

The Use of Tourism in Brazilian Public Policies Giving the Implantation of Hydroelectric Plants

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Abstract: Tourism has an interdisciplinary role in the regions that have water potential, whose objective is: to integrate different realities of the local community with economic factors that present favorable results, without undergoing drastic changes in habits or geography. The main tool of the process is the Environmental Conservation Plan of the Artificial Reservoir Environment — PACUERA, a legal instrument, built from the mobilization of communities and the dialogue between public and private actors responsible for the regulation of dams. This paper presents an understanding of the dimensions of sustainability, based on public policies that make it possible to use tourism as a development factor on affected regions. This research was based on the use of documentary research based on legal instruments, generating a synthesis table with the categories of analysis “planning”, “tourism”, “water/water resources” and “multiple use”. From the construction of the theoretical framework and the data analysis it is possible to define that the public policies depend directly on the rationality of the social actors and should be limited. Since making the decision to implement tourism, alternatives must be established in an orderly way increasing the capacity of preference order in the execution, thus, allowing a new understanding of politics from the actors involved and the reflexes of their behavior.

Key words: sustainable tourism; public policy; hydroelectric plants

JEL codes: Q4, Z3

1. Introduction

The interdisciplinary role of tourism approaches distinct realities, which holds a major unit and more complex being able to coordinate assorted interests that comprehend since the thoughts integration phenomenon, until factors of economic promises with few favorable results. This scenery is evident in regions with high hydric potential, since, some communities have unique daily life and, due to the construction of the reservoir they will

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suffer geographical and habits changes. As for the first case, from the approval of previous license, the damming begins, then the process of removal and compensation of the bordering community. Regarding habits, there is the possibility to remain, but part of the land is flooded and might alter the ways of working the soil.

The cities go through continuing changes in their life cycles and tend to undergo moments of land as well as spatial (re)ordering, which searching for new productive strategies enable the population (re)insertion, enlarging its quality of life and arousing a fresh look about the living space.

According to creation of new preferences, public policies and governmental programs are improved to prioritize new necessities, which in some situations are related to the reduction of inequality due to job offer and income, also keeping traditions from remaining legacy.

As for discussions of water, there is the worry of reassuring the public value of water and the right of multiple use as it is endless element and essential to life. Nevertheless, over the past decades, nature has warned elementary care of continuing this availability. Frequently, there are news about excessive heat, drought, problems with supplying and lack of electric power, which shows the possibility of temporary lack or at least reduction of the sources.

Giving the seriousness of the generated problems, nations aroused to the necessity of encouraging good practices to natural resources use, prioritizing fauna and flora, but already focusing on water waste. Based on the National Policy for Water Resources (Lei nº 9.433/1997) and the Resolution approved by United Nations Organization about the Last Decade International for Action — 2005 to 2015: Water source of life, Brazil established in 2005, in decree, on March 22, 2005 the Brazilian Decade of Water whose objective is:

(...) to promote and intensify the formulation and implementation of policies, programs and projects related to sustainable use and management of water, in all levels as well as to ensure wide participation and cooperation in the communities aimed to reach the objectives set on the National Policy for Water Resources or established in conventions, agreements and resolutions in which Brazil has joined (Brazil, 2005, p. 2).

Thus, it deemed the evolution of debates and actions to reach the goals established by “World Water Forum” that happens every three years and, in 2005 was held in South Korea and in 2018, it will be held in Brasília, Brazil capital city, the first city in Latin America to hold the event (Brazil Waters, 2014).

Considering sustainability and perpetuation of this resource in a continuous and multiple way, there are many public policies that promote Brazilian hydroelectric use, mainly thanks to activities which can be developed not only in the lakes but also in their surroundings, at first, underlying the discussion of social and economical development of marginalized locations. Public policies allow action planning in an integrated way and within the prerogatives of sustainable development. This paper aims to analyze the current public policies in Brazil which are the base of tourism use in regions that are affected by dams constructed by hydroelectric power plants.

