

Draft National Environment Policy, 2004
Critique from tourism development perspective
EQUATIONS

Foreword

The initiative of the Ministry of Environment & Forests to come out with the National Environment Policy [NEP] is commendable. The concluding section [5.7: Review of the Policy] has made a provision for continuously evolving the NEP to address both national and international developments and corresponding environmental issues. This provides a space in future for all stakeholders to contribute to the evolution process.

The premise of environment is overarching and it has cross linkages with many other areas beyond industry/ commerce and local communities issues. Therefore, an environment policy is comprehensive when it takes into account existing policies on other directly related or indirectly related areas. This would be applicable to policies both at national & international levels.

The NEP is very inward looking and watertight.

The NEP is development oriented and addresses environmental protection from the viewpoint of providing solutions in post mortem stage. The process for ensuring minimum impact on the environment from the preliminary stage is not clear from social, political, legal and economic angles.

It is alarming that ecotourism is being proposed in areas where negative impacts and conflicts are being reported.

There is omission of crucial habitats that are bearing the brunt of unplanned and unregulated tourism development.

Our commitments to ongoing international conservation initiatives have been overlooked.

1. Preamble

- i. The NEP only states our role in international environmental initiatives and refers to national commitment to a clean environment. Our commitment is also at the international level.
- ii. We were one of the first signatories to the Convention on Biological Diversity (CBD) in 1992 and ratified it in 1994. The outcome has been the formulation of the National Biodiversity Strategy & Action Plan (NBSAP), which the NEP has not taken into account, and found not even worth mentioning. Similarly it is disconnected from international environmental covenants like the Commission on Sustainable Development (CSD)¹, UN's Agenda 21 and Man & Biosphere Program. Enormous efforts and inputs from national and international civil society groups and agencies have been neglected. However, it is noteworthy that the Ramsar Convention on wetlands has been at least mentioned elsewhere.

¹ The CSD is an instrument to review the commitment of member countries to the outcomes of the Earth Summit, Rio de Janeiro 1992. The World Summit on Sustainable Development, Johannesburg 2002 has provided guidelines for sustainable tourism development.

- iii. The NEP looks at inward linkages from other environmental management policies as stated in sec1 para 2. Although it mentions integration of environmental concerns in economic and social development [3.iv & 4.xi], it is limited to only to agencies charged with implementation of environmental policies. It does not give policy directives to agencies involved in developmental activities like the Ministry of Tourism and State Departments of Tourism.
- iv. The NEP has not mentioned its connections to other policies like the National Tourism Policy, Industrial Policy and Education Policy.
- v. It provides a backdoor entry to “international development partners” – who are they and what role do they have in environmental protection is skeptical as international free trade and open market regimes are demanding relaxation of already inadequate and diluted existing environmental legislations. The free trade laws are also in contradiction to international environmental covenants. Like the Environmental (Protection) Act, 1986 it is not an ‘anti-investor’ policy but is coming at a time when the World Trade Organization is demanding harmonization of *inter alia* environmental laws to facilitate free trade.
- vi. Participation of experts and stakeholders in formulating the NEP is questionable. Section 6.0 has been left blank. Transparency and participatory principles demand that all information is disclosed to the public and civil society at all stages.

2. Key Environmental Challenges: Causes and Impacts

- i. The NEP has overlooked tourism as an impacting agent. Poverty is made the primary accused here and the wasteful expenditure of resources by affluent sections of the society, urban & semi-urban centers across the country, and resource intensive activities like tourism is amiss.

Discussions on tourism development in a country like India are to be seen in the context of what attracts tourism. The rich natural heritage and biodiversity hotspots spread out along coasts, backwaters, forests and mountain regions are major attractions on which tourism industry banks. Protected Areas (PAs), which hitherto had seen limited tourist activities, are targets of intensive tourism development. The industry vouches its ability to boost the economic potential of these natural resources, which were otherwise what the industry and tourism proponents describe as ‘idle’ resources and the economic potential had remained untapped.

At the same time, these are areas where rural populations survive on the life supporting resources. While discussing tourism development, the conflicts with biodiversity conservation, natural resources and wildlife, and the communities who survive on these resources arises in this context. Tourism is notorious for its opulence and wasteful use of resources, be it direct consumption of water, land and other natural resources, or indirect consumption like that of wildlife. The conflict here is between the uses of resources related to survival versus the lavish use of resources by tourism industry. The industry is capable enough to bypass laws while the community does not possess the sophisticated skills in bargaining even for their basic rights. “Favouritism” of policy makers and the government machinery towards tourism is also evident. Also, the conflict that arises out

of modifications and amendments of such laws to suit the needs of tourism would jeopardize conservation efforts, rational use of resources and survival of many of local communities and endangered biodiversity.

