (not for large ships), because giant cruise ships sailing along the main Giudecca canal, right next to the Doge's Palace, poison the air with exhaust fumes. And then thousands of tourists spill out of them, blocking the narrow streets. That is why the idea of limiting tourist traffic in Venice was back. The committee operates as a social network movement, bringing together the formal and unconventional pressure tools on behalf of which the spokesperson speaks. The protests are organized and coordinated by the weekly meetings and by mailing group and social media is used for external communication. Structural diversity of activities has proved to be its greatest strength as an institution articulating the collective opposition of residents. Both cities Barcelona and Venice have felt the negative effects of this phenomenon, which has involved a lot of reports and studies. The inhabitants of Dubrovnik, another stop on the Mediterranean tourist route, have a similar problem, especially after the success of the "Game of Thrones". It also became one of many cities buckling under the negative impact of overtourism. A city council wants to ban new restaurant business, to do it, they propose to prohibit restaurants from adding outside tables and chairs.

⁶ <https://machbel.com/rebellion-turismo-de-masas/>

⁷ COLOMB, C., NOVY ROUTLEDGE, J. (April 2016). Protest and Resistance in the Tourist City

Tourists were targeted by ecologists, human rights defenders and organizations fighting social inequalities. They call for restrictions, taxation of tourists, and promotion of sustainable tourism. The volume of the negative impact caused by the over-tourism depends on many factors. Primary, how much a territory is able to care. Therefore, the concept of carrying capacity play a central role.

C. CARRYING CAPACITY

Exclusively, a touristic area can plan in a sustainable manner its scare resources if the authorities are aware of the carrying capacity of the territory. To define the concept, it is necessary to consider the carrying capacity from the perspective of the capacity of the environment to receive tourists. Saveriades⁸, in his article advice that it is not possible to count the capacity in a mathematical manner, it is necessary to use it as a guideline, not a formula with fixed numbers. All the research must be collected together and studied the acceptable condition of all the identified features of a specific area⁹.

According to Law 2/2001, of March 7, on the attribution of power to the island councils in matters of territory planning. This law approves that each of the islands can develop, in the respective area, their own territorial model, without prejudice to the position that, according to the statutory text, corresponds to the Government and Administration of the autonomous community. In case of Mallorca, current tourism regulation that reflect guidelines to carrying capacity is Tourist Intervention Plans (PIAT) instituted by Law 8/2012, which was approved in BOIB no. 93, July 28, 2018.

Primarily, PIAT defines the tourist territorial model that affects the island of Mallorca dividing the territory in 10 Territorial Tourism Systems: 1. North Bay, 2. Peninsula of Llevant, 3. Llevant Coast, 4. Migjorn, 5. Playa de Palma, 6. Ponent Coast, 7. Metropolitan Area of Palma, 8. Serra Tramuntana, 9. Raiguer, 10. Es Pla. Simultaneously, 27 tourist areas located on the coast are established. Palma capital is distinguished, including its urban areas, where residential use is prioritized. Also, the different residential zones are provided: 2 urban areas (ZR1, ZR2) with residential use, ZR1 that contains the main residence and ZR2 that contains second residence, 14 coastal areas. As well, rustic floor is protected from the touristic use, with exception of activities that are complementary to the primary sector.

Secondly, the accommodation capacity is established: its limits and maximum density by hectare. A limit of total places allowed for Mallorca is 430,000, in which 315.000 belongs to tourist accommodation establishments and 115.000 to vacational rentals. Then, the maximum density is established, in

⁸ SAVERADIES, A., (2000). Establishing the social tourism carrying capacity for the tourist resorts of the east coast of the Republic of Cyprus.

⁹ ZELENKA, J., KACETL, J. (2014) The concept of carrying capacity in tourism

general the maximum reached 25 tourist places / hectare, in case of residential zone ZR1: 6 tourist places / hectare, ZR2: 12 tourist places / hectare, Palma capital: 8 tourist places / hectare. Also, the maximum tourist density by tourist areas is specified for each tourist area. Moreover, in ZR1: it is allowed to make a tourist use of land for city hotels, and interior tourism accommodation in old town. However, both in ZR2 and in tourist areas it is not allowed to group new residential, tourist or mixed land.