2. Theoretical Frameworks

2.1 Tourism and Sustainability

Understanding tourism as a social phenomenon that is able to use local development and social insertion many times exceed the basic concepts established by institutions such as Ministry of Tourism and the Tourism World Organization (OMT) that define it as activities developed by people during trips and stays in places situated out of their usual suitability for a continuous period that do not exceed a year, for recreational purposes, business and others (OMT, 1994, p. 11).

The displayed reductionism is due to tourism view as a segmented form, standing out tourists and their contributions (Moesch, 2004). Thus, there is indifference given to the other subjects and the relations that involve not only the dispatch, but also experience and intimacy generated from the trips, since, tourism is a complex combination of relationships between production and services, it is appropriated to comprehend it as phenomenon that comprises social practices, diverse environments and intercultural exchanges, altogether keeping dynamic characteristics of the subject as agent (Moesch, 2004).

Krippendorff (2001), by proposing comprehension of tourism from the analysis of tourists and autochthons, break with the imperialism of economic principles that was understood as essential then. Furthermore, there is the beginning of debates to negative features of the impacts generated by tourism practice. The author's contributions when associated with the Boullon: Molina and Woog (2004), Molina (2001; 2005), reinforce the importance of linking tourism with leisure and free time.

According to Marcelino (2002, p. 8) "any time can be understood as free of enforcement or rules of social behavior", therefore, every time this theme is discussed it is essential its integration with all the values that each person embodies throughout life, so based on this awareness the posture during leisure time will be determined.

Hence, the author highlights the importance of considering "available time", thus it is intrinsic the idea of a person who accomplished his/her personal and professional duties, but that still has availability of time and attitude to leisure.

All in all, when grouping innumerable influences and suggesting tourism understanding based on them, tourism became transdisciplinary and a "noticeable and cognizing phenomenon" that should be understood within its totality (Moesch, 2014).

2.2 Public Policies

Public policies are institutes subdued to individual interests disregarding the collectivity priorities. Thus, there are assumptions under which the ambiguity and doubts might compromise the decision process. The rules that run the development of Nations are defined by political choices of their leaders, therefore, decision making is straightly associated with preferences and interests of local governments (Acemoglu, 2012).

Over the past 100 years, there have been many advances achieved from the legislator decision making, which using their power have approved laws that benefit the relations between mankind and the environment. As for this study it will be considered the decisions established to encouragement of tourism and nature environment preservation.

For the segments mentioned, the 1930s stands out because it is a historical turning point of the creation of Permanent Commission of Exhibitions and Fairs (Decree n° 24.163/1934), and of Department of Press and Advertisement of Tourism Division (Decree n° 1.915/1939), raising the activities developed and promoting visibility of the segment. At the environment field, Brazilian Conference of Nature Protection (1932) was held and the approval of the first Forest Code (1934-1965) stands out.

Another relevant decade was the 1960s when EMBRATUR — Brazilian Enterprise of Tourism (Decree n° 55/1966) was created, transformed into Brazilian Institute of Tourism (Lei n° 8.181/1991) later. It also occurred the institution of the New Forest Code (Lei 4.771/65) that, for many years, was considered one of the best Brazilian instruments to environment preservation, but due to political pressures it was substituted for the Law n°12.651/2012.

The 1970s were known by the Stockholm Conference about Human Environment (1972) that discussed the themes about planet preservation and life continuity, establishing the principles and recommendations which

prioritized the maintenance of nature and man wellbeing.

Following this world trend, Brazil approved, in 1981, the National Environmental Policy that aims to “preserve, improve and recover environmental quality conducive to life, focusing on assuring, in the country, the condition of socioeconomical development, the interests of national security and the protection of human dignity” (Law n° 6.938/1981, Art.2°, p.1). This law conducts, in an incisive way, work of the ministries that, direct or indirectly, use natural resources classifying the activities as scales (high/average/low) as polluters. In this scale, tourism is framed as low polluter. Probably, this determination associated with the Federal Constitution made tourist sector to become an opportunity of multiple use to public areas.