- ii. Absence of regulatory frameworks for tourism development in PAs/ non-PAs and any other healthy, fragile, vulnerable or sensitive ecosystems is evidently overlooked as one of the causes and impacts.

3. Objectives

- i. Environmental governance: how is this going to be achieved is not clear in the Policy. The main components of governance are its various stakeholders. The nuances of understanding stakeholders is absent and all have been categorized as public agencies, local communities, investors and voluntary organizations.

4. Principles

- i. Under sub-section ii. Right to Development, the decision for agreeing to go in for developmental activities needs to be elaborated upon. With whom does this decision rest is a crucial question not answered by the NEP. Many times tourism plans are created at the state level or central level and imposed on local communities.
- ii. The commercialization of environmental services in v. Economic Efficiency would open up a host of problems, as these are vulnerable to manipulations and distortions. Assigning a economic value to wildlife for instance, as has been done in the case of indigenous cultural aspects, would mean neglecting their roles in the intangible benefits that they provide and objectifying them for more tourism purposes. The result is opening more areas for more tourism.
- iii. The decision rests with local community institutions and they can decide if they do not want to adopt other developmental activities. If yes, the kind and intensity of development is also decided by them. Such democratic principles have not found place in the NEP.

5. Strategies and Actions

- i. Under 5.1.1. Revisiting Legislative Framework, there is a possibility of further dilution of the CRZ and EIA Notifications under EPA, which would open up areas for intense tourism development.
- ii. The proposal for institutionalizing regional and cumulative EIAs under 5.1.3.i. needs to be assessed after clearing existing flaws with the method in which EIAs are done and public hearings conducted. Extrapolating it to the next level would mean side-stepping the current issues.
- iii. Under 5.2 Enhancing and Conserving Environmental Resources
 - a. Deserts have been excluded.
 - b. 5.2.2 Forest and wildlife areas are being targeted for promotion of ecotourism.

The term 'ecotourism' was coined by a marketing agency that was promoting Costa Rica as a rainforest destination and since then it has been seen as a niche market by agencies like the World Tourism Organisation, as it uses resources that are linked to biodiversity and cultural pluralism of third world countries, which have been forced into tourism as a core competency area by inter-governmental agencies for development.

Ecotourism has come to be mistaken synonymously with tourism in protected areas and/or areas of significant ecological values like wildlife; though the kind of tourism being promoted and practiced is very much mainstream tourism; only the locations have become much more fragile than the cultural and resort-tourism destinations that had been developed in previous decades. Although ecotourism has a reference from the economics of the tourism industry as a form of nature-based tourism, it has been formulated and studied as an instrument for sustainable and equitable tourism by various individuals and organizations. These studies have shown that the impacts are far from conservationist or sustainable; indigenous communities still face evictions from within the wildlife sanctuaries and national parks; forest-produce gatherers and pastoralists continue to be kept out, sometimes leading to conflicts with the Forest Departments. In such a scenario, the introduction of tourism in the same protected areas is, in a way, doing injustice to the whole conservation debate. Hence, the connotation to ecotourism is both conceptual and socio-economic.

When experiencing nature is redefined as tourism - an industry that is recognised as capital intensive, it also raises serious concerns in the absence of precautionary legal guidelines and principles.¹ Under such circumstances the practice of tourism can only be termed as mass tourism. The recent tendency to qualify tourism in ecologically sensitive regions, like the forests and the coast, as 'ecotourism' or 'nature tourism' is too vague a terminology as it is applied for the convenience of tourism service providers. The very reason why tourism industry opted for this terminology was because wherever tourism is practiced it proved disastrous to the environment, social fabric and promoted dehumanising situations like displacement, marginalisation of local communities, siphoning of natural resources and violation of basic human rights.

Tourism providers today define ecotourism to their convenience and advantage. A solar heating system, water recycling unit or use of paper bags is good enough for a hotelier to lay claim to the ecotourism label. However they would evade putting into practice certain broadly evolved and accepted norms of sustainable tourism. This contradiction would continue as long as governments see tourism as a means to economic development and thereby necessarily ignoring its impacts. Sustainable tourism is based on principles of participation; consultation and sharing of benefits among all stakeholders especially the local community on whose resources ecotourism thrives.

c. 5.2.6 Islands – A&N and Lakshadweep have been made to miss the bus. These islands are being targeted for large scale tourism development, thus throwing them in peril.

iv. 5.2.7. (iii) a) mentions use of incinerators for toxic and hazardous wastes. It has failed to take into account the carcinogenic effects of incinerator emissions.