In a third point, the quality of the tourist spaces is determined: those that needs the renewal and the others that needs rehabilitation. The zones were divided to: mature and saturated tourist areas (ZTM1): Playa de Palma, Palmanova-Magaluf, Peguera, Santa Ponça, Calas de Mallorca and Cala Millor, zones that has been exceeded the limit of acceptable tourist offer. And mature tourist areas (ZTM2): Cala Ratjada, Can Picafort and Port d'Alcúdia, those that has not been irreversibly damaged yet. Quality conditions for new establishments are fixed and replacement of existing. Moreover, as prevised in article 9 of Law 3/2014 of December 5¹⁰ of urgent measures aimed at enhancing quality, competitiveness and seasonally-adjusted tourism in the Balearic Islands, that deepens article 77 of Law 8/2012, of July 19, on the Tourism of the Balearic Islands: for the mature tourist areas the aid will be prioritized in the rehabilitation of any type of building and use.

For balance purposes, it outlines criteria for tourist endowments. New trekking routes and cycling paths are set. Ampliation or creation of new golf camp are forbidden, cultural interpretation centres are proposed as a manner to reorganize the tourism. Also, criteria of access and parking facilities on the beaches is considered.

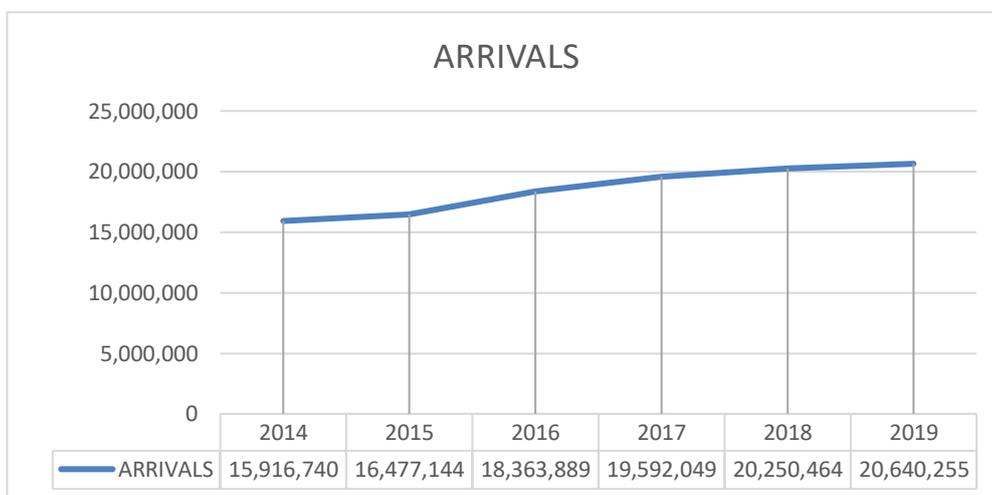
Furthermore, the plan regulates tourist stays in homes. As was predicted in Law 8/2012, tourist stays are divided by: single-family homes, multi-family homes, single-family homes in charge of the owner or multi-family homes in charge of the owner. Mallorca divides its land to different zones: protected rustic land, common rustic land, tourist zones, saturated tourist zones, residential zones and vulnerable residential zones. Environmental quality and energy efficiency measures are also set.

Finally, environmental measures in tourist accommodation establishments are determined, guidelines referred to: exterior lighting, water consumption and energy efficiency. Also, the measures for tourist mobility as a parking.¹¹

¹⁰ Decreto-ley 3/2014, de 5 de diciembre, de medidas urgentes destinadas a potenciar la calidad, la competitividad y la desestacionalización turística en las Illes Balears. «BOE» núm. 31, de 5 de febrero de 2015

¹¹ Plan de Intervención de Ámbitos Turísticos (PIAT) de la isla de Mallorca. BOIB núm. 93, de 28 de julio de 2018

PIAT aims to deepen and complement previously established POOT - Ordination plan of tourism offer. As the island of Mallorca has been one of the main tourist destinations in the Mediterranean and hence, highly exposed to negative impact that comes from mass tourism. The government had to elaborate an accurate plan and determine the limits of the island. Considering the dates of IBESTAT in regard of number of tourists that visit Balearic Islands we observe that regularly since 2014, there have been continuous increase every year, reaching the amount of over 20 million of tourists last year.¹²