In the late 1980s, IBAMA — Brazilian Institute of Environment and Renewable Natural Resources was created, by Law n°7.735 on February 22, 1989, which became responsible, at first, for “formulate, coordinate, execute and make executable the National Environmental Policy and preservation, maintenance and rational use, inspection, control and fomentation of renewable natural resources.

In the 1990s, the Ministry of Environment (Lei 8.490/ 1992) was created, being its name changed to Ministry of Environment and Legal Amazon by Law 8.746 on December 9, 1993. Also, in this decade, the Ministry of Industry, Trading and Tourism was created to support legally part of the activities established by the local government and, promulgated the Decree n°448/1992 National Policy of Tourism (PLANTUR), after that, the Program of Municipality of Tourism was institutionalized.

The first decade in the 2000s was remarkable for the portfolio switching of tourism competences, at first for the Sports Ministry (Provisional Executive Order n° 2.216-37/2001) and then for the current independent portfolio instituted by Provisional Executive Order n° 103 on January1, 2003, converted to Law n° 10.683 on May 28, 2003 that created the Ministry of Tourism.

3. Methodology

The partnerships responsible for the construction of UHEs (Hydroelectric power plants) use as main tool the PACUERA — Environmental Conservation Plan of Artificial Reservoirs Environment, legal instrument, built from the mobilization of communities and the dialogue between public and private actors responsible for regulation of the community expectations. The intention when approving PACUERA is to enlarge subject empowerment.

Pondering the construction process of this research, the characteristic assumed was exploratory that demanded searching for theoretical reference in tourism and Human and Social Science field in order to format a scientific understructure whose the main idea was to investigate the use of tourism in areas of hydroelectric power plants through different sources.

The choice of exploratory research was based on the necessity of investigative work to collect data from primary sources, which enable the construction of research tools capable of guiding the development of the work. To Dencker (2000, p. 30): “The exploratory research aims to improve ideas or find out intuitions. Its feature is being a flexible planning involving bibliographical analysis, interview with experienced people and analysis of similar examples”.

As primary sources for this research the Federal Constitution was used, the Law n° 6.938/81, 11.771/2008, 12.651/2012, as well as the resolutions of the National Counselling of Environment – CONAMA n° 25/1996 e 302/2002, assuming that public policies are effective results of the existence of institutional arrangement in which

the rules become priority tools on the construction of planning and management of activities developed. Thus, prioritizing decisions adopted at the federal area and the discussions extent that are taken related to others are observed and, it enables interpretation of sceneries in a macro way, in other words, incorporating all the possibilities of action and intervention.

Consequently, the explanatory research was the one that enabled analysis and data interpretation based on parameters establishment. According to Dencker (2000, p. 31) such research “aims to identify the factors that determine or contribute to phenomena occurrence”.

Thereby the relevance of choosing the type of research, it is necessary to spot the organization of ideas considering the identification of the method that will promote the best articulation among the data and information collected. So, dialectics allowed a deep interpretative reflection, in this study, about the oppositions and tensions which occur in the daily lives of actors involved in the decisive process of public policies. Bruyne et al. (1997) reflects on the role of dialectics in a dynamic context of uncertainty and contradiction, mentioning that: “dialectics thinking might be defined by its movement of totalization that is essentially a progressive-regressive movement of overture to concrete in changing (p. 71).

Demo (2013) contributes to present a discussion about essential characteristics of the materialist dialectics enabling the construction of the “methodology of bustle” in which the dynamic of social relations provides a polarized interaction in which the power game among the subjects leads to changes of argumentation in a way to establish unit of contraries.

Thus, this paper prioritized the interpretation of concepts from logic creation in which the constructors guided the choice of techniques that enabled the structuring of the research steps. The use of materialist structuralist dialectics as interpretative frame provided the identification of the phenomenon structure entering to its essence to define the determinant connections. To Bruyne et al (1997, p. 68):

This methodology requires a previous critic of the studied field, the object and procedure, a critic of reductions and extrapolations, a determination of the degree of coherence of the object. It is a thought that moves in time, but it is registered in space, which goes logically and rationally to the practical content.

In order to achieve the proposed objective, a reflection on theories and legislation concerning the discussed theme was indispensable, using as technique the bibliographical research, documental analysis and case study, which in a large scale permits the illustration of demands established by legislation.