- v. 5.2.7. (iii) c) refers the onus of solid waste management to local bodies. What about industries and agencies facilitating large scale infiltration of the wastes? Progressive measures like Extended Producer Responsibility (EPR) to tackle the menace of plastics and other packaging wastes, especially in tourism destinations like Mahabalipuram where the problem is of gigantic proportions, find no mention. And so do initiatives like Ooty Municipal Corporation to impose fines on plastic carry-bag users.
- vi. Biosphere Reserves have not found mention in any part of the NEP. This shows a careless attitude to our international environmental commitments. Further, areas like the Gulf of Mannar Marine Biosphere Reserve, which are unique in the country.

Recommendations:

- i. Crucial habitats that are being targeted for tourism development need to find mention in the NEP.
- ii. The NEP needs to draw policy guidelines from international environmental covenants for infusing sustainability and involvement of local communities in tourism development. The Biodiversity and Tourism sub-chapter of the CBD, the CSD & WSSD 's guidelines, UN's Agenda 21, Draft Declaration on Rights of Indigenous Peoples and WTO-OMT 's Global Code of Ethics for Tourism¹.
- iii. At the national level, the NEP needs incorporate recommendations of the sub-thematic paper on Biodiversity and Tourism from the NBSAP.
- iv. The NEP needs to give sector specific guidelines for regulation and development of activities like tourism instead of opting for sub-components like ecotourism as the panacea for negatively impacting factors. Recommendations for any form of tourism development should be on the basis of careful evaluation and participation.
- v. The NEP needs give guidelines for tourism development in areas under protection of law and other regions not protected by law - healthy, fragile, vulnerable or sensitive ecosystems, as in the case of the Wild Life (Protection) Act, 1972 's provision in section 28(i).d. that generally permits tourism in protected areas.
- vi. The NEP needs to be outward looking and should address and link to existing social and economic policies of India.

¹ **Endnotes for Framework of values for sustainable tourism development**

I. The Convention on Biological Diversity (CBD)

The CBD recognises the need to ensure that tourism is developed and managed in a manner that is consistent with, and supportive of, the objectives of the Convention on Biological Diversity with regard to the conservation of biological diversity and the sustainable use of its components, as well the basic concepts underlying the implementation of the Convention, such as the ecosystem approach and the sustainable use of biological resources, as well as guidelines concerning the respect, preservation and maintenance of knowledge, innovations and practices of indigenous and local communities for their well-being and survival.

The CBD affirms the need for benefits of tourism to be shared in a fair and equitable manner with indigenous and local communities involved in, or affected by, tourism development, and which therefore share in the costs of such development.

II. The UN's Agenda 21

The relevant chapters of the Agenda 21 that describe the Participatory Approach are Chapter 26 that deals with recognizing and strengthening the role of indigenous people and their communities and Chapter 34 outlines the procedural steps for transfer of environmentally sound technology, cooperation and capacity-building.

The Chapter 3 of the Agenda 21 - combating poverty: enabling the poor to achieve sustainable livelihoods expresses the importance of benefit sharing with local communities.

III. The UN's Commission on Sustainable Development's (CSD) sustainable tourism guidelines

In 5(a), it states "To promote sustainable tourism development in order to increase the benefits from the tourism resources for the population in the host communities and maintain the cultural and environmental integrity of the host community; to encourage cooperation of major groups at all levels with a view to facilitating Local Agenda 21 initiatives and promoting linkages within the local economy in order that benefits may be more widely shared; to this end, greater efforts should be undertaken for the employment of the local workforce, and the use of local products and skills."

And in " 10. The Commission invites the United Nations Secretariat and the World Tourism Organization, in consultation with major groups and other relevant international organizations, to jointly facilitate the establishment of an ad hoc informal open-ended working group on tourism to assess financial leakages and determine how to maximize benefits for indigenous and local communities; and to prepare a joint initiative to improve information availability and capacity-building for participation, and address other matters relevant to the implementation of the international work programme on sustainable tourism development."