Those numbers are alarming enough to focus on many details relative to carrying capacity of the island. Not only traditional accommodation establishments needed a limit, but also the new trend of tourist stays in homes, through the spread of platforms such as Airbnb. Activities related to tourism, needed to be limited as per scarce resources of the island, such as land, water or energy. Due to the seasonality of the island, the infrastructure, specially roads, centres of famous cities or beaches are completely saturated mainly in a high season, that every citizen of Mallorca can experience. In consequence the touristic offer needed to be reoriented to another type of tourism or to different areas. Tourism in any form involves the use of natural resources, that forces to constantly monitor the consequences that its development may cause in the ecosystem. The production of a tourist product always takes place at the expense of the natural environment, and since it is impossible to substitute natural tourist values, any quantitative or qualitative reduction leads to a decrease in the tourist attractiveness of the region. Without a carrying capacity notion, there may be a crisis in the form of chaos of territorial development and weakening of sustainable tourism due to the often-harmful effects of free market competition.

¹² Dates collected on website of IBESTAT. https://www.caib.es/ibestat/estadistiques/00ce6b3e-018a-4564-b3a4-cfe49acf9f14/fd92b0fe-071c-4985-ad5a-e17b24ed65da/ca/I209008_2010.px

3. LIMITATION ON TOURISM

A. GLOBAL OVERVIEW

Among so many negative consequences of mass tourism the authorities of the most popular travel destinations plan and prepare the projects to normalize the dangerous phenomenon of mass tourism. These activities are undertaken at various levels of administration. After a detailed analysis of carrying capacity and thus, the first of the limits putted by government and its example of Mallorca, we will take a closer look into cases of another countries that faces the same problem of mass tourism.

Boracay Island, a small island located in the Philippines, known particularly by the prosperous White Beach. As a consequence of mass tourism, high pollution and deteriorating water conditions, president Rodrigo Duterte has ordered the closure of the island for 6 months from April 26, 2018.¹³ The environmental issues that affected the island were so elevated that government was obligated to limit the tourism for a such extreme point. In the interest of sustainability of the island, a Boracay Inter-Agency Task Force has been created on May 8th, 2018 with the aim to provide the measures to reverse the degradation of the Boracay Island. As of 27 February 2019, the Boracay Inter-Agency Task Force has announced the list with accredited accommodation establishments allowed to accept bookings and reservations, with total of 320 accommodations. After studying the carrying capacity, analysis showed that 40% of the 16 indicators were found to have exceeded the island's carrying capacity¹⁴. Thus, the authorities were obligated to elaborate the total limit allowed of tourists.

H. Goodwin has collected actions published or reported in the media. In his article "The Challenge of Overtourism" (October, 2017) he gathered different ways to combat with certain problem of mass tourism in different cities. From his essay we know that Dubrovnik imposed limits on tour operators running day trips to the city. Denmark forbids foreigners from buying houses in coastal areas or along its beaches. Prague bans Segways from historic city centre's narrow streets. Paris established timed ticketing at the Eifel Tower. Santorini limited boat arrivals to 8,000 per day.

¹³ <https://www.aljazeera.com/news/2018/04/philippines-tourist-island-boracay-months-180405122933486.html>

¹⁴ The 16 indicators studied using five parameters are the following:

- a. Physical Parameter (Ground Water Quality, Ground Water Quantity, Marine Water Quality, Land, Sewage, Solid Waste);
- b. Tourist perceptions (Crowding - White Beach Only, Crowding – All Beaches, General Perceptions);
- c. Resident Perceptions (General Perceptions);
- d. Transport (Air access, Boat transport from mainland, Roads and Road System on Boracay, Vehicles);
- e. Governance (LGU, Other -DENR, DOT, Regional Government).

In the research collected by TRAN Committee¹⁵, other countries of European Union are mentioned. Copenhagen uses redistribution strategy in order to distribute its visitors. A city also prohibited the creation of new restaurants in parts of the city, developed special 'silent areas' in residential neighbourhoods in order to avoid the noise and elaborated a bicycle friendly transportation system. What is more, they improved the sustainability by increasing the eco-certification of hotel rooms. In Riga negative impacts have been reduced through stricter regulations to fight alcohol and sex tourism. In Vilnius, volunteers were grouped and equipped with maps and multi-language info-packs to support visitors with all the information about the public transport, cycling system, also alternative places that can be visited.