In this context, the bibliographical research led the construction of the object of study and stood out main contributions left by other researchers allowing a wide reading, evaluated prudently since they depend straightly on research processes established by the authors (Gil, 2007).

This search for theory, in primary sources, is essential, as it permits identification of previous studies that perhaps analyzed research problems similar in a certain extent to the proposal by current study from another bias. Paviani (2009) suggests that the theorization as structure of instrumental and dynamic aspect. Consequently, many times it is perishable to the extent that demands reviews and new constructions to the description and explanation of facts.

This step is based on documental analysis that “draws on issues that have not received an analytical treatment yet, or that are still able to be enlarged according to the objectives of the research” (Gil, 2007, p.66). Primary archives were used such as available legislations on IBAMA and JUSBRASIL websites, to be considered essential documents to the concession of environmental license.

4. Achieved Results

Public policies are effective results of the existence of an institutional arrangement in which the rules become priority tools in the construction of planning and management of developed activities. Thus, prioritizing decisions adopted in federal area it is observed the discussions extent that are taken in others, and it leads to interpretation of sceneries in a macro way, in other words, incorporating all the possibilities of action and intervention.

Through priority documents it was possible to build frames (1 to 3) as follows, which present the analysis of the Federal Constitution, Laws, Decrees and Resolutions, according to the categories of analysis: planning, tourism, waters, multiple use.

For the code named “multiple use” it is worth enlightening the innumerable options of use due to the areas affected by dams, searching for the use of spaces by collectivity, maximizing the benefits and prioritizing access to everybody independent from the activity to be developed.

The established statements in this study indicate an approach of tourism and leisure, which according to Gutierrez (2001) stands out as pursuing of emotion and pleasure enabling humans, as rational subjects, extrapolate their necessities and transform their universe in the subjective and transitory space where in each moment will establish circumstances of experience and motivation.

Table 1 Constitution of the Federative Republic of Brazil — Relevant Aspects to the Theme

Type: constitution	Analysis code				
Year	Issue	Planning	Tourism	Waters	Multiple use
1998	Constitution of the Federative Republic of Brazil	No	CHAPTER II Art 6 th They are considered social rights: education, health, food, work, house, leisure, safety, social security, protection to maternity and childhood, assistance of helpless people, in this Constitution. Art 24. It is the Union, States and Federal District the responsibility to legislate concurrently about: VII -protection of historic patrimony, cultural, artistic, tourist and landscaping; VIII-responsible for damages to environment, customer, goods of artistic, aesthetics, historical, tourist and landscaping values; Art. 180. The Union the States, the Federal District and municipalities will promote and encourage tourism as an element of social and economic development.	CHAPTER II Art. 20. They are properties of the Union: III – lakes, rivers and other water streams in its domain, or which surrounds more than one State, or if they border other countries, or they expand to foreign territory or which come from it, as well as marginal lands and river beaches; CAPÍTULO III Art 26. They are included as States properties: I – superficial or under waters, fluent, emergent ones and in deposition, excepted, in this case, in the name of the Law, the ones from the Union work.	CHAPTER VII – FOR PUBLIC ADMINISTRATION TITLE Section IV of REGIONS Art. 43. For administrative purposes, Union can articulate its action at the same geoeconomically and social sphere, focusing on its own development as well as the reduction of regional inequalities. IV – priority for economic and social use of rivers and waters masses dammed or to be dammed in poor regions, affected by seasonal droughts.