IV. The UN-CSD's World Summit on Sustainable Development (WSSD) - Final Plan of Implementation

The Plan of Implementation included in the WSSD Final Report¹, agreed by Heads of State at Johannesburg during September 2002, includes the following paragraph (No. 43) concerning Tourism:

Promote sustainable tourism development, including non-consumptive and eco-tourism, taking into account the spirit of the International Year of Ecotourism 2002, the United Nations Year for Cultural Heritage in 2002, the World Ecotourism Summit 2002 and its Quebec Declaration, and the Global Code of Ethics for Tourism as adopted by the World Tourism Organization in order to increase the benefits from tourism resources for the population in host communities while maintaining the cultural and environmental integrity of the host communities and enhancing the protection of ecologically sensitive areas and natural heritages. Promote sustainable tourism development and capacity building in order to contribute to the strengthening of rural and local communities. This would include actions at all levels to:

- (a) Enhance international cooperation, foreign direct investment and partnerships with both private and public sectors, at all levels;
- (b) Develop programmes, including education and training programmes, that encourage people to participate in eco-tourism, enable indigenous and local communities to develop and benefit from eco-tourism, and enhance stakeholder cooperation in tourism development and heritage preservation, in order to improve the protection of the environment, natural resources and cultural heritage;
- (c) Provide technical assistance to developing countries and countries with economies in transition to support sustainable tourism business development and investment and tourism awareness programmes, to improve domestic tourism, and to stimulate entrepreneurial development;
- (d) Assist host communities in managing visits to their tourism attractions for their maximum benefit, while ensuring the least negative impacts on and risks for their traditions, culture and environment, with the support of the World Tourism Organization and other relevant organizations;
- (e) Promote the diversification of economic activities, including through the facilitation of access to markets and commercial information, and participation of emerging local enterprises, especially small and medium-sized enterprises.

44. (b) Promote the ongoing work under the Convention on Biological Diversity on the sustainable use on biological diversity, including on sustainable tourism, as a cross-cutting issue relevant to different ecosystems, sectors and thematic areas.

The sustainable tourism guidelines in the World Summit on Sustainable Development in its Final Plan of Implementation (point 43) states to promote sustainable tourism development and capacity building in order to contribute to the strengthening of rural and local communities.

In the Final Plan of Implementation, the sustainable tourism guidelines in World Summit on Sustainable Development, it outlines the need to (point 43) Promote sustainable tourism development, including non-consumptive and eco-tourism, taking into account the spirit of the International Year of Eco-tourism 2002, the United Nations Year for Cultural Heritage in 2002, the World Eco-tourism Summit 2002 and its Quebec Declaration, and the Global Code of Ethics for Tourism as adopted by the World Tourism Organization in order to increase the benefits from tourism resources for the population in host communities while maintaining the cultural and environmental integrity of the host communities and enhancing the protection of ecologically sensitive areas and natural heritages.

V. The UN's Draft Declaration on Rights of Indigenous Peoples

The UN's Declaration on the Rights of Indigenous Peoples in Part V sets out the rights of indigenous peoples to participate in decisions and developments which affect them. Indigenous peoples must participate in, and give their consent to, decisions and law making that affect them. They have the right to their own economic activities and to special measures to improve their economic and social conditions. Part VI sets out the rights of indigenous peoples to their land. They have the right to maintain their distinctive spiritual relationship with their land, waters and resources. They have the right to own and develop their land, waters and resources, and to the return of land taken without their consent. Their environment and their cultural and intellectual property must be protected. Indigenous peoples have the right to control development of their land.

VI. The WTO-OMT's Global Code of Ethics for Tourism (2000)

The Preamble of the Global Code of Ethics in Tourism considers that, with an approach to sustainable tourism, all the stakeholders in tourism development - national, regional and local administrations, enterprises, business associations, workers in the sector, non-governmental organisations and bodies of all kinds belonging to the tourism industry, as well as host communities, the media and the tourists themselves, have different albeit interdependent responsibilities in the individual and societal development of tourism and that the formulation of their individual rights and duties will contribute to meeting this aim.

Article 3 dealing with Tourism as a factor of sustainable development states (in point 2) All forms of tourism development that are conducive to saving rare and precious resources, in particular water and energy, as well as avoiding so far as possible waste production, should be given priority and encouraged by national, regional and local public authorities.

The Global Code of Ethics in Tourism, Article 5: Tourism, a beneficial activity for host countries and communities states that: 1. Local populations should be associated with tourism activities and share equitably in the economic, social and cultural benefits they generate, and particularly in the creation of direct and indirect jobs resulting from them.