B. AIRBNB AS AN AGONY OF THE MOST TURISTIC CITIES

Airbnb is one of the controversial platform, that serves to the unlimited growth of number of tourists in certain area as per its competitive prices. A renting houses by the platform became a main source of earning for a lot of apartment owners in different cities. As hotels and resorts have various restrictive requirements to follow and taxes to pay, a platform give rise to costs from which tourist rentals are free. Added to this, various loopholes that allow them to avoid to pay, let them estimate a low price. The problem concerns mainly attractive tourist cities. At the beginning, classified as a field of a sharing economy, renting of houses by Airbnb was not regulated by law. However, by the rising magnitude of the platform, a lot of cities were obligated to put some limits.

That occurred for example in capital of France. The Paris authorities have launched a special website, which must be registered by all apartment owners renting them via platforms such as Airbnb. Then renting without registration, even for a few days, will become a crime. Those who register will not be able to rent flats without restrictions. Currently, they can do this for a maximum of 120 days a year.¹⁶

The administration of the French capital does not hide that in this way wants to limit the popularity of Airbnb in the city. Paris is one of the most popular cities on this site, allowing private apartments for short-term rent. In September 2017, Airbnb exhibited over 86.000 Parisian premises¹⁷. Many people from Airbnb rent, simply support themselves. However, Parisians complain that this reduces the availability of housing for them, which is still limited because renting a flat in the French capital is almost unenforceable. But also this type of platform makes it impossible to control the number of rented apartments and thus, tourists who come to the city.

¹⁵ PEETERS, P., GOSSLING, S., KLIJS, J., MILANO, C., NOVELII, M., DIJKMANS, C., EIJGELAAR, E., HARTMAN, S., HESLINGA, J., ISAAC, R., MITAS, O., MORETTI, S., NAWIJN, J., PAPP, B. and POSTMA, A., (2018). Research for TRAN Committee - Overtourism: impact and possible policy responses, European Parliament, Policy Department for Structural and Cohesion Policies, Brussels

¹⁶ <https://www.paris.fr/pages/declaration-prealable-a-la-location-d-un-meuble-touristique-5007>

¹⁷ <http://observatoire-airbnb.fr/ile-de-france/paris>

Similar practices can be observed in different cities of Europe. Amsterdam limited a rental to 60 days a year¹⁸. And London put the restriction to 90 days a year¹⁹.

Therefore, the inhabitants of popular tourist cities cannot support continuous growth of tourists. They prefer to have fewer visitants, but provide better quality in the city, not only for them, but also for visitants. And in addition, regain the housing market, lower prices and improve accessibility. Although “overtourism” is a global phenomenon, many people blame Airbnb for its harmful impact on the local housing market.

Considering the fact, that a platform become more and more popular and must be limited for the balance purposes, Balearic Islands elaborated the Law 6/2017 that introduces the possibility of admitting tourist stays in residential houses subject to the horizontal property regime, or multi-family buildings. Law 6/2017, of July 31 amend the Law 8/2012, of July 19, related to the tourist stays in homes. In addition, as mentioned in article 9.20, of Law 6/2017, that amend the article 50 of Law 8/2012: regardless of the type of building, introduces a modality called rental of the main house when the commercialization is carried out by the same owner in his main house for a maximum period of 60 days in a period of one year. Exceptionally, in this modality the coexistence of people residing in the home with users is allowed, provided that it is clearly indicated in all advertising and the total number of people does not exceed the number of places in the certificate of habitability or title of habitability analogue of housing.

C. BALEARIC ISLANDS

• LAW 2/2016 MARCH 30

It is well known that financial barriers are one of the easiest way to put an obstacle for visitors. As approved in article 148 in Spanish Constitution, that “the Autonomous Communities may assume competences in the following matters: 18.^a Promotion and organization of tourism in its territory”²⁰. Followed by the articles 1 and 2 of Organic Law 8/1980, of September 22: “The Autonomous Communities have financial autonomy for the development and execution of the powers that, in accordance with the Constitution, are attributed by the Laws and their respective Statutes”²¹. The Autonomous Communities have a power to establish their own tributes, as previsted in article 129.4 of Organic Law 1/2007 28 of February: “The Autonomous Community of the Balearic Islands has the power to establish, by means of a law of the Parliament, its own taxes, on which

¹⁸https://www.airbnb.es/help/article/860/%C3%A1msterdam?_set_bev_on_new_domain=1586703321_MTQ3M2JhMWQ1NDZk

¹⁹ <https://www.airbnb.es/help/article/1340/alquilo-mi-espacio-en-londres-qu%C3%A9-legislaci%C3%B3n-sobre-alquileres-para-estancias-cortas-se-aplica>

²⁰ Constitución Española. «BOE» núm. 311, de 29/12/1978

²¹ Ley Orgánica 8/1980, de 22 de septiembre, de Financiación de las Comunidades Autónomas. «BOE» núm. 236, de 01/10/1980.

it has regulatory capacity, as well as surcharges on the taxes assigned in the terms provided for in the financing legislation of the communities²².