Source: Research Data (2017)

Table 2 Legal Provisions that Rule Tourism in Natural Areas

Type: Law		Analysis codes			
Number/ year	Issue	Planning	Tourism	Waters	Multiple use
6938 (1981)	National environmental policy	Art 2 nd : III – Planning and Supervising environmental resources use;	Attachment VIII: potentially polluting activities and that use environmental resources – Tourism – tourist and leisure complexes including theme parks - Small	No	Art. 2 nd I – governmental action on maintenance of ecological balance, considering environment as a public patrimony which must be ensured and protected, focusing on collective use;
11771 (2008)	National Tourism Policy	CHAPTER II Art. 5 th VI to promote, decentralize and regionalize tourism, encouraging States, Federal District and municipalities to plan, in their territories, tourist activities in a sustainable and safe way, including to each other, with involvement and effective participation of the receiving communities in the benefits from economic activity;	Chapter II Art. 5 th : II reduce social and economic inequalities regionally, promoting social inclusion by growth of job offer and better income distribution; VII – provide practice of sustainable tourism in natural areas, promoting this activity as a means of education and environmental interpretation and encouraging the adoption of behavior and practice of minimal impact compatible with preservation of natural environment; X preserve the cultural identity of communities and traditional populations occasionally affected by tourist activity.	No	Session II Art. 6 th VIII encouragement of responsible tourism practiced in natural areas protected or not; Chapter III Single Session Art. 11. It is created the Ministerial Committee of Tourist Facilitation aiming to reconcile National Policy of Tourism application and the completion of PNT goals in relation to the other public policies, in a way that the plans, programs and projects from many of the Federal Government areas will encourage. XIV formation of interdisciplinary partnerships with entities from public federal administration, aiming to the use and order of natural and cultural patrimony to tourist purposes.
12651 (2012)	New Forest Code	No	Art. 3 rd IX – social interest: a) implantation of public infrastructure drawn up for sports, leisure, cultural and educational outdoor activities in rural and urban areas, observed the conditions established in this Law; b) implantation of paths to development of ecotourism; XXVII – carbon credit: title of law about an intangible and marketable good. (Included by Law number 12.727, 2012).	Chapter I Art. 3 rd To this Law effects, it is said that: II – Permanent Preservation Area – APP: protected area, covered or not by native vegetation, with the environmental function of preserving hydric resources, landscape, geological stability and biodiversity, facilitate genic stream of fauna and flora, protect soil and ensure well-being of human populations. Art. 61 – A. In the areas of Permanent Preservation, it is authorized, exclusively, the continuing of agrosilvolpastoral activities, ecotourism, rural tourism in consolidated rural areas until July 22, 2008. (Included by Law number 12.727, 2012).	No

Source: Research Data (2017)

Table 3 CONAMA Resolutions that Consider Tourism Thematic

		ANALYSIS CODES			
Number	Issue	Planning	Tourism	Waters	Multiple Use
25 (1996)	Temporary Technical Chamber of Ecotourism Created	No	Considering the growth and importance of ecotourism as possible economic ecologically supported activity; Considering the need for providing ecotourism segment its own legal structure, according with federal, state and municipal spheres, criteria and suitable parameters, as indicated on the Strategic Actions of “ Guidelines for a National Policy of Ecotourism”, produced by Ministerial MICT/MMA Group, published in 1994; Art. 3 rd The Technical Chamber mentioned at article 1 st in this Resolution will aim to contribute with policy elaboration and preparation of a legal structure especially for ecotourism.	No	No
302 (2001)	Parameters, definitions and limits of Permanent Preservation Areas for artificial reservoirs	Art.4 th The entrepreneur, in the procedure for environmental licensing, should elaborate environment plan of conservation and use of artificial reservoir surroundings accordingly to the reference term issued by environmental competent body, for artificial reservoirs aimed at generating power and public provision.	Art. 4 th §4th The environmental plan for conservation and use might indicate areas for implantations of tourist and leisure poles in the artificial reservoir surroundings, which cannot exceed ten per cent out of a total area of the surrounding. § 5th the areas mentioned on the previous paragraph can be occupied only if respected the municipal, state and federal legislation, since the occupation is licensed appropriately by the environment competent body.	Art. 3 rd III §4th The breadth or reduction for limiting of Permanent Preservation Areas, the one that refers to the § 1 st , should be established considering, at least, the following criteria; V – use of water purpose.	Art. 2 nd For this Resolution purpose, the following definitions are adopted: I – Artificial Reservoir: non-natural accumulation of water destined to any of its multiple uses.