Given the circumstances of the damage to the environment caused by the high number of tourists, and the possibilities of establishing a financial tribute, which will help the sustainable development of the islands, the Balearic Islands have established Law 2/2016, of March 30, on the tax on tourist stays in the Balearic Islands and measures to promote sustainable tourism. Also differing the price that each person has to pay per night stayed according to the types of tourist establishments. The full tax fee will be obtained from the result of applying the rate depending on the kind of tourist establishment:

- Hotels, city hotels and five-star hotels, five-star luxury and four-star superior apartments, four-key and four-key superior tourist apartments, non-residential accommodation establishments of tourist-residential companies 4€/day/person
- Hotels, city hotels and four-star hotels and three-star superior apartments, tourist apartments with three superior keys 3€/day/person
- Hotels, city hotels and one, two and three-star apartment hotels, one, two and three-key tourist apartments, vacation tourist homes, homes targeted for tourist stays and homes targeted for tourism marketing, rural hotels, agritourism, guesthouses and interior tourism accommodation, other tourist establishments or homes and tourist cruise ships 2€/day/person
- Hostels, hostels-residences, pensions, inns and guest houses, tourist camps or camping sites, hostels and refuges 1€/day/person

In order to stimulate the tourism in a low season (November 1 until April 30 of the following year), to the liquid tax, the discount is applied: a 75% discount on the full tax quota for stays in the low season. Also for the long stays: the 50% discount on the full tax fee or, where appropriate, reduced by the application of the previous bonus corresponding to the ninth and following days in all cases of stays in the same tourist establishment greater than eight days is applied.

As provided in article 19 of the Law, the resources will be destined to finance, totally or partially the following actions:

1. protection, preservation, modernization and recovery of the natural, rural, agricultural and marine environment.
2. promotion of seasonality, creation and activation of tourism products that can be practiced in the low season, and promotion of sustainable and low-season tourism.

²² Ley Orgánica 1/2007, de 28 de febrero, de reforma del Estatuto de Autonomía de las Illes Balears. «BOE» núm. 52, de 01/03/2007

3. recovery and rehabilitation of the historical and cultural heritage.
4. promotion of scientific research, development and technological innovation projects that contribute to economic diversification, the fight against climate change or related to tourism.
5. improvement of training and job quality, promotion of occupation in low season.
6. actions in housing policies aimed at promoting access to housing, and especially social rent, with criteria of energy sustainability.

The ecotax apart from its main objective of improving tourist areas and the natural environment, also as its nature of an extraordinary expense for visitors, could be considered as an obstacle and therefore limit the number of tourists.

Before the statement of Law 2/2016, of March 30, the similar measures were collected in Law 7/2001, of April 23, that was derogated by Law 7/2003, of October 22 on the tax on tourist accommodation stays, aimed at providing the fund for the improvement of tourist activity and preservation of the environment. The reason mentioned as an explanatory statement of derogation of the Law is that the financing of infrastructure and public policies related to the environment and tourist activity is no more needed. However, as F.J. Bauzá mentions in his thesis regarding the ‘‘Territorial and environmental limitations to tourism: Loading capacity and capacity of hospitality’’: the creation of the tribute has been received with enormous social and business response from the hotel sector. Moreover, the Law was even the subject of an unconstitutional appeal before the Constitutional Court, that finally was rejected²³.

- **LAW 1/2020 JANUARY 17**

Limitation to mass tourism, without losing money synchronously, is not only due to reduce the number of visitors. If not, also to bet more on quality than quantity. The research of A. Fleischer and J.Rivlin²⁴ concluded that about half of the increase in tourism expenditure is due to increases in the level of vacation quality.