Source: Research Data

According to documental analysis presentation and evidence of parameters analysis established, there are only some pertinent considerations related to the tourism role in the analyzed files, since, through reading, the socioeconomical role of this phenomenon stood out and the contributions that perhaps might be made to the involved communities in its planning and operation. However, it might not be neglected its role as polluter, since, the conflicts derived from the implantation of the activity in which, most of the times, economic benefits are prioritized, the managers involved tend to disregard social actors' voices that, necessarily, acted and act in this setting daily. From the ecological point of view, it is worth worrying about the conservation of natural areas as a way of enabling use by current and future generations. This point becomes a priority element in all discussions that outline the theme of sustainable use of natural resources and legal determinations established by federal government, since, with the intensification of environmental crisis all national and international bodies expressed their concern with mitigation of conflicts from the refocusing of public policies e official speeches.

5. Final Considerations

Tourist phenomenon occur at private and public places and, in many cases, without any previous planning, causing losses and compromising natural environment and the local culture.

Sceneries that are established by mutual action between public and private impose relations of confrontation which ideologies determine choices of groups involved in the process of concession, construction and licensing of projects and, thus, strengthen decision process increasing uncertainties that outline intrinsic speeches in documents and intentionality.

Dialectics, present at decision processes that involve environmental public policies and multiple uses of natural resources guide speeches of actors involved to bargain approval of new Laws or at public court hearing for approving the environmental plan. Thus, it is essential associating planning to public policies, to permit effectiveness of actions that involve decision process and will determine tourism development.

On the other hand, bargains are present daily in organizations enabling choice of premises that will attend a vast number of people without compromising continuing of relations among individuals, entrepreneurs and governments. Cities become capitalist's sites in expansion and tourism, as well as other cultures, become essential aspects of politics economy. In turn, the economy view become priority in the speeches, inhibiting the understanding of all and, indiscriminately, damaging choice of alternatives that allow progress of sustainable tourism and protect natural area, including communities and valuing cultures.

A scenery of pacific interaction between human beings and nature should be attached to rules established by decision-makers, which discipline man's limits in their interventions. Therefore, it emphasizes the relevance of public policies, which enable, based on the Law, the discussion and action of subjects, promoting improvement of population's quality of life, local economic growth and environment protection.

In public policies analysis that indicate tourism as an opportunity of multiple use of dams, there is the need for identifying Laws, Decrees and Resolutions that standardize activities developed in natural areas considered Union property, standing out the Federal Constitution of 1988, which dedicates, in its Chapter II, to the theme of tourism and use of waters addressing discussion about the rights guaranteed to individuals and state; Law 12.654/2012, which identifies ecotourism as an action of social interest and the need for permanent preservation areas in artificial reservoirs as means of hydric resources protection. As for resolutions, the contributions estimated in CONAMA 302/2002 stand out, which establishes parameters and limits for Permanent Protected

Areas use, pointing out compulsory requirement of PACUERA approval, instrument that guided the research discussions.

Analyzing coherence between proposed actions in PACUERA and practice, priority in environmental education is identified to achieve not only tourists who visit regions of dams, but also the local community that receives these individuals and has opportunity to sensitize them for good practices developed in the area.

This chosen methodologic path enabled to analyze, comprehensively, public policies that discuss the matter and identify existing gaps in the process of PACUERA construction and understanding on the part of the actors about their competences and powers in the bargains arenas established by previous licensing of hydroelectric plants. The found gaps do not prevent the use of tourism in the reservoirs, but for the actions become efficient, it is essential to improve municipalities organization which might be affected, pleading more support on the part of the UHEs managers, regarding maximization of individual and collective benefits.

Other researches may be necessary to expand the discussion that displays tourism as crucial part in hydroelectric plants implantation, as a mapping of the impact caused by dams to identify processes of expropriation and reoccupation of space by tourism; creation of methodology to monitor the reservoirs surroundings life cycle preventing unsustainability of tourism; systemization of master plans of impacted municipalities to identify exposure given to tourism and possibilities of action; and creation of innovative technologies that prioritize sustainable usage of soil and waters in artificial lakes, considering as main element tourism.

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