A government of Balearic Islands was aware of that and established Law 1/2020, 17 of January²⁵ against the excessive tourism for quality improvement in tourist areas. A Law aims to combat to the abuse of alcoholic beverages in the tourist areas as well as the degradation of these tourist areas caused by these behaviors. Therefore, according to article 3, the accommodation establishments, cannot offer anymore alcoholic beverages included in a global price, except up to a maximum of three units of alcoholic beverages per customer during lunch

²³ BAUZÁ MARTORELL, F. J. (May 2018) Limitaciones territoriales y medioambientales al turismo: Capacidad de carga y capacidad de acogida

²⁴ ALIZA, F., RIVLIN, J. More or Better? Quantity and Quality Issues in Tourism Consumption

²⁵ Decreto-ley 1/2020, de 17 de enero, contra el turismo de excesos para la mejora de la calidad en zonas turísticas. «BOE» núm. 43, de 19 de febrero de 2020, páginas 15683 a 15701

and dinner. As previsted in article 4 of the Law, regarding the advertising of alcoholic beverages, all the offers of “happy hour” remain prohibited. That will decrease in a significant way the massive accumulation of people in bars, and hence, destructive behavior occasioned by state of drunkenness.

The penalties are fairly high, for very serious infractions there is a penalty of up to 600,000 euros, serious infractions of up to 60,000 euros and minor infractions of up to 6,000.

4. IMPROVEMENT PROPOSAL

A. EU POLICY TOURISM RESPONSES

Policy responses are identified at the European Union level and are provided as a guideline to follow by the authorities of tourist destination to avoid the mass tourism. European Commission have elaborated a report with general issues to follow with the aim of sustainable tourism, in order to minimize the risk of overtourism.

1. “Take a holistic and integrated approach - All the various impacts of tourism should be taken into account in its planning and development. Furthermore, tourism should be well balanced and integrated with a whole range of activities that affect society and the environment.

2. Plan for the long term - Sustainable development is about taking care of the needs of future generations as well as our own. Long term planning requires the ability to sustain actions over time.

3. Achieve an appropriate pace and rhythm of development - The level, pace and shape of development should reflect and respect the character, resources and needs of host communities and destinations.

4. Involve all stakeholders - A sustainable approach requires widespread and committed participation in decision making and practical implementation by all those implicated in the outcome.

5. Use best available knowledge - Policies and actions should be informed by the latest and best knowledge available. Information on tourism trends and impacts, and skills and experience, should be shared across Europe.

6. Minimise and manage risk (the precautionary principle) - Where there is uncertainty about outcomes, there should be full evaluation and preventative action should be taken to avoid damage to the environment or society.

7. Reflect impacts in costs (user and polluter pays) - Prices should reflect the real costs to society of consumption and production activities. This has implications not simply for pollution but for charging for the use of facilities that have significant management costs attached to them.

8. Set and respect limits, where appropriate - The carrying capacity of individual sites and wider areas should be recognised, with a readiness and ability

to limit, where and when appropriate, the amount of tourism development and volume of tourist flows.

9. Undertake continuous monitoring - Sustainability is all about understanding impacts and being alert to them all the time, so that the necessary changes and improvements can be made²⁶.”

B. EDUCATION AND TECHNOLOGICAL SOLUTION

So far tourism is associated with carefree time, most travellers want to relax despite the negative effects that they could cause. People are not aware or do not want to be aware of seriousness of that issue. Education has a crucial role in our lives. If both resident, domestic visitors and foreign travellers are aware of all the cause-and-effect relationships, we would be able to create a balance in touristic areas. The question is becoming more and more important - how to travel better, less harmful? There is no turning back from the development of tourism. Also in developing countries such as India and China, the number of wealthy people enjoying the privilege of traveling for pleasure is increasing.

As Philip Pearce elaborated in his thesis the key themes for successful tourist visits in heavily visited settings, with the aim to help to maintain the interaction of inhabitants with visitors. He suggested the need for smart preparation, a smart guest, a smart traveller, a smart user of technology and a smart experience²⁷. Among others, the pre-trip awareness, building personal intellectual capital about the destination.

Conscious travels are also safe trips that minimize the harm that we can inadvertently cause or support. A conscious person travels with respect and sensitivity - that's what all existing codes of ethical tourism suggest. There is no single set of rules. If a foreign culture means that we don't know how to behave, it's best to ask yourself - how would I like someone to behave in my country and home? As C.Weeden in her thesis regarding the ethical tourism wrote, it should be adopted by the mass-market operating industry, not as an alternative niche product, but as a guiding philosophy in all their future market development.²⁸

Technology is one of the most powerful tool of nowadays. The appropriate use could advise in the tourism industry. Special computer simulation²⁹ could help to envisage the state of the physical environment, develop the simulation models to report the features of the tourist area. Also, to describe existing visitor use with the aim to estimate the number of visitors. Use the artificial intelligence in order to inform on alternative attractions. To trace visitor flows using mobile

²⁶ PEETERS, P., GOSSLING, S., KLIJS, J., MILANO, C., NOVELII, M., DIJKMANS, C., EIJGELAAR, E., HARTMAN, S., HESLINGA, J., ISAAC, R., MITAS, O., MORETTI, S., NAWIJN, J., PAPP, B. and POSTMA, A., (2018). Research for TRAN Committee - Overtourism: impact and possible policy responses, European Parliament, Policy Department for Structural and Cohesion Policies, Brussels

²⁷ PEARCE, P.L. (March 2018). Limiting overtourism: the desirable new behaviours of the smart tourist.

²⁸ WEEDEN, C. (2002) Ethical tourism: is its future in niche tourism?

²⁹ ALI, A., FREW, A, J, (2013) Information and communication technologies for sustainable tourism

phone data to identify crowded areas and busy time. Using special system for pre-booking to plan the number of visitors. Carrying capacity with the aid of the computer simulation also could be better estimate. A personal navigation system is offered during the 18th International Conference on Advanced Information Networking and Applications in Japan, that was published in 2004³⁰. The system was developed in order to facilitate the best optimal touristic route, works similar to GPS, it calculates the estimate arrival time and stay time at the specific point, but it estimates the route according to special tourist's requirements. This tool could be used to estimate the massive agglomeration of tourists in a specific destination. And therefore, to help the responsible entities to redistribute the amount of tourists. Therefore, IT infrastructure with its tools plays very functional role in management of territory with sustainable way.

5. CONCLUSION

In that thesis we observed the positive and negative impacts of mass tourism that affect tourism destination. We have analysed the different measures that propose the government of various countries, as well as city councils and private citizens interventions. Moreover a guideline dedicated for destination authorities provided by the EU that aims the sustainable tourism and to achieve an appropriate pace and rhythm of development. We have also took a closer look at the Law of Balearic Islands, its projects and decrees and which actions they introduced in order to reach a balance between the excessive number of visitors and possibility of the territory.

Ethically, mass tourism has pros and cons, that we have studied in the previous paragraphs. On the one hand, responsibility for the natural environment would suggest it can be banned at all, on the other - why should the inhabitants of concrete cities be banned from accessing the touristic areas?

Therefore, managing tourist destinations is becoming more and more important, and tourism industry no longer discuss how to attract new visitors, but how to take care of the future of popular places. Limits on the number of tourists, introduced on Boracay or in Dubrovnik, are one of the simpler solutions and mostly applied by the authorities. Redistribution tourist to other, less popular places, promotion of new destination, increase the ability of the destination to know how to deal with the numerous visitors or raise prices are other measures to balance the already massed demand. Better education or technological solutions also support better quality of tourism and help to manage the touristic movement. Nevertheless, It is in common comprehension that like in Latin brocard <<Pacta sunt servanda³¹>> the most powerful attitude that a human can be conducted in order to behave in a correct manner is a fear to be fined. As JR.

³⁰ MARUYAMA, A., SHIBATA, N., MURATA, Y., YASUMOTO, K., ITO, M. (2004). "A personal tourism navigation system to support traveling multiple destinations with time restrictions," 18th International Conference on Advanced Information Networking and Applications in Japan.

³¹ Latin for "agreements must be kept"

Tyran and L. Feld shows in their thesis people rationally calculate the costs and benefits of breaking the law³². It seems to be the most effective way to combat this phenomenon. Accordingly, it is critical to stop the uncontrolled tourism, to create accurate regulations that are enforced in a strict manner and fight against illegal activities. Also, face the problem together and not only search a way to get rich on tourism, but take a step back and look in the direction of a common good.

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³² FELD, L., TYRAN, JR. (2002) Why People Obey the Law: Experimental Evidence from the Provision of Public Goods